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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. HINOJOSA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
January 9, 2007.

I hereby appoint the Honorable RUBÉN HINOJOSA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

IRAQ

Mr. BLUMENAUER. Thank you, Mr. Speaker.

No matter what you call it, another escalation in the war in Iraq is wrong. I will oppose in both word and deed any effort to send more troops. We've tried it before. It will not just mean more American casualties. It will bring more violence to the Iraqis while adding to the burden on our already strained Armed Forces. We should start instead bringing our troops home, not sending more into harm's way in what the President's advisers have already admitted is a political decision, not a strategic one. Let's take advantage of the new congressional leadership to change direction in what Americans know is our most important issue, ending the war in Iraq.

We should start with the resolution the Bush administration used to authorize this disaster. Knowing what we know now, the authorization of force bears little relation to reality. Instead, the committees of jurisdiction should use their upcoming hearings to craft new legislation that will mean a withdrawal of our troops as well as guide our continued involvement in Iraq until that withdrawal is complete. I will introduce legislation later this month that would provide exactly that sort of guide by refocusing our efforts on political, diplomatic and economic strategies.

Most importantly and most immediately, Congress has clear authority through its power of the purse. We must demand accountability for how money is spent, who is getting how much and for what purpose. We need to target war profiteering. There are too many accounts of contractors who have taken taxpayer dollars and abandoned our troops under fire and the Iraqi people in need. We need an entity like the Truman Commission during World War II to aggressively investigate contractors, punish war profiteers and recover misspent funds by canceling any failed or fraudulent contracts. By redirecting as much of the money as possible to projects run for and by Iraqis, we can repair that damaged country as cost effectively as possible.

We must also reconsider the unprecedented privatization of our military effort. The outsourcing of these basic support functions in Iraq has left contractors unaccountable to the American people, immune from military law and has cost the taxpayers much more than we've needed to spend.

While we're at it, Congress should end the outsourcing of our work. It should be embarrassing to the Republican leadership that it took the Iraqi Study Group to provide the oversight and accountability that Congress should have done these past 4 years.

We need to work to make sure the political discussion surrounding Iraq is not just more civil but more effective. We need to make it possible to debate this issue in terms of facts and the policy consequences and not hide behind the cloud of politics. In the 2002, 2004 and 2006 election cycles, there was lots of talk about Iraq, but people didn't tell the truth. Instead, the issue was manipulated for political purposes. We must resist the efforts to reduce this discussion to how it will impact the next election rather than how we got into this mess and how we are going to get out of it. In all of this conversation, we need to be dealing with the long-term security of the United States.

We must look at the President's plan to escalate the war in Iraq in the context of those violent fundamentalists around the world that would do us harm, threats of genocide in Darfur and chaos in Somalia, nuclear proliferation, global warming and the loss of America's influence in the world. In none of those areas does escalating the war in Iraq make the world a safer place.

The American people would welcome Congress doing our job right. Only then can we turn this disaster around and provide the security for families in America and around the world.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 40 minutes a.m.), the House stood in recess until noon.

Printed on recycled paper.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MORAN of Virginia) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

This Nation is still in mourning for President Gerald Ford. Today, as the House of Representatives pays tribute to him, we pray to You, Lord God, paraphrasing his own remarks in 1974 on taking the oath of office as President:

''We believe that truth is the glue that holds government together, not only our government but civilization itself. That bond is unbroken at home and abroad.

''In all our public and private acts as Members of Congress, we expect to follow our instincts of openness and candor with full confidence that honesty is always the best policy in the end.

''As we bind up internal wounds, let us restore the golden rule to our political process and let mutual love purge our hearts of suspicion and of hate.''

At the beginning of the 110th Congress, we ask the people of this Nation for their prayers. With all the strength and all the good sense we have gained from life, with all the confidence our family, our friends and dedicated staff impart to us and with the good will of countless Americans we have encountered, we now solemnly reaffirm our promise to uphold the Constitution, to do what is right as God gives us to see the right, and to do the very best we can for America.

''God helping us, we will not let you down.''

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Ms. EDDIE BERNICE JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the Following Resolution:

S. RES. 19

Whereas Gerald Rudolph Ford, the 38th President of the United States, was born on July 14, 1913, in Omaha, Nebraska;

Whereas Gerald Ford was raised in Grand Rapids, Michigan, where he was active in the Boy Scouts, achieving the Eagle Scout rank, and where he excelled as both a student and an athlete during high school;

Whereas after graduating from high school, Gerald Ford attended the University of Michigan at Ann Arbor, where he played on the university's national championship football teams in 1932 and 1933, and was honored as the team's most valuable player in 1934, before graduating with a B.A. degree in 1935;

Whereas Gerald Ford later attended Yale Law School and earned an LL.B. degree in 1941, after which he began to practice law in Grand Rapids;

Whereas Gerald Ford joined the United States Naval Reserve in 1942 and served his country honorably during World War II;

Whereas upon returning from his service in the military, Gerald Ford ran for the United States House of Representatives and was elected to Congress;

Whereas Gerald Ford served in the House of Representatives from January 1949 to December 1973, winning reelection 12 times, each time with more than 60 percent of the vote;

Whereas Gerald Ford served with great distinction in Congress, in particular through his service on the Defense Appropriations Subcommittee, of which he rose to become ranking member in 1961;

Whereas in addition to his work in the House of Representatives, Gerald Ford served as a member of the Warren Commission, which investigated the assassination of President John F. Kennedy;

Whereas in 1965, Gerald Ford was selected as minority leader of the House of Representatives, a position he held for 8 years;

Whereas after the resignation of Vice President Spiro Agnew in 1973, Gerald Ford was chosen by President Richard Nixon to serve as Vice President of the United States;

Whereas following the resignation of President Nixon, Gerald Ford took the oath of office as President of the United States on August 9, 1974;

Whereas upon assuming the presidency, Gerald Ford helped the nation heal from one of the most difficult and contentious periods in United States history, and restored public confidence in the country's leaders;

Whereas Gerald Ford's basic human decency, his integrity, and his ability to work cooperatively with leaders of all political parties and ideologies, earned him the respect and admiration of Americans throughout the country;

Whereas the John Warner National Defense Authorization Act for Fiscal Year 2007 recommended that America's next nuclear-powered aircraft carrier, designated as CVN–78, be named as the U.S.S. Gerald R. Ford, in honor of our 38th President; and

Whereas Gerald Ford was able to serve his country with such great distinction in large part because of the continuing support of his widely admired wife, Elizabeth (Betty), who also has contributed much to the nation in many ways, and of their 4 children, Michael, John, Steven, and Susan: Now, therefore, be it

Resolved, That the Senate notes with deep sorrow and solemn mourning the death of President Gerald Rudolph Ford.

Resolved, That the Senate extends its heartfelt sympathy to Mrs. Ford and the family of President Ford.

Resolved, That the Senate honors and, on behalf of the nation, expresses deep appreciation for President Ford's outstanding and important service to his country.

Resolved, That the Senate directs the Secretary of the Senate to communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

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

S. 197. An act to authorize salary adjustments for justices and judges of the United States for fiscal year 2007.

RAISING THE MINIMUM WAGE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the sad truth is that we have an epidemic of working poor in this country. These are Americans who work 40 to 60 hours a week and sometimes 7 days a week, yet can't afford the basic necessities. At $5.15 per hour, a full-time minimum wage worker makes less than $11,000 a year, which is less than most of us make in a month. These aren't just teenagers working part time. Most minimum-wage workers are actually hard-working disadvantaged adults. Each day these working poor are faced with the impossible decision of having to choose between food, clothing, shelter, medicine and utility bills. No American who works hard for a living should have to make those types of choices. We cannot continue to look away while hardworking Americans linger in poverty. This isn't just an economic issue, it is an ethical and moral issue.

I commend the Democratic leadership for their dedication to this issue, and I urge my colleagues to support this raise for the millions of Americans who deserve it.

MEXICO GOES HIGH-TECH ON ILLEGAL ENTRY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Mexican illegals looking to breach entry into the United States are receiving encouraging help from their own government. In the past, the Mexican government has provided pamphlets to illegals on how to sneak into the United States. Now the Mexican government has announced it is going high tech. The government will provide illegals with GPS tracking devices, allowing them to call on the U.S. Cavalry, the U.S. Customs and Border Patrol, if they get lost among the treacherous rivers and deserts lining the U.S.-Mexico border.

By passing out GPS devices free of charge, Mexico wants the U.S. to rescue illegals that are in trouble on American soil and provide them free medical attention but supposedly let them still stay in the United States. Instead of discouraging Mexican citizens from illegally entering America,

Mexico is asking the U.S. to cooperate, ignore the invasion and then provide aid to stranded illegals.

Mr. Speaker, this is absurd. Our Federal Government's loyalties lie with the American people, not with illegals that are colonizing America. The U.S. must stand firm against the Mexican government's unlawful, illegal invasion into our homeland.

And that's just the way it is.

THE KUCINICH PLAN FOR EXIT FROM IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, there is a compelling need for a new direction in Iraq, one that recognizes the plight of the people of Iraq, the false and illegal basis of the United States' war against Iraq, the realities on the ground which make a military resolution of the conflict unrealistic, and the urgent responsibility of the United States to use the process of diplomacy and international law to achieve stability in Iraq.

Today, I am presenting to Congress what is called the Kucinich Plan for Exit from Iraq. These are some of the elements:

1. The U.S. announces it will end the occupation, close military bases and withdraw.
2. The U.S. announces it will use existing funds to bring the troops and necessary equipment home.
3. Order a simultaneous return of all U.S. contractors to the U.S. and turn over all contracting work to the Iraqi government.
4. Convene a regional conference for the purpose of developing a security and stabilization force for Iraq.
5. Prepare an international security and peacekeeping force to move in, replacing U.S. troops who then return home.
6. Develop and fund a process of national reconciliation.
7. Reconstruction and jobs.
8. Reparations.
9. Political sovereignty.
10. Dealing with the Iraq economy.
11. Economic sovereignty for Iraq.
12. A process of international truth and reconciliation between the people of the United States and the people of Iraq.

It is time for a new direction, and the Kucinich plan offers that direction.

PAYGO AND EARMARK REFORM

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

Ms. FOXX. Mr. Speaker, I rise today to discuss fiscal responsibility and earmark reform. I have spent my entire political career fighting to reduce wasteful spending so Americans can keep more of their hard-earned money.

In the 109th Congress, I voted for H. Res. 1000 which provided for earmark reform by requiring full disclosure of earmarks on funding, authorization and revenue legislation so Members and the public will be able to easily identify projects which otherwise may be inappropriately hidden from adequate scrutiny in a timely manner.

Earmark reform is important to providing accountability of government spending. It is truly disappointing and a shame that the Democrat leadership coupled it with the fiscally irresponsible policy of PAYGO, which forced many of us to vote ''no.'' PAYGO is based on tenuous economic projections, is unreliable and, simply put, will make it easier to raise taxes and more difficult to give taxpayers back their money.

I voted for the Republican motion to commit which included the earmark reform and excluded PAYGO. Unfortunately, the Republican motion did not succeed, and we now face fiscal policies where government can spend more and continually raise taxes on the American taxpayer.

INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS

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

Mr. STUPAK. Mr. Speaker, in its final report, the 9/11 Commission concluded, and I quote:

''The inability to communicate was a critical element of the World Trade Center, Pentagon and Somerset County, Pennsylvania, crash sites where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State and Federal levels remains an important problem. Federal funding of such interagency communication units should be given high priority.''

The lack of interoperability among first responders has plagued our Nation for too long. Today Congress is taking an important step to give our first responders the tools they need to do their jobs and keep our Nation safe.

The fact is that, since September 11, the Republican administration and Congress failed to make adequate investments in interoperable communications for our police, firefighters and EMTs. After September 11, President Bush said, ''We want to spend money to make sure equipment is there, strategies are there, communications are there to make sure that you have whatever it takes to respond.'' Yet under President Bush and the Republican-led Congress, the money was not allocated, the equipment was not there, strategies were incomplete and first responders still could not communicate across agencies and jurisdictions.

Today, Congress will consider the Implementing the 9/11 Commission Recommendations Act which will create a stand-alone grant program for interoperable communications. Today, the Democratic Congress starts a new direction for public safety and to keep America safe.

CAPTAIN HAYES CLAYTON

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

Mr. GINGREY. Mr. Speaker, I rise today to pay tribute to the memory of Captain Hayes Clayton, a heroic member of our military who was killed in action on Christmas day in Balad, Iraq.

Captain Clayton was a classmate of my daughter, Laura Neil. She remembers his strength of character. Others have remembered his strength of faith. Indeed, Captain Clayton leaves behind a legacy of living by the highest moral principles.

Before enlisting in the Army, Captain Clayton was known as a standout defensive end on the football team at Marietta High School and a skilled Army ROTC member at Fort Valley State University in Georgia.

Captain Clayton leaves behind his parents, Reverend Hayes and Marlena Clayton, his brothers Eric and Michael, his loving wife Army First Lieutenant Monica Clayton, and a precious 4-month-old son, Hayes, III, who proudly carries on his father's name.

Mr. Speaker, my prayers go out to his family and my deepest gratitude goes out for his selfless and deep sacrifice for our Nation. I ask you to join me in honoring the distinguished memory of Captain Hayes Clayton.

BETTER SECURING OUR NATION BY PASSING THE 9/11 COMMISSION RECOMMENDATIONS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, securing the safety of the American people is our number one priority as elected officials. To do this we must look at all facets of homeland security and take all necessary precautions seriously. Democrats have pledged to address the matter of homeland security comprehensively by implementing the recommendations of the independent, bipartisan 9/11 Commission. Of their 41 recommendations made over 2 years ago, many have been only partially implemented and others have not been implemented at all.

Because of this delay in addressing the Commission's recommendations, we still have major holes in our homeland security system. More than 5 years after 9/11, only 5 percent of containers entering U.S. ports are screened. In addition, most air cargo is not screened at all, and our first responders are still unable to communicate with each other during an emergency.

Mr. Speaker, Congress can no longer ignore the recommendations of the 9/11 Commission. This week we will have an opportunity to better secure our Nation by beginning the process of approving these recommendations.

□ 1215

REMEMBERING PRESIDENT GERALD FORD

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

Mr. EHLERS. Mr. Speaker, the last 2 weeks have been a time of sorrow for me, and a time of pride also. I was awakened at 2:00 in the morning to learn that my good friend, President Ford, had passed away. And the succeeding whirlwind of funerals, receptions, and events dealing with his death have reminded us all how much he gave our country and how much he did for our country.

I am proud to call Mr. Ford a friend. I am proud of what he did for our country. I am proud that he so ably reflected the values and virtues of west Michigan, my part of the country.

We pray that You will bless Betty and his family and give them comfort and give them strength.

I will shortly be presenting a resolution honoring President Ford, and I hope that Members will find their way to the floor to speak on this special resolution, or speak later this evening. I encourage them to join me in honoring this great American and wonderful President.

SUPPORT H.R. 1

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, we must begin to think differently in America and join hands across the aisle. Our Nation must become secure now, not next week; and that is why I rise in support of H.R. 1.

As other Members have, I ask the current administration to present this Congress with a comprehensive plan for Iraq, a plan that makes sense, a plan based on the realities on the ground in Iraq and in the region, for all of us have the same goal: to build a better and more secure Nation.

By working together, we will accomplish our shared mission, first, by implementing the recommendations of the 9/11 Commission; secondly, by securing our borders; and, finally, by protecting our Nation from threats from nuclear warfare.

Please join me in supporting H.R. 1 as we begin to work together to build a better Nation and a more secure Nation for everyone.

WAR ON TERROR

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

Mrs. BLACKBURN. Mr. Speaker, I do want to speak for just a moment about the war on terror and our efforts in Iraq. It is clear that we have come to a very important time in this effort. The President is going to speak about his strategy tomorrow night.

You know, I have been asked many times over the last few weeks, and certainly on Sunday when I was at Fort Campbell, if I would support a surge in the troops. I think that we have to remember that it is important that we listen to the men and women and the commanders in the field as we have this discussion.

We have to look at the situation: what does it take to defuse it, to stand up the Iraqis and make it easier to relinquish control to the Iraqis for their country.

It is exactly this sort of opportunity and these situations that really animate the work and the leadership of Lieutenant General David Petraeus, the American commander who has been there for a year with the 101st, who was back for a year training the Iraqi troops in Baghdad, and now will return again. He has been called the military's warrior scholar and has drawn deeply on his dual background to create a leadership style that is respectful of military tradition and is innovative. We support General Petraeus.

We look forward to his work there and his leadership style as we work to continue to defeat the terrorists and win the war on terror.

TO QUOTE THE KING

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, yesterday, January 8, was the 72nd anniversary of the birth of the King of Rock and Roll, Elvis Presley. Elvis was a Memphian, a U.S. Army veteran, and an ambassador of goodwill throughout the world through his music and movies.

I am here to tell you that Elvis is still alive today in spirit and is as relevant as ever. To quote The King as we proceed through the 100 hours, ''It's Now Or Never'' that we make the changes that America needs. When this Democratic majority finishes with the status quo, it will be ''All Shook Up'' because we will do the people's will so we will not be ''Return(ed) to Sender.'' And we won't be cruel to those being paid the minimum wage.

Mr. Speaker, by the way, I have noticed in my office, I think we need a surge protector. Can you get one up there? Thank you, Mr. Speaker.

CONGRATULATING ILLINOIS ON DIVERSITY

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

Mr. DAVIS of Illinois. Mr. Speaker, yesterday I attended the inauguration ceremonies for the constitutional offices of the State of Illinois. I want to congratulate the people of Illinois for the diversity in its selection of individuals to run their State.

Governor Rod Blagojevich was reelected; Lieutenant Governor Patrick Quinn, Irish American; Attorney General Lisa Madigan, a young Irish American; Secretary of State Jesse White, African American; Comptroller Dan Hynes is Irish American; and State Treasurer Alexi Giannoulias, a Greek American who is 30 years old and is going to do an outstanding job.

I simply congratulate the people of the great State of Illinois on its selection of constitutional officers to run its State.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORAN of Virginia). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

MOURNING THE PASSING OF PRESIDENT GERALD RUDOLPH FORD

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 15) mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States, as amended.

The Clerk read as follows:

H. RES. 15

Whereas all American Presidents affect the history of the United States, but President Gerald Rudolph Ford leaves a legacy of leadership and service that will endure for years to come;

Whereas millions of men and women across America mourn the death of the 38th President of the United States;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan with academic and athletic excellence;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas Gerald R. Ford joined the United States Navy Reserves in 1942 and served valiantly on the U.S.S. Monterrey in the Philippines during World War II;

Whereas the U.S.S. Monterrey earned 10 battle stars, awarded for participation in battle while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives, where he served with integrity for 25 years;

Whereas Gerald R. Ford's contributions to the foreign operations and defense subcommittees of the Committee on Appropriations earned him a reputation as a ''congressman's congressman'';

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and returning the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas the Presidency of Gerald R. Ford is remembered for restoring trust and openness to the Presidency;

Whereas President Gerald R. Ford followed a steady, sensible course to cope with the Nation's economic problems and during his Administration halted double-digit inflation and lowered unemployment;

Whereas President Gerald R. Ford worked to solidify President Nixon's accomplishments in China, bring representatives of Israel and Egypt to the conference table, and provide developmental assistance to poor countries;

Whereas in 1975, under Gerald R. Ford's leadership, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the ''Helsinki Agreement'', which ratified post-World War II European borders and supported human rights;

Whereas Gerald R. Ford, together with Betty Ford, was awarded the Congressional Gold Metal in 1999 in recognition of dedicated public service and outstanding humanitarian contributions to the people of the United States;

Whereas in 1999, Gerald R. Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the Nation through the turbulent times of Watergate, the resignation of President Nixon, and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999; and

Whereas Gerald R. Ford's life has been characterized by honesty, integrity, and dedication of purpose: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation for the profound public service of President Gerald Rudolph Ford;

(2) tenders its deep sympathy to Betty Ford; to Michael, Jack, Steven, and Susan; and to the rest of the family of the former President; and

(3) directs the Clerk of the House to transmit a copy of this resolution to the family of President Gerald Rudolph Ford.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the debate on the pending motion to suspend be extended to 1 hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 15.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Gerald Ford, the Nation's 38th President, and the only person to serve both as President and Vice President, although elected to neither office, led the Nation out of the dark days of the Watergate scandal. When Ford took office on August 9, 1974, he declared: ''I assume the Presidency under extraordinary circumstances. This is an hour of history that troubles our minds and hurts our hearts.''

After playing football at the University of Michigan and serving on an aircraft carrier in the Navy during World War II, Ford was elected to the House of Representatives in 1948 as a Republican. The district he represented included his hometown of Grand Rapids, Michigan. Ford's reputation for integrity and openness made him popular and well regarded among his peers during his 25 years in Congress.

In 1965, he was elected minority leader. In October of 1973, Vice President Spiro Agnew resigned from office after pleading no contest to tax evasion. President Nixon, ensnared in the rising Watergate scandal, asked the well-respected Ford to leave Congress in order to replace Agnew, and he accepted.

In September 1974, Ford granted President Nixon a pardon, an act that is credited for calming American anxieties about the Watergate controversy. ''It was a tough decision,'' Ford told USA Today in an interview in 2000. ''We needed to get the matter off my desk so I could concentrate on the problems of 260 million Americans and not have to worry about the problems of one man.''

Gerald Ford was a devoted public servant who led this country with grace and bipartisanship during challenging times. All of America is grateful to him for his leadership and dedication.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, though he served as President for only 2½ years, Gerald Rudolph Ford, Jr., leaves a legacy of leadership and service that will endure for years to come. As the 38th President of the United States, he is remembered as a man whose integrity and decency would be the salve needed to heal a deeply divided country during one of the most politically turbulent periods in our Nation's history. He is also remembered as a loving and loyal husband, family man, and friend.

Born on July 14, 1913, in Grand Rapids, Michigan, Gerald Ford graduated from the University of Michigan and excelled in both academics and athletics. He was voted the most valuable player on the football team his senior year at Michigan, which led to offers to play for the Chicago Bears and the Green Bay Packers.

Despite these offers, Ford decided that law would be a better career choice. He attended Yale University Law School, graduating in the top 25 percent of his class while working as a football and a boxing coach.

It was at Yale that he would receive his first taste of national politics, volunteering on Wendell Willkie's 1940 Presidential campaign.

His rise in Michigan politics was put on hold when he joined the United States Navy in 1942 to serve in the Second World War. He served valiantly on the aircraft carrier USS *Monterrey* until 1946, attaining the rank of lieutenant commander.

1948 was a banner year for Ford as it was the year he was elected to the House of Representatives, with over 60 percent of the vote, the lowest margin he was ever to receive. It was also the year he would marry Elizabeth ''Betty'' Bloomer, who would become one of his most ardent campaigners and mother to their four children.

Ford served in the House for distinction and honor for 25 years, where his contributions earned him a reputation as a Congressman's Congressman. Even though his highest aspiration was to be Speaker of the House, he never got the chance. He did, however, hold the highest Republican post in a Democratically controlled Congress by being elected the minority leader in 1965.

He held that post until 1973 when he was appointed by President Nixon to replace Spiro Agnew as Vice President of the United States of America amid allegations of corruption.

After Nixon's resignation on August 9, 1974, Gerald Ford became the 38th President of the United States and has the distinction of being the only person to serve as but never be elected by the populace to either the Presidency or the Vice Presidency.

As President, he followed a steady, sensible course to cope with the Nation's economic problems. He is credited with halting double-digit inflation and lowering unemployment. He also worked to solidify President Nixon's accomplishments in China and ended U.S. involvement in the Vietnam War.

Under his leadership, the United States signed the final act of the Conference on Security and Cooperation in Europe, commonly known as the Helsinki agreement, which ratified post-World War II European borders and supported human rights, and is now regarded as having helped bring down the Soviet Union.

Maybe most importantly, his wisdom, courage and integrity restored the faith of the American people in the executive branch of government. His time in office is remembered for restoring trust and openness to the Presidency.

His courageous and difficult decision to pardon President Nixon may have cost him the election. However, it is now regarded as being in the best interest of the Nation, allowing it to move forward and recover from a tumultuous time.

After leaving the Presidency, Ford became an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan. And together with his wife, Betty, he was awarded the Congressional Gold Medal in 1999 in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States.

□ 1230

Also in 1999 Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the United States through the turbulent times of Watergate, the resignation of President Nixon and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency.

Gerald R. Ford, the President and the man, embodied many fine characteristics that we as Americans value: honor, integrity, decency, hard work and kindness. For this, I ask my colleagues to join in honoring his legacy by supporting this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Virginia for his remarks and would like to yield such time as he may consume to the gentleman from Michigan, Representative BART STUPAK.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to be an original cosponsor of this resolution, paying tribute to one of Michigan's greatest sons, a man who dedicated the best years of his life to public service, President Gerald R. Ford. Those who knew Gerald Ford remember him for his humility, his understanding of the virtue of public service and his dedication to his family. Michigan and America have lost a statesman who truly believed in the honor of public service.

President Ford will be remembered not only for his Presidency but also for his distinguished career representing Michigan in Congress and for his service as minority leader of the United States House of Representatives. He believed deeply in this institution, and he served his State, his party and his Nation skillfully as a Congressman for more than a quarter of a century. President Ford exemplified the values both of this institution and the great State of Michigan with humility, good humor, faith and persistence.

Gerald Ford did not seek power or fame, but he answered the call of our Nation's highest office when our Nation needed him. He was selected to be Vice President because of his high character, bipartisanship and integrity. Eight months later, these qualities were evident when President Ford helped heal a divided nation after the Watergate scandal.

There can be no better demonstration of a tribute to President Gerald R. Ford than the outpouring of gratitude and respect from ordinary citizens when he was laid to rest on January 3. The people of Michigan remember him not only as President or minority leader but as a constant presence in our lives and as a selfless, dedicated public servant who talked about the values that unite us in the most divisive of times.

President Gerald R. Ford represented us with honor and courage, and he will be deeply missed. To Betty and his children, Michael, Jack, Steven and Susan, thank you for sharing the President with us.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the author of this resolution, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H. Res. 15, a resolution I introduced along with Speaker PELOSI, Republican Leader BOEHNER, Majority Leader HOYER and the entire Michigan congressional delegation. This resolution honors our great President, Gerald R. Ford, who was also an outstanding Member of Congress.

I am privileged to serve in the same House seat that President Ford held. I am still deeply honored when people, both here and in Grand Rapids, Michigan, refer to my district as ''Jerry Ford's district.'' After all these years, they still consider it to be Jerry's.

He personified the many good traits that West Michigan has to offer our Nation; honesty, integrity and a sense of courage and duty. I think you are going to hear these words a great deal as we honor President Ford in this chamber, where he honorably served for 25 years.

I was deeply touched by the funeral services and memorial celebrations held for President Ford over the past 2 weeks since his death on Tuesday, December 26, 2006. I want to thank all those who helped plan and carry out those memorable events, which solemnly reflected on this great man and his service and leadership to our Nation. I am pleased that this House can now take time at the beginning of a new Congress to celebrate and remember one of our own Members and the great things that he did for our country.

For many younger Americans, these past tributes have served as a history lesson about the so-called ''accidental President.'' They have learned, and those of us who knew him, have remembered his athletic prowess at the University of Michigan; his brave service in the Navy during World War II; his outstanding representation of Grand Rapids and Western Michigan in the Congress; his ascension to the Republican Leader's position in 1965; his appointment and confirmation as Vice President in 1973; and, of course, his rise to the Presidency in the wake of Richard Nixon's resignation in August 1974.

What has struck me during the memorial services and tributes is the shift in the way President Ford is regarded as compared to some of the opinions during his Presidency. For example, at the time of his appointment as Vice President, the Wall Street Journal editors wrote that the nomination ''caters to all the worst instincts on Capitol Hill, clubbiness, partisanship and the small-mindedness that thinks in terms of those who should be rewarded rather than those who could best fill the job.''

Little did the Wall Street Journal know that the Congress had in fact picked the person who could best fill the job; they later changed their thoughts and their writings about President Ford.

I think a lot of people probably thought at the time as the Wall Street Journal did. He was a political insider, from a relatively small city in Michigan, who many knew little about. But those of us in Grand Rapids, his constituents and his colleagues, knew who he was, a decent, thoughtful, trustworthy man, full of integrity and courage.

As it turns out, the country should be eternally grateful for the blessing of the timely leadership, strength and wisdom of Jerry Ford during this perilously difficult time in the constitutional history of our nation. I am glad that 30 years of history have shown that the Members of Congress, and those who advised President Nixon on his appointment, knew what they were talking about and what they were doing.

President Ford's appointment and his ascendency to the office of President was not the result of ''clubbiness'' or ''political favor.'' He was the person best suited to fill the job, and he literally healed our Nation by the actions that he took during those troubled times.

I am pleased that the opinion writers at the Wall Street Journal recognized this when editorializing after his death. They eloquently wrote that President Ford navigated many perils in his short tenure, including the public furor over Watergate, the unpopularity of the Vietnam War, dramatic inflation and a struggling economy, and, as they put it, ''better than he gets credit for.''

I think that over time history will continue to hold President Ford in even higher regard for the actions he took to bring honor and respect back to the Presidency, to stabilize the

economy, and to lay the groundwork for freedom and democracy to spread and for Soviet communism to fall.

My thoughts and prayers continue to go out to Betty and to their children, Michael, Jack, Steven and Susan, as well as their grandchildren. The Ford family demonstrated remarkable composure and strength during these long weeks of mourning, and we thank them for helping to lead us in our grief.

At the beginning of this new year and this new Congress, I am hopeful that we in this House will be mindful of the life and legacy of Jerry Ford. He served in this House with distinction, he treated everyone with respect, and he always conducted himself with honesty, integrity and forthrightness in every matter he undertook. I pray that we will do the same.

His family creed, incidentally, although humorous, is one we should all emulate: ''Work hard, tell the truth, and come to dinner on time.''

Mr. Speaker, I know all my colleagues will support this resolution to honor our 38th President.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the last week we have heard many discussions about the impact of President Gerald Ford. We have heard people talk about the fact that he was never elected to either the Presidency nor the Vice Presidency of the United States. But yet his impact has been felt in such a way, as I listened to Representative EHLERS from Michigan talk, that people still refer to the district as his district.

I hear individuals who are sports fans who remember his days as an athlete when he played football and the fact that whatever the assignments were, that he could pick up the assignment and do exceptionally well with it, and that oftentimes he didn't veer too far from the center. He didn't always veer so far to the left or he didn't always veer so far to the right, but he was one of these kind of straight-down-the-middle people who protected the interests of his colleagues, who protected the well-being of his mates, who protected the interests of those on the team.

I think he saw America as a team and, when he was given the ball, decided that his greatest challenge was to protect the interests of America. And that is what he did, even though he probably knew that it would cause some difficulty with his reelection.

Even though he knew that in all likelihood and all probability there were individuals who would be concerned enough that they may not give him the kind of support that he would need to be reelected, he did it anyway. He did it because he could put the interests of the country above those of any personal feelings or personal need that he had. I think that that is really what puts him down in history as one who excelled to the point of greatness, because he served the country and served the interests of the country extremely well.

Mr. Speaker, when students study politics, when young people are trying to understand what it is that they need to be and what they ought to become if they really want to be a great public servant, they should study the life of President Gerald Ford, and they should understand that being a public servant is to put the public interest first. That is what he did, that is what he is noted for, and that is why all of America continues to revere him, especially those of us who are old enough to remember that period, who are old enough to kind of recall the mood of the people and what was taking place and what was going on at that time.

No matter how historians write the script, you can never take away what President Gerald Ford did for America. That is why we salute him, and that is why we raise him up; that is why we lift him to the American people, and that is why this resolution is so important.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I rise as a proud Michigander today to express my profound respect and appreciation and admiration for the life and public service of our 38th President.

President Gerald Ford was a man of impeccable integrity and ethics who served valiantly in World War II on the USS *Monterey*, where he came close to losing his life in December of 1944. After returning home to Michigan, his calling remained in public service to his country. He ran for the Grand Rapids area congressional seat against an incumbent Republican congressman. Nobody thought he could win. But with a strong conviction and a clear contrast between the two, he won two-to-one in the primary.

□ 1245

President Ford went on to serve 25 years in the U.S. House and was voted in 1961 by the House membership as a ''Congressman's Congressman.'' Rising to the rank of Republican leader, he was known for his modesty, his intelligence and thoughtfulness throughout his career. After Ford became President, his decisions that he made, though costing him politically, healed a fractured Nation. Today, we thank him for putting our country ahead of his own political success.

May we never forget this great Michigander, and may the Lord's blessings be upon his family.

Mr. DAVIS of Illinois. Mr. Speaker, could I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman from Illinois has 21 minutes remaining and the gentleman from Virginia has 18 minutes remaining.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Oftentimes when we talk about civil rights and the era of civil rights, and we talk of the individuals who were pushing perhaps the most, sometimes the name of Gerald Ford does not get included in that discussion, and he is not included in that discussion because he didn't always loom as high as some others might have. He was not necessarily one of these individuals that you would just simply know about. Oftentimes he did what he did somewhat quietly but, nevertheless, did it and it had the impact that it was designed to have.

Such were his positions relative to civil rights issues, even prior to ever seeking or getting involved in public office. I was told a story of how, as he captained the football team, that there were some controversies relative to an African American member of the team who was not going to get an opportunity to play. Of course, President Ford, as football team captain at that time, a sort of president-in-waiting, learning what leadership really meant and what leadership was all about, just sort of took the position that if this gentleman was not going to be able to play, then neither would he. And of course the team was concerned, because if you have a star and the star is not playing, then of course it decreases your chance of winning.

Think of what America would be if all of us stood up all of the time for stars, or for the individuals who had the potential to be stars, to make sure that they got their rightful chance, their rightful opportunity, got their acceptance because of what they could contribute and because of what they brought to the table. I guess that really was the understanding that Gerald Ford had even at that moment, and all of America continues to be grateful to him.

Mr. Speaker, at this time it would be my pleasure and my honor to yield to the gentlewoman from California, the Speaker of the House, such time as she might consume.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and applaud him, Mr. DAVIS of Illinois, and the gentleman from Virginia (Mr. DAVIS), for bringing this resolution to the floor to honor a great man, and I rise today to join them in paying tribute to the life and leadership of President Gerald Ford.

I would like to also recognize Mrs. Betty Ford and the wonderful children, Michael, Jack, Steven, and Susan, who with their love and support helped to make President Ford's leadership possible; but they made a contribution in their own right.

Betty Ford really changed the way people in America talked about their health and the challenges in their lives. Every family in America respects her, every family in America is in her debt for, again, changing how people speak about their physical and other challenges. Mrs. Ford, we all give you our condolences and our respect and admiration for your leadership as well.

Having also served as House minority leader, as President Ford did, I have

great respect for the fair and reliable leadership that President Ford displayed throughout his service in the House. He was effective and respected on both sides of the aisle. He recognized that however much we may disagree on political questions, we serve the people of the Nation, the great institution, the House of Representatives.

He later became President, and another President, Thomas Jefferson, said: ''Every difference of opinion is not a difference of principle.'' Gerald Ford knew that. Gerald Ford followed that. He assumed office during one of the greatest times of challenge for our Nation and provided the American people with the steady leadership and optimism that was his signature.

The outpouring of emotion and affection displayed by the American people last week and the week before reminds us that they desire the kind of leadership President Ford embodied. In this hour, we need and pray for President Ford's character, courage, and civility to affect us. He healed the country when it needed healing. This is another time, another war, and another trial of our American will, imagination, and spirit. I ask our colleagues, let us honor his memory not just in eulogy but in dialogue and trust across the aisle.

Once again, our condolences to the family. I hope it is a comfort to the Ford family that so many people mourn their loss and are praying for them at this time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no further speakers at this time.

Mr. DAVIS of Illinois. Mr. Speaker, in order to give additional Members an opportunity to speak on this resolution, and knowing that the morning has just begun and we are into early afternoon, I withdraw this resolution, with the objective of bringing it up at a later time so that additional Members would have an opportunity to speak.

The SPEAKER pro tempore. The resolution is withdrawn.

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

Mr. THOMPSON of Mississippi. Madam Speaker, pursuant to House Resolution 6, and as the designee of the majority leader, I call up the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Implementing the 9/11 Commission Recommendations Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

Sec. 101. First responders homeland security funding.

TITLE II—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

Sec. 201. Improve Communications for Emergency Response Grant Program.

TITLE III—STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

Sec. 301. National exercise program design.
Sec. 302. National exercise program model exercises.
Sec. 303. Responsibilities of Regional Administrators of the Federal Emergency Management Agency.

TITLE IV—STRENGTHENING AVIATION SECURITY

Sec. 401. Installation of in-line baggage screening equipment.
Sec. 402. Aviation security capital fund.
Sec. 403. Airport checkpoint screening explosive detection.
Sec. 404. Strengthening explosive detection at airport screening checkpoints.
Sec. 405. Extension of authorization of aviation security funding.
Sec. 406. Inspection of cargo carried aboard passenger aircraft.
Sec. 407. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.
Sec. 408. Transportation Security Administration personnel management.
Sec. 409. Strategic plan to test and implement advanced passenger prescreening system.

TITLE V—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

Sec. 501. Requirements relating to entry of containers into the United States.

TITLE VI—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Human Smuggling and Trafficking Center Improvements

Sec. 601. Strengthening the capabilities of the Human Smuggling and Trafficking Center.

Subtitle B—International Collaboration to Prevent Terrorist Travel

Sec. 611. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information.

Subtitle C—Biometric Border Entry and Exit System

Sec. 621. Submittal of plan on biometric entry and exit verification system implementation.

TITLE VII—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program

Sec. 701. Findings.
Sec. 702. FLEET Grant program.

Subtitle B—Border Intelligence Fusion Center Program

Sec. 711. Findings.
Sec. 712. Establishment of Border Intelligence Fusion Center Program.

Subtitle C—Homeland Security Information Sharing Enhancement

Sec. 721. Short title.
Sec. 722. Homeland Security Advisory System.
Sec. 723. Homeland security information sharing.

Subtitle D—Homeland Security Information Sharing Partnerships

Sec. 731. Short title.
Sec. 732. State, Local, and Regional Information Fusion Center Initiative.
Sec. 733. Homeland Security Information Sharing Fellows Program.

Subtitle E—Homeland Security Intelligence Offices Reorganization

Sec. 741. Departmental reorganization.
Sec. 742. Intelligence components of Department of Homeland Security.
Sec. 743. Office of Infrastructure Protection.

TITLE VIII—PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

Subtitle A—Privacy and Civil Liberties Oversight Boards

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Making the Privacy and Civil Liberties Oversight Board independent.
Sec. 804. Requiring all members of the Privacy and Civil Liberties Oversight Board be confirmed by the Senate.
Sec. 805. Subpoena power for the Privacy and Civil Liberties Oversight Board.
Sec. 806. Reporting requirements.

Subtitle B—Enhancement of Privacy Officer Authorities

Sec. 811. Short title.
Sec. 812. Authorities of the privacy officer of the Department of Homeland Security.

TITLE IX—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

Sec. 901. Vulnerability assessment and report on critical infrastructure information.
Sec. 902. National Asset Database and the National At-Risk Database.

TITLE X—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

Sec. 1001. Strategic transportation security information sharing.
Sec. 1002. Transportation security strategic planning.

TITLE XI—PRIVATE SECTOR PREPAREDNESS

Sec. 1101. Participation of private sector organizations in emergency preparedness and response activities.

TITLE XII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

Sec. 1201. Findings.
Sec. 1202. Definitions.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

Sec. 1211. Repeal and modification of limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism.

Subtitle B—Proliferation Security Initiative

Sec. 1221. Proliferation Security Initiative improvements and authorities.

Sec. 1222. Authority to provide assistance to cooperative countries.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1231. Findings; statement of policy.
Sec. 1232. Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program.
Sec. 1233. Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1241. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
Sec. 1242. Request for corresponding Russian coordinator.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

Sec. 1251. Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.
Sec. 1252. Purposes.
Sec. 1253. Composition.
Sec. 1254. Responsibilities.
Sec. 1255. Powers.
Sec. 1256. Nonapplicability of Federal Advisory Committee Act.
Sec. 1257. Report.
Sec. 1258. Termination.

TITLE XIII—NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

Sec. 1301. Short title.
Sec. 1302. Definitions.

Subtitle A—Sanctions for Transfers of Nuclear Enrichment, Reprocessing, and Weapons Technology, Equipment, and Materials Involving Foreign Persons and Terrorists

Sec. 1311. Authority to impose sanctions on foreign persons.
Sec. 1312. Presidential notification on activities of foreign persons.

Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

Sec. 1321. Findings.
Sec. 1322. Campaign by United States Government officials.
Sec. 1323. Coordination.
Sec. 1324. Report.

Subtitle C—Rollback of Nuclear Proliferation Networks

Sec. 1331. Nonproliferation as a condition of United States assistance.
Sec. 1332. Report on identification of nuclear proliferation network host countries.
Sec. 1333. Suspension of arms sales licenses and deliveries to nuclear proliferation host countries.

TITLE XIV—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

Sec. 1401. Short title; table of contents.

Subtitle A—Quality Educational Opportunities in Arab and Predominantly Muslim Countries.

Sec. 1411. Findings; Policy.
Sec. 1412. International Arab and Muslim Youth Opportunity Fund.
Sec. 1413. Annual report to Congress.
Sec. 1414. Extension of program to provide grants to American-sponsored schools in Arab and predominantly Muslim Countries to provide scholarships.

Subtitle B—Democracy and Development in Arab and Predominantly Muslim Countries

Sec. 1421. Promoting democracy and development in the Middle East, Central Asia, South Asia, and Southeast Asia.
Sec. 1422. Middle East Foundation.

Subtitle C—Restoring United States Moral Leadership

Sec. 1431. Advancing United States interests through public diplomacy.
Sec. 1432. Expansion of United States scholarship, exchange, and library programs in Arab and predominantly Muslim countries.
Sec. 1433. United States policy toward detainees.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

Sec. 1441. Afghanistan.
Sec. 1442. Pakistan.
Sec. 1443. Saudi Arabia.

TITLE I—RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

SEC. 101. FIRST RESPONDERS HOMELAND SECURITY FUNDING.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by striking the items relating to the second title XVIII, as added by section 501(b)(3) of Public Law 109–347, and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.
''Sec. 1902. Mission of Office.
''Sec. 1904. Testing authority.
''Sec. 1905. Relationship to other Department entities and Federal agencies.
''Sec. 1906. Contracting and grant making authorities.'';

(2) by redesignating the second title XVIII, as added by section 501(a) of Public Law 109–347, as title XIX;

(3) in title XIX (as so redesignated)—

(A) by redesignating sections 1801 through 1806 as sections 1901 through 1906, respectively;

(B) in section 1904(a) (6 U.S.C. 594(a)), as so redesignated, by striking ''section 1802'' and inserting ''section 1902''; and

(C) in section 1906 (6 U.S.C. 596), as so redesignated, by striking ''section 1802(a)'' each place it appears and inserting ''section 1902(a)'';

(4) in section 1(b) in the table of contents by adding at the end the following:

''TITLE XX—FUNDING FOR FIRST RESPONDERS

''Sec. 2001. Definitions.
''Sec. 2002. Faster and Smarter Funding for First Responders.
''Sec. 2003. Covered grant eligibility and criteria.
''Sec. 2004. Risk-based evaluation and prioritization.
''Sec. 2005. Use of funds and accountability requirements.'';

and

(5) by adding at the end the following:

''TITLE XX—FUNDING FOR FIRST RESPONDERS

''SEC. 2001. DEFINITIONS.

''In this title:

''(1) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 2002.

''(2) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(3) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(4) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

''(5) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(6) REGION.—The term 'region' means—

''(A) any geographic area consisting of all or parts of 2 or more contiguous States that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

''(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this Act with the consent of—

''(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

''(ii) the incorporated municipalities, counties, and parishes that they encompass.

''(7) TERRORISM PREPAREDNESS.—The term 'terrorism preparedness' means any activity designed to improve the ability to prevent, prepare for, respond to, mitigate against, or recover from threatened or actual terrorist attacks.

''(8) CAPABILITIES.—The term 'capabilities' shall have the same meaning that term has under title VIII.

''SEC. 2002. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

''(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, urban areas, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, mitigate

against, or recover from threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"SEC. 2003. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—

''(1) STATE, REGION, OR DIRECTLY ELIGIBLE TRIBE.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant under the programs referred to in paragraphs (1) and (3) of section 1802(a).

''(2) HIGH-THREAT URBAN AREAS.—Any urban area that is determined by the Secretary to be a high-threat urban areas shall be eligible to apply for a covered grant referred to in paragraph (2) of section 1802(a).

''(b) GRANT CRITERIA.—The Secretary shall award covered grants to assist States and local governments in achieving, maintaining, and enhancing the capabilities for terrorism preparedness established by the Secretary.

''(c) SUBMISSION OF STATE PREPAREDNESS REPORT.—

''(1) SUBMISSION REQUIRED.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit State Preparedness Report specified in section 652(c) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

''(2) CONSULTATION.—The State report submitted under paragraph (1) shall be developed in consultation with and subject to appropriate comment by local governments and first responders within the State.

''(d) CONSISTENCY WITH STATE PLANS.—

''(1) IN GENERAL.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security report or plan.

''(2) APPROVAL OF PLAN BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(3) REVISIONS.—A State may revise the applicable State homeland security plan approved by the Secretary under this subsection, subject to approval of the revision by the Secretary.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, urban area, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the capabilities for terrorism preparedness within the State, urban area, region, or directly eligible tribe to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2005(g)(1), would assist in fulfilling the capabilities for terrorism preparedness specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to local governments and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

''(iii) a designation of a specific individual to serve as regional liaison;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

''(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 2005(g)(2).

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: Provided, That in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"SEC. 2004. RISK-BASED EVALUATION AND PRIORITIZATION.

''(a) PRIORITIZATION OF GRANT APPLICATIONS.—

''(1) FACTORS TO BE CONSIDERED.—The Secretary shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure. Such evaluation and prioritization shall be based upon the most current risk assessment available by the Office of Intelligence Analysis and the Office of Infrastructure Protection of the threats of terrorism against the United States. In establishing criteria for evaluating and prioritizing applications for covered grants, the Secretary shall coordinate with the National Advisory Council established under section 508, the Director of the Federal Emergency Management Agency, the United States Fire Administrator, the Chief Intelligence Officer of the Department, the Assistant Secretary for Infrastructure Protection, and other Department officials as determined by the Secretary.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the United States, urban and rural:

''(A) Agriculture and food.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) The defense industrial base.

''(E) Emergency services.

''(F) Energy.

''(G) Government facilities.

''(H) Postal and shipping.

''(I) Public health and health care.

''(J) Information technology.

''(K) Telecommunications.

''(L) Transportation systems.

''(M) Water.

''(N) Dams.

''(O) Commercial facilities.

''(P) National monuments and icons.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the United States, urban and rural:

''(A) Biological threats.

''(B) Nuclear threats.

''(C) Radiological threats.

''(D) Incendiary threats.

''(E) Chemical threats.

''(F) Explosives.

''(G) Suicide bombers.

''(H) Cyber threats.

''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—The Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Board has determined to exist. In evaluating the threat to a population or critical infrastructure sector, the Secretary shall give greater weight to threats of terrorism based upon their specificity and credibility, including any pattern of repetition.

''(5) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under paragraph (1), the Department shall ensure that, for each fiscal year—

''(A) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan;

''(B) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under paragraph (6) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan;

''(C) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State plan; and

''(D) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes or does not approve at least one such application.

''(6) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of paragraph (5)(B), additional high-risk qualifying criteria consist of—

''(A) having a significant international land border; or

''(B) adjoining a body of water within North America through which an international boundary line extends.

''(b) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under section 2003(e)(5)(C) shall not be considered in calculating the minimum State award under subsection (a)(5) of this section.

''(c) RELATIONSHIP TO OTHER PROGRAMS.—This section shall be carried out in consultation with the Secretary of Health and Human Services. Nothing in this section affects the scope of authority of the Secretary of Health and Human Services, including such authority under the Public Health Service Act.

"SEC. 2005. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing or upgrading equipment, including computer hardware and software, to enhance terrorism preparedness;

''(2) exercises to strengthen terrorism preparedness;

''(3) training for prevention (including detection) of, preparedness for, response to, or recovery from attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating State homeland security plans, risk assessments, mutual aid agreements, and emergency management plans to enhance terrorism preparedness;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(D) the hiring of staff to serve as intelligence analysts to strengthen information and intelligence sharing capabilities;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices that are constructed consistent with the requirements of section 6(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9), except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(10) the costs of commercially available interoperable communications equipment (that, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Assistant Secretary for Emergency Communications, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prevent, prepare for, respond to, mitigate against, or recover from an act of terrorism;

''(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

''(14) Public safety answering points;

''(15) paying for the conduct of any activity permitted under the Law Enforcement Terrorism Prevention Program, or any such successor to such program; and

''(16) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds;

''(2) to construct buildings or other physical facilities;

''(3) to acquire land; or

''(4) for any State or local government cost-sharing contribution.

''(c) INTELLIGENCE ANALYSTS.—An individual hired to serve as an intelligence analyst under subsection (a)(7)(D) must meet at least one of the following criteria:

''(1) The individual has successfully completed training that meets the standards of the International Association of Law Enforcement Intelligence Analysts to ensure baseline proficiency in intelligence analysis and production.

''(2) The individual has previously served in a Federal intelligence agency as an intelligence analyst for at least two years.

''(d) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving capabilities for terrorism preparedness established by the Secretary.

''(e) REIMBURSEMENT OF COSTS.—

''(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a covered grant may petition the Secretary for the reimbursement of the cost of any activity relating to prevention (including detection) of, preparedness for, response to, or recovery from acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government (or both) under agreement with a Federal agency.

''(f) ASSISTANCE REQUIREMENT.—The Secretary may not require that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

''(g) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(h) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

''(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

''(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

''(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

''(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each Federal fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(i) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the

Secretary extend the 45-day period under section 2003(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraphs (B) and (C).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(j) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by January 31 of each year covering the preceding fiscal year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the capabilities established by the Secretary as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established by the Secretary.''.

TITLE II—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

SEC. 201. IMPROVE COMMUNICATIONS FOR EMERGENCY RESPONSE GRANT PROGRAM.

(a) ESTABLISHMENT.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following new section:

''SEC. 522. IMPROVE COMMUNICATIONS FOR EMERGENCY RESPONSE GRANT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Office of Grants and Training and in coordination with the Director for Emergency Communications, shall establish the Improve Communications for Emergency Response Grant Program to make grants to States and regions to carry out initiatives to improve interoperable emergency communications, including initiatives to achieve solutions to statewide, regional, national, and, where appropriate, international interoperability.

''(b) USE OF GRANT FUNDS.—A State or region receiving a grant under this section may use the grant for short-term or long-term goals for improving interoperable emergency communications, including interoperability within that State or region, and to assist with—

''(1) statewide or regional communications planning;

''(2) design and engineering for interoperable emergency communications systems;

''(3) procurement and installation of interoperable emergency communications equipment;

''(4) interoperable emergency communications exercises;

''(5) modeling and simulation exercises for operational command and control functions;

''(6) technical assistance and training for interoperable emergency communications; and

''(7) other activities determined by the Secretary to be integral to interoperable emergency communications.

''(c) REGION DEFINED.—For the purposes of this section, the term 'region' means any combination of contiguous local government units, including such a combination established by law or mutual aid agreement between two or more local governments or governmental agencies.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for grants under section 522 of the Homeland Security Act of 2002, as added by subsection (a)—

(1) such sums as may be necessary for the first fiscal year that begins after the later of—

(A) the date on which the Secretary of Homeland Security completes and submits to Congress the National Emergency Communications Plan required under section 1802 of the Homeland Security Act of 2002 (6 U.S.C. 572);

(B) the date on which the Secretary of Homeland Security completes and submits to Congress the first baseline interoperability assessment required under section 1803 of such Act (6 U.S.C. 573); or

(C) the date on which the Secretary of Homeland Security, after consultation with the Director of Emergency Communications, determines and notifies Congress that substantial progress has been made towards the development and promulgation of voluntary consensus-based interoperable communications standards pursuant to section 1801(c)(11) of such Act (6 U.S.C. 571(c)(11)); and

(2) such sums as may be necessary for each subsequent fiscal year.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of that Act is amended by inserting after the item relating to section 521 the following:

''Sec. 522. Improve Communications for Emergency Response Grant Program.''.

TITLE III—STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

SEC. 301. NATIONAL EXERCISE PROGRAM DESIGN.

Section 648(b)(2)(A) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking clauses (iv) and (v) and inserting the following:

''(iv) designed to provide for systematic evaluation of readiness and enhance operational understanding of the Incident Command System and relevant mutual aid agreements;

''(v) designed to address the unique requirements of populations with special needs; and

''(vi) designed to include the prompt development of after-action reports and plans for quickly incorporating lessons learned into future operations; and''.

SEC. 302. NATIONAL EXERCISE PROGRAM MODEL EXERCISES.

Section 648(b)(2)(B) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295) is amended by striking so much as precedes clause (i) and inserting the following:

''(B) shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use, and shall provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises, whether a model exercise program or an exercise designed locally, that—''.

SEC. 303. RESPONSIBILITIES OF REGIONAL ADMINISTRATORS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 507(c)(2) of the Homeland Security Act of 2002 (enacted by section 611 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295)) is amended by striking ''and'' after the semicolon at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following:

''(I) assisting State, local, or tribal governments, where appropriate, to pre-identify and evaluate suitable sites where a multi-jurisdictional unified command system can be quickly established if the need for such a system arises; and''.

TITLE IV—STRENGTHENING AVIATION SECURITY

SEC. 401. INSTALLATION OF IN-LINE BAGGAGE SCREENING EQUIPMENT.

Not later than 30 days after the date of enactment of this Act, the Secretary for Homeland Security shall submit to the appropriate congressional committees the cost sharing study described in section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), together with the Secretary's analysis of the study, a list of provisions of the study the Secretary intends to implement, and a plan and schedule for implementation of such listed provisions.

SEC. 402. AVIATION SECURITY CAPITAL FUND.

(a) IN GENERAL.—Section 44923(h)(1) of title 49, United States Code, is amended in the second sentence by striking ''2007'' and inserting ''2011''.

(b) DISCRETIONARY GRANTS.—Section 44923(h)(3) of such title is amended by striking ''for a fiscal year, $125,000,000'' and inserting '', $125,000,000 for each of fiscal years

2004, 2005, and 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011''.

SEC. 403. AIRPORT CHECKPOINT SCREENING EXPLOSIVE DETECTION.

Section 44940 of title 49, United States Code, is amended—

(1) in subsection (d)(4) by inserting '', other than subsection (i),'' before ''except to''; and

(2) by adding at the end the following:

''(i) CHECKPOINT SCREENING SECURITY FUND.—

''(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the 'Checkpoint Screening Security Fund'.

''(2) DEPOSITS.—In fiscal year 2008, after amounts are made available under section 44923(h), the next $250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

''(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $250,000,000 in fiscal year 2008 for deposit into the Fund.

''(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available until expended for the research, development, purchase, deployment, and installation of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.''.

SEC. 404. STRENGTHENING EXPLOSIVE DETECTION AT AIRPORT SCREENING CHECKPOINTS.

Not later than 7 days after the date of enactment of this Act, the Assistant Secretary for Homeland Security (Transportation Security Administration) shall submit to the appropriate congressional committees the strategic plan described in the section amended by section 4013(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3719).

SEC. 405. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.

Section 48301(a) of title 49, United States Code, is amended by striking ''and 2006'' and inserting ''2006, 2007, 2008, 2009, 2010, and 2011''.

SEC. 406. INSPECTION OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g) AIR CARGO ON PASSENGER AIRCRAFT.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary of Homeland Security shall establish a system to inspect 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

''(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, and personnel are used to inspect cargo carried on passenger aircraft to provide a level of security equivalent to the level of security for the inspection of passenger checked baggage as follows:

''(A) 35 percent of such cargo is so inspected by the end of fiscal year 2007.

''(B) 65 percent of such cargo is so inspected by the end of fiscal year 2008.

''(C) 100 percent of such cargo is so inspected by the end of fiscal year 2009.

''(3) REGULATIONS.—

''(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.

''(B) FINAL RULE.—

''(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than one year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

''(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the 1-year period referred to in clause (i), the interim final rule issued under subparagraph (A) shall not be effective after the last day of such period.

''(iii) SUPERCEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).

''(4) REPORT.—Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall transmit to Congress a report that describes the system.''.

(b) ASSESSMENT OF EXEMPTIONS.—

(1) TSA ASSESSMENT OF EXEMPTIONS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress and to the Comptroller General a report regarding an assessment of each exemption granted for inspection of air cargo and an analysis to assess the risk of maintaining such exemption.

(B) CONTENTS.—The report referred to in subparagraph (A) shall include—

(i) the rationale for each exemption;

(ii) what percentage of cargo is not screened as a result of each exemption;

(iii) the impact of each exemption on aviation security;

(iv) the projected impact on the flow of commerce of eliminating each exemption, respectively, should the Secretary choose to take such action; and

(v) plans and rationale for maintaining, changing, or eliminating each exemption.

(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report under paragraph (1) is submitted, the Comptroller General shall review the report and provide to Congress an assessment of the methodology of determinations made by the Secretary for maintaining, changing, or eliminating an exemption.

SEC. 407. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et. seq.) is amended by adding at the end the following:

''SEC. 432. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.

''(a) IN GENERAL.—The Secretary shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other Department entity.

''(b) OFFICE OF APPEALS AND REDRESS.—

''(1) ESTABLISHMENT.—The Secretary shall establish an Office of Appeals and Redress to oversee the process established by the Secretary pursuant to subsection (a).

''(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office of Appeals and Redress, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

''(3) INFORMATION.—To prevent repeated delays of a misidentified passenger or other individual, the Office of Appeals and Redress shall—

''(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual; and

''(B) furnish to the Transportation Security Administration, the Bureau of Customs and Border Protection, or any other appropriate Department entity, upon request, such information as may be necessary to allow such agencies to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives.

''(4) INITIATION OF APPEAL AND REDRESS PROCESS AT AIRPORTS.—The Office of Appeals and Redress shall establish at each airport at which the Department has a significant presence a process to allow air carrier passengers to begin the appeals process established pursuant to subsection (a) at the airport.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 430 the following:

''Sec. 432. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.''.

SEC. 408. TRANSPORTATION SECURITY ADMINISTRATION PERSONNEL MANAGEMENT.

(a) ELIMINATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES.—Effective 90 days after the date of the enactment of this Act—

(1) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) is repealed and any authority of the Secretary of Homeland Security derived from such section 111(d) shall terminate;

(2) any personnel management system, to the extent established or modified pursuant to such section 111(d) (including by the Secretary through the exercise of any authority derived from such section 111(d)) shall terminate; and

(3) the Secretary shall ensure that all TSA employees are subject to the same personnel management system as described in subsection (e)(1) or (e)(2).

(b) ESTABLISHMENT OF CERTAIN UNIFORMITY REQUIREMENTS.—

(1) SYSTEM UNDER SUBSECTION (e)(1).—The Secretary shall, with respect to any personnel management system described in subsection (e)(1), take any measures which may be necessary to provide for the uniform treatment of all TSA employees under such system.

(2) SYSTEM UNDER SUBSECTION (e)(1).—Section 9701(b) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(6) provide for the uniform treatment of all TSA employees (as defined in section 408(d) of the Implementing the 9/11 Commission Recommendations Act of 2007).''.

(3) EFFECTIVE DATE.—

(A) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(1).—Any measures necessary to carry out paragraph (1) shall take

effect 90 days after the date of the enactment of this Act.

(B) PROVISIONS RELATING TO A SYSTEM UNDER SUBSECTION (e)(2).—Any measures necessary to carry out the amendments made by paragraph (2) shall take effect 90 days after the date of the enactment of this Act or, if later, the commencement date of the system involved.

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 6 months after the date of the enactment of this Act, the Government Accountability Office shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) the pay system that applies with respect to TSA employees as of the date of the enactment of this Act; and

(B) any changes to such system which would be made under any regulations which have been prescribed under chapter 97 of title 5, United States Code.

(2) MATTERS FOR INCLUSION.—The report required under paragraph (1) shall include—

(A) a brief description of each pay system described in paragraphs (1)(A) and (1)(B), respectively;

(B) a comparison of the relative advantages and disadvantages of each of those pay systems; and

(C) such other matters as the Government Accountability Office considers appropriate.

(d) TSA EMPLOYEE DEFINED.—In this section, the term ''TSA employee'' means an individual who holds—

(1) any position which was transferred (or the incumbent of which was transferred) from the Transportation Security Administration of the Department of Transportation to the Department of Homeland Security by section 403 of the Homeland Security Act of 2002 (6 U.S.C. 203); or

(2) any other position within the Department of Homeland Security the duties and responsibilities of which include carrying out one or more of the functions that were transferred from the Transportation Security Administration of the Department of Transportation to the Secretary by such section.

(e) PERSONNEL MANAGEMENT SYSTEM DESCRIBED.—A personnel management system described in this subsection is—

(1) any personnel management system, to the extent that it applies with respect to any TSA employees by virtue of section 114(n) of title 49, United States Code; and

(2) any human resources management system, established under chapter 97 of title 5, United States Code.

SEC. 409. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.

Not later than 90 days after the date of the enactment of the Act, the Secretary of Homeland Security shall submit to Congress a plan that—

(1) describes the system to be utilized for the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Assistant Secretary of Homeland Security (Transportation Security Administration), to the automatic selectee and no fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

(2) provides a projected timeline for each phase of testing and implementation of the system;

(3) explains how the system will be integrated with the prescreening system for passenger on international flights; and

(4) describes how the system complies with section 552a of title 5, United States Code.

TITLE V—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. 501. REQUIREMENTS RELATING TO ENTRY OF CONTAINERS INTO THE UNITED STATES.

(a) REQUIREMENTS.—Section 70116 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

''(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

''(A) the container is scanned with equipment that meets the standards established pursuant to paragraph (2)(A) and a copy of the scan is provided to the Secretary; and

''(B) the container is secured with a seal that meets the standards established pursuant to paragraph (2)(B), before the container is loaded on the vessel for shipment to the United States.

''(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

''(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

''(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

''(C) REVIEW AND REVISION.—The Secretary shall—

''(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every two years; and

''(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available, to—

''(I) identify the place of a breach into a container;

''(II) notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

''(III) track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

''(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning given the term 'Exclusive Economic Zone' in section 2101(10a) of this title.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.

(c) REGULATIONS; APPLICATION.—

(1) REGULATIONS.—

(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the pilot system implemented under section 231 of the SAFE Port Act (Public Law 109–347), the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231 of the SAFE Port Act, without regard to the provisions of chapter 5 of title 5, United States Code.

(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, not later than one year after the date of the submission of the report under section 231 of the SAFE Port Act, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

(2) PHASED-IN APPLICATION.—

(A) IN GENERAL.—The requirements of section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

(i) the end of the 3-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

(ii) the end of the 5-year period beginning on the date of the enactment of this Act, in the case of a container loaded on a vessel destined for the United States in any other country.

(B) EXTENSION.—The Secretary may extend by up to one year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

(i) finds that the scanning equipment required under section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, is not available for purchase and installation in the port; and

(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

(d) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

(e) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out section 70116(c) of title 46, United States Code, as added by subsection (a) of this section, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

TITLE VI—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Human Smuggling and Trafficking Center Improvements

SEC. 601. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall provide to the Human Smuggling and Trafficking Center (in this section referred to as the ''Center'') the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its mission.

(b) STAFFING OF THE CENTER.—

(1) IN GENERAL.—Funding provided under subsection (a) shall be used for the hiring of for not fewer than 30 full-time equivalent staff for the Center, to include the following:

(A) One Director.

(B) One Deputy Director for Smuggling.

(C) One Deputy Director for Trafficking.

(D) One Deputy Director for Terrorist Travel.

(E) Not fewer than 15 intelligence analysts or Special Agents, to include the following:

(i) Not fewer than ten such analysts or Agents shall be intelligence analysts or law enforcement agents who shall be detailed from entities within the Department of Homeland Security with human smuggling and trafficking related responsibilities, as determined by the Secretary.

(ii) Not fewer than one full time professional staff detailee from each of the United States Coast Guard, United States Immigration and Customs Enforcement, United States Customs and Border Protection, Transportation Security Administration, and the Office of Intelligence and Analysis.

(2) REQUIREMENTS.—Intelligence analysts or Special Agents detailed to the Center under paragraph (1)(E) shall have at least three years experience related to human smuggling or human trafficking.

(3) DURATION OF ASSIGNMENT.—An intelligence analyst or Special Agent detailed to the Center under paragraph (1)(E) shall be detailed for a period of not less than two years.

(c) FUNDING REIMBURSEMENT.—In operating the Center, the Secretary of Homeland Security shall act in accordance with all applicable requirements of the Economy Act (31 U.S.C. 1535), and shall seek reimbursement from the Attorney General and the Secretary of State, in such amount or proportion as is appropriate, for costs associated with the participation of the Department of Justice and the Department of State in the operation of the Center.

(d) DEVELOPMENT OF PLAN.—The Secretary of Homeland Security shall develop a plan for the Center that—

(1) defines the roles and responsibilities of each Department participating in the Center;

(2) describes how the Department of Homeland Security shall utilize its resources to ensure that the Center uses intelligence to focus and drive its efforts;

(3) describes the mechanism for the sharing of information from United States Immigration and Customs Enforcement and United States Customs and Border Protection field offices to the Center;

(4) describes the mechanism for the sharing of homeland security information from the Center to the Office of Intelligence and Analysis, including how such sharing shall be consistent with section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458);

(5) establishes reciprocal security clearance status to other participating agencies in the Center in order to ensure full access to necessary databases;

(6) establishes or consolidates networked systems for the Center; and

(7) ensures that the assignment of personnel to the Center from agencies of the Department of Homeland Security is incorporated into the civil service career path of such personnel.

(e) MEMORANDUM OF UNDERSTANDING.—The Secretary of Homeland Security shall execute with the Attorney General a Memorandum of Understanding in order to clarify cooperation and coordination between United States Immigration and Customs Enforcement and the Federal Bureau of Investigation regarding issues related to human smuggling, human trafficking, and terrorist travel.

(f) COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis, in coordination with the Center, shall submit to Federal, State, local, and tribal law enforcement and other relevant agencies periodic reports regarding terrorist threats related to human smuggling, human trafficking, and terrorist travel.

Subtitle B—International Collaboration to Prevent Terrorist Travel

SEC. 611. REPORT ON INTERNATIONAL COLLABORATION TO INCREASE BORDER SECURITY, ENHANCE GLOBAL DOCUMENT SECURITY, AND EXCHANGE TERRORIST INFORMATION.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in conjunction with the Director of National Intelligence and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on efforts of the Government of the United States to collaborate with international partners and allies of the United States to increase border security, enhance global document security, and exchange terrorist information.

(b) CONTENTS.—The report required by subsection (a) shall outline—

(1) all presidential directives, programs, and strategies for carrying out and increasing United States Government efforts described in subsection (a);

(2) the goals and objectives of each of these efforts;

(3) the progress made in each of these efforts; and

(4) the projected timelines for each of these efforts to become fully functional and effective.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

Subtitle C—Biometric Border Entry and Exit System

SEC. 621. SUBMITTAL OF PLAN ON BIOMETRIC ENTRY AND EXIT VERIFICATION SYSTEM IMPLEMENTATION.

Not later than 7 days after the date of the enactment of this Act, the Secretary for Homeland Security shall submit to the Committee on Homeland Security and the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate the plan developed by the Secretary under section 7208(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(c)(2)) to accelerate the full implementation of an automated biometric entry and exit data system.

TITLE VII—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program

SEC. 701. FINDINGS.

Congress finds the following:

(1) The intelligence component of a State, local, or regional fusion center (in this title referred to generally as ''fusion centers'') focuses on the intelligence process, in which information is collected, integrated, evaluated, analyzed, and disseminated. The Federal Government and nontraditional sources of intelligence information—such as public safety entities at the State, local, and tribal levels, and private sector organizations—all possess valuable information that when ''fused'' with law enforcement data and properly analyzed at fusion centers can provide law enforcement officers with specific and actionable intelligence about terrorist and related criminal activity.

(2) Participation by local and tribal law enforcement officers and intelligence analysts in fusion centers helps secure the homeland by involving such officers and analysts in the intelligence process on a daily basis, by helping them build professional relationships across every level and discipline of government and the private sector, and by ensuring that intelligence and other information, including threat assessment, public safety, law enforcement, public health, social service, and public works, is shared throughout and among relevant communities. Such local and tribal participation in fusion centers supports the efforts of all law enforcement agencies and departments to anticipate, identify, monitor, and prevent terrorist and related criminal activity.

(3) Some local and tribal law enforcement agencies and departments, however, lack resources to participate fully in fusion centers.

(4) Needs-based grant funding will maximize the participation of local and tribal law enforcement agencies and departments in fusion centers by reducing the costs associated with detailing officers and intelligence analysts to fusion centers. Consequently, such grant funding will not only promote the development of more effective, resourceful, and situationally aware fusion centers, but will also advance the cause of homeland security.

SEC. 702. FLEET GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is further amended by adding at the end the following new section:

''SEC. 203. FLEET GRANT PROGRAM.

''(a) IMPLEMENTATION PLAN AND ESTABLISHMENT.—

''(1) IMPLEMENTATION PLAN.—Not later than 90 days after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall develop a Fusion and Law Enforcement Education and Teaming Grant Program (in this section referred to as the 'FLEET Grant program') implementation plan and submit to the appropriate congressional committees a copy of such plan. In developing such plan, the Secretary shall consult with the Attorney General, the Bureau of Justice Assistance, and the Office of Community Oriented Policing of the Department of Justice and shall encourage the participation of fusion centers and local and tribal law enforcement agencies and departments in the development of such plan. Such plan shall include—

''(A) a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;

''(B) an identification of program stakeholders and an assessment of their interests in and expectations for the program;

''(C) a developed set of quantitative metrics to measure, to the extent possible, program output; and

''(D) a developed set of qualitative instruments (e.g., surveys and expert interviews) to assess the extent to which stakeholders believe their needs and expectations are being met by the program.

''(2) ESTABLISHMENT.—Not later than 180 days after the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall implement and carry out a FLEET Grant program under which the Secretary, in consultation with the Attorney General, shall make grants to local and tribal law enforcement agencies and departments specified by the Secretary, in consultation with the Attorney General, for the purposes described in subsection (b). Subject to subsection (g), each such grant shall be made for a two-year period.

''(b) USE OF GRANT AMOUNTS.—

''(1) IN GENERAL.—A grant made to a local or tribal law enforcement agency or department under subsection (a) shall be used to enable such agency or department to detail eligible law enforcement personnel to participate in a fusion center that serves the geographic area in which such agency or department is located, and may be used for the following purposes:

''(A) To hire new personnel, or to pay existing personnel, to perform the duties of eligible law enforcement personnel who are detailed to a fusion center during the absence of such detailed personnel.

''(B) To provide appropriate training, as determined and required by the Secretary, in consultation with the Attorney General, for eligible law enforcement personnel who are detailed to a fusion center.

''(C) To establish communications connectivity between eligible law enforcement personnel who are detailed to a fusion center and the home agency or department of such personnel in accordance with all applicable laws and regulations.

''(2) MANDATORY PRIVACY AND CIVIL LIBERTIES TRAINING.—All eligible law enforcement personnel detailed to a fusion center under the FLEET Grant Program shall undergo appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

''(3) LIMITATION.—A local or tribal law enforcement agency or department participating in the FLEET Grant program shall continue to provide a salary and benefits to any eligible law enforcement personnel detailed to a fusion center, in the same amounts and under the same conditions that such agency or department provides a salary and benefits to such personnel when not detailed to a fusion center. None of the funds provided by the FLEET grant program may be used to carry out this paragraph.

''(4) ELIGIBLE LAW ENFORCEMENT PERSONNEL DEFINED.—For purposes of this section, the term 'eligible law enforcement personnel' means any local or tribal law enforcement officer or intelligence analyst who meets each eligibility requirement specified by the Secretary. Such eligibility requirements shall include a requirement that the officer or analyst has at least two years of experience as a law enforcement officer or intelligence analyst with the local or tribal law enforcement agency or department selected to participate in the FLEET Grant program.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—No grant may be made under subsection (a) unless an application for such grant has been submitted to, and approved by, the Secretary, in consultation with the Attorney General. Such an application shall be submitted in such form, manner, and time, and shall contain such information, as the Secretary, in consultation with the Attorney General, may prescribe by regulation or guidelines.

''(2) JOINT APPLICATIONS.—A local or tribal law enforcement agency or department may file a joint grant application to detail eligible law enforcement personnel to a fusion center. Such application shall be—

''(A) for a single detailed officer or intelligence analyst, who shall be detailed to work at a fusion center on a full-time basis; or

''(B) in the case of participating local and tribal law enforcement agencies or departments for which a detail arrangement described in subparagraph (A) is likely to result in hardship due to a staffing shortage (as determined by the Secretary, in consultation with the Attorney General), for several eligible law enforcement personnel from multiple local or tribal law enforcement agencies or departments in the same geographic area, who shall be detailed to a fusion center, each on a part-time basis, as part of a shared detail arrangement, as long as—

''(i) any hours worked by a detailed officer or analyst at a fusion center in a shared detail arrangement shall be counted toward the hourly shift obligations of such officer or analyst at his or her local or tribal law enforcement agency or department; and

''(ii) no detailed officer or analyst working at a fusion center in a shared detail arrangement shall be required to regularly work more hours than the officer or analyst would otherwise work if the officer or analyst was not participating in the shared detail arrangement.

''(d) DISTRIBUTION OF GRANTS.—In considering applications for grants under subsection (a), the Secretary, in consultation with the Attorney General, shall ensure that, to the extent practicable—

''(1) entities that receive such grants are representative of a broad cross-section of local and tribal law enforcement agencies and departments;

''(2) an appropriate geographic distribution of grants is made among urban, suburban, and rural communities; and

''(3) such grants are awarded based on consideration of any assessments of risk by the Department of Homeland Security.

''(e) PRIORITY.—The Secretary, in consultation with the Attorney General, shall issue regulations regarding the use of a sliding scale based on financial need to ensure that a local or tribal law enforcement agency or department that is eligible to receive a grant under subsection (a) and that demonstrates to the satisfaction of the Secretary, in consultation with the Attorney General, that it is in financial need (as determined by the Secretary, in consultation with the Attorney General) receives priority in receiving funds under this section.

''(f) MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the portion of the costs of a program, project, or activity funded by a grant made to an entity under subsection (a) may not exceed 80 percent.

''(2) EXCEPTION.—The Secretary, in consultation with the Attorney General, may waive, wholly or in part, the requirement under paragraph (1) of a non-Federal contribution to the costs of a program, project, or activity if the entity receiving the grant for such program, project, or activity can demonstrate to the satisfaction of the Secretary, in consultation with the Attorney General, that it would be a hardship for such entity to satisfy such requirement.

''(g) RENEWAL OF GRANTS.—A grant made to a local or tribal law enforcement agency or department under subsection (a) may be renewed on an annual basis for an additional year after the first two-year period during which the entity receives its initial grant, if—

''(1) the entity can demonstrate to the satisfaction of the Secretary, in consultation with the Attorney General, significant progress in achieving the objectives of the application for the initial grant involved; and

''(2) such renewal would not prevent another local or tribal law enforcement agency or department that has applied for a grant under subsection (a), has not previously received such a grant, and that would otherwise qualify for such a grant, from receiving such a grant, as determined by the Secretary, in consultation with the Attorney General.

''(h) REVOCATION OR SUSPENSION OF FUNDING.—If the Secretary, in consultation with the Attorney General, determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under subsection (c), the Secretary, in consultation with the Attorney General, may revoke or suspend funding of that grant, in whole or in part. In the case of a revocation or suspension of funds under this subsection based on a determination of fraud, waste, or abuse, with respect to a grant recipient, such grant recipient shall be required to refund the grant funds received under subsection (a) that are related to such fraud, waste, or abuse, respectively.

''(i) REPORTS.—

''(1) REPORTS TO SECRETARY.—Each local or tribal law enforcement agency or department that receives a grant under subsection (a) shall submit to the Secretary and the Attorney General a report for each year such agency or department is a recipient of such grant. Each such report shall include a description and evaluation of each program, project, or activity funded by such grant.

''(2) REPORT TO CONGRESS.—One year after the date of the implementation of the FLEET grant program, and biannually thereafter, the Secretary, in consultation with the Attorney General, shall submit to the appropriate congressional committees a report describing the implementation and progress of the FLEET Grant Program. Each such report shall include the following:

''(A) A list of the local and tribal law enforcement agencies and departments receiving grants.

''(B) Information on the grant amounts awarded to each such agency or department.

''(C) Information on the programs, projects, and activities for which the grant funds are used.

''(D) An evaluation of the effectiveness of the FLEET Grant program with respect to the cause of advancing homeland security, including—

''(i) concrete examples of enhanced information sharing and a description of any preventative law enforcement actions taken based on such information sharing;

''(ii) an evaluation of the effectiveness of the detail arrangements with FLEET Grant program grant recipients;

''(iii) an evaluation of how the FLEET Grant program benefits the fusion centers;

''(iv) a description of how individual law enforcement officers and intelligence analysts detailed to the fusion centers benefit from the detail experience; and

''(v) an evaluation of how the detail of the law enforcement officers and intelligence analysts assists the fusion centers in learning more about criminal or terrorist organizations operating within their areas of operation, including a description of any homeland security information requirements that were developed, or any homeland security information gaps that were filled, as a result of the detail arrangement.

''(E) An analysis of any areas of need, with respect to the advancement of homeland security, that could be addressed through additional funding or other legislative action.

''(j) CUSTOMER SATISFACTION SURVEYS.—The Secretary, in consultation with the Attorney General, shall create a mechanism for State, local, and tribal law enforcement officers and intelligence analysts who participate in the FLEET Grant program to fill out an electronic customer satisfaction survey, on an appropriate periodic basis, to assess the effectiveness of the FLEET Grant program with respect to improving information sharing. The results of these voluntary surveys shall be provided electronically to appropriate personnel at the Office of Grants and Training of the Department and at the Bureau of Justice Assistance and the Office

of Community Oriented Policing of the Department of Justice. The results of these customer satisfaction surveys shall also be included in an appropriate format in the reports described in subsection (i).

''(k) CONTINUATION ASSESSMENT.—Five years after the date of the implementation of the FLEET Grant program, the Secretary, in consultation with the Attorney General, shall submit to the appropriate congressional committees a FLEET Grant program continuation assessment. Such continuation assessment shall—

''(1) recommend whether Congress should continue to authorize and fund the FLEET Grant program (as authorized under this section or with proposed changes), and provide the reasoning for such recommendation; and

''(2) if the Secretary recommends the continuation of the FLEET Grant program—

''(A) recommend any changes to the program which the Secretary, in consultation with the Attorney General, has identified as necessary to improve the program, and the reasons for any such changes;

''(B) list and describe legislative priorities for Congress relating to the continuation of the program; and

''(C) provide recommendations for the amounts of funding that should be appropriated for the continuation of the program in future fiscal years, including justifications for such amounts.

''(l) GENERAL REGULATORY AUTHORITY.—The Secretary, in consultation with the Attorney General, may promulgate regulations and guidelines to carry out this section.

''(m) DEFINITIONS.—For the purposes of this section:

''(1) The term 'local law enforcement agency or department' means a local municipal police department or a county sheriff's office in communities where there is no police department.

''(2) The term 'tribal law enforcement agency or department' means the police force of an Indian tribe (as such term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) established and maintained by such a tribe pursuant to the tribe's powers of self-government to carry out law enforcement.''.

(b) DEFINITION OF FUSION CENTER.—Section 2 of such Act is amended by adding at the end the following new paragraph:

''(17) The terms 'State, local, or regional fusion center' and 'fusion center' mean a State intelligence center or a regional intelligence center that is the product of a collaborative effort of at least two qualifying agencies that provide resources, expertise, or information to such center with the goal of maximizing the ability of such intelligence center and the qualifying agencies participating in such intelligence center to provide and produce homeland security information required to detect, prevent, apprehend, and respond to terrorist and criminal activity. For purposes of the preceding sentence, qualifying agencies include—

''(A) State, local, and tribal law enforcement authorities, and homeland and public safety agencies;

''(B) State, local, and tribal entities responsible for the protection of public health and infrastructure;

''(C) private sector owners of critical infrastructure, as defined in section 1016(e) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (42 U.S.C. 5195c(e));

''(D) Federal law enforcement and homeland security entities; and

''(E) other appropriate entities specified by the Secretary.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 202 the following:

''Sec. 203. FLEET Grant Program.''.

Subtitle B—Border Intelligence Fusion Center Program

SEC. 711. FINDINGS.

Congress finds the following:

(1) The United States has 216 airports, 143 seaports, and 115 official land border crossings that are official ports of entry. Screening all the people and goods coming through these busy ports is an enormous resource challenge for the men and women of the Department of Homeland Security (''Department'') .

(2) Department personnel, including personnel from the Bureau of Customs and Border Protection (''CBP'') and U.S. Immigration and Customs Enforcement (''ICE''), cannot be everywhere at all times to ensure that terrorists, weapons of mass destruction, and other related contraband are not being smuggled across the border in order to support attacks against the United States.

(3) State, local, and tribal law enforcement personnel are uniquely situated to help secure the border areas in their respective jurisdictions by serving as ''force multipliers''. To do so, however, law enforcement officers need access to available border intelligence developed by the Department. Such access shall help State, local, and tribal law enforcement personnel deploy their resources most effectively to detect and interdict terrorists, weapons of mass destruction, and related contraband at United States borders.

(4) The Department has not yet developed a single, easily accessible, and widely available system to consistently share border intelligence and other information with its State, local, and tribal law enforcement partners. It likewise has failed to establish a process by which State, local, and tribal law enforcement personnel can consistently share with the Department information that they obtain that is relevant to border security.

(5) As a result, State, local, and tribal law enforcement personnel serving jurisdictions along the northern and southern borders typically depend upon personal relationships with CBP and ICE personnel in their respective jurisdictions to get the information they need. While personal relationships have helped in some locales, they have not in others. This has led to an inconsistent sharing of border intelligence from jurisdiction to jurisdiction.

(6) State, local, and regional fusion centers (''fusion centers'') may help improve this situation.

(7) In the wake of the terrorist attacks of September 11, 2001, numerous State, local, and tribal authorities responsible for the protection of the public and critical infrastructure established fusion centers to help prevent terrorist attacks while at the same time preparing to respond to and recover from a terrorist attack should one occur.

(8) Most border States have some variation of a fusion center.

(9) In general, while the Federal Government has helped to establish fusion centers through the Department's grants, a substantial percentage of the financial burden to support ongoing fusion center operations is borne by States and localities.

(10) The Department, and in particular, the Department's Office of Intelligence and Analysis, has undertaken a program through which it sends such office's personnel to fusion centers to establish a Department presence at those centers. In so doing, the hope is that such personnel will serve as a point of contact for information being shared at fusion centers by State, local, and tribal law enforcement personnel. Personnel at fusion centers hopefully will also act as a channel for information being shared by the Department itself.

(11) Border State, local, and tribal law enforcement officers anticipate that fusion centers will be a critical source of border intelligence from the Department. While the Department's border intelligence products generated in the District of Columbia and disseminated to fusion centers will undoubtedly be helpful, a far richer source of border intelligence will likely come from CBP and ICE personnel working locally in border jurisdictions themselves.

(12) Establishing a CBP and ICE presence at border State fusion centers will help ensure the most consistent, timely, and relevant flow of border intelligence to and from the Department and State, local, and tribal law enforcement in border communities. Border State fusion centers thus could serve as a tool to build upon the personal relationships and information sharing that exists in some, but not all, jurisdictions between CBP, ICE, and State, local, and tribal law enforcement.

SEC. 712. ESTABLISHMENT OF BORDER INTELLIGENCE FUSION CENTER PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

''SEC. 204. BORDER INTELLIGENCE FUSION CENTER PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established in the Department the Border Intelligence Fusion Center Program, to be administered by the Under Secretary for Intelligence and Analysis, for the purpose of stationing Bureau of Customs and Border Protection and U.S. Immigration and Customs Enforcement officers or intelligence analysts in the fusion centers of participating border States.

''(2) NEW HIRES.—Funding provided under the Border Intelligence Fusion Center Program shall be available to hire new CBP and ICE officers or intelligence analysts to replace CBP and ICE officers or intelligence analysts who are stationed at border State fusion centers under this section.

''(b) PARTICIPATION.—

''(1) IN GENERAL.—The Secretary may develop qualifying criteria for a border state fusion center's participation in the Border Intelligence Fusion Center Program.

''(2) CRITERIA.—Such criteria may include the following:

''(A) Whether the center focuses on a broad counterterrorism and counter-criminal approach, and whether that broad approach is pervasive through all levels of the organization.

''(B) Whether the center has sufficient numbers of adequately trained personnel to support a broad counterterrorism and counter-criminal mission.

''(C) Whether the center has access to relevant law enforcement, private sector, open source, and national security data, as well as the ability to share and analytically exploit such data for actionable ends in accordance with all applicable laws and regulations.

''(D) The entity or entities providing financial support for the center's funding.

''(E) Whether the center's leadership is committed to the fusion center's mission, and how the leadership sees the center's role in terrorism prevention, mitigation, response, and recovery.

''(c) ASSIGNMENT.—Wherever possible, not fewer than one CBP officer or intelligence analyst and one ICE officer or intelligence analyst shall be stationed at each participating border State fusion center.

''(d) PREREQUISITE.—

''(1) PRIOR WORK EXPERIENCE IN AREA.—To be stationed at a border State fusion center under this section, a CBP or ICE officer shall have served as a CBP or ICE officer in the State in which the fusion center where such officer shall be stationed is located for not less than two years before such assignment in order to ensure that such officer is familiar with the geography and people living in border communities, as well as the State, local, and tribal law enforcement agencies serving those communities.

''(2) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being stationed at a border State fusion center under this section, a CBP or ICE officer shall undergo—

''(A) appropriate intelligence analysis training via an intelligence-led policing curriculum that is consistent with the standards and recommendations of the National Criminal Intelligence Sharing Plan, the Department of Justice and Department Fusion Center Guidelines, title 28, part 23, Code of Federal Regulations, as well as any other training prescribed by the Under Secretary for Intelligence and Analysis; and

''(B) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

''(3) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Under Secretary for Intelligence and Analysis shall ensure that security clearance processing is expedited for each CBP and ICE officer or intelligence analyst stationed at border State fusion centers under this section and shall ensure that such officer or analyst has the appropriate clearance to conduct the work of the Border Intelligence Fusion Center Program.

''(4) FURTHER QUALIFICATIONS.—Each CBP and ICE officer or intelligence analyst stationed at a border State fusion center under this section shall satisfy any other qualifications the Under Secretary for Intelligence and Analysis may prescribe.

''(e) RESPONSIBILITIES.—

''(1) IN GENERAL.—

''(A) CREATION AND DISSEMINATION OF BORDER INTELLIGENCE PRODUCTS.—CBP and ICE officers and intelligence analysts assigned to border State fusion centers under this section will help State, local, and tribal law enforcement in jurisdictions along the northern and southern borders, and border State fusion center staff, overlay threat and suspicious activity with Federal homeland security information in order to develop a more comprehensive and accurate threat picture. Such CBP and ICE officers and intelligence analysts accordingly shall have as their primary mission the review of border security-relevant information from State, local, and tribal law enforcement sources, and the creation of border intelligence products derived from such information and other border-security relevant information provided by the Department, and the dissemination of such products to border State, local, and tribal law enforcement. CBP and ICE officers or intelligence analysts assigned to border State fusion centers under this section shall also provide such products to the Office of Intelligence and Analysis of the Department for collection and dissemination to other fusion centers in other border States.

''(B) DATABASE ACCESS.—In order to fulfill the objectives described in subparagraph (A), CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section shall have direct access to all relevant databases at their respective agencies.

''(C) CUSTOMER SATISFACTION SURVEYS.—The Secretary shall create a mechanism for State, local, and tribal law enforcement officers who are consumers of the intelligence products described in subparagraph (A) to fill out an electronic customer satisfaction survey whenever they access such a product. The results of these voluntary surveys should be provided electronically to appropriate personnel of the Department. The results of these customer satisfaction surveys should also be included in an appropriate format in the annual status reports described in subsection (h)(2)(A).

''(2) CULTIVATION OF RELATIONSHIPS.—CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section shall actively cultivate relationships with State, local, and tribal law enforcement personnel in border communities in order to satisfy the mission described in paragraph (1), and shall make similar outreach to Canadian and Mexican law enforcement authorities serving neighboring communities across the northern and southern borders. CBP and ICE officers and intelligence analysts stationed at border State fusion centers under this section may also serve as a conduit of border intelligence products from the Department itself and shall ensure that such products are provided to all appropriate law enforcement agencies, departments, and offices in border States.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a border State fusion center to participate in the Border Intelligence Fusion Center Program.

''(g) REPORTS.—

''(1) DEVELOPMENT OF IMPLEMENTATION PLAN.—

''(A) IN GENERAL.—Not later than 90 days after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007, the Secretary shall develop a Border Intelligence Fusion Center Program implementation plan and submit to the appropriate congressional committees a copy of such plan. In developing such plan, the Secretary shall consult with State, local, and tribal authorities responsible for border State fusion centers.

''(B) CONTENTS.—The implementation plan should also address the following elements for effective program assessment:

''(i) A clear articulation of the purposes, goals, and specific objectives for which the program is being developed.

''(ii) An identification of program stakeholders and an assessment of their interests in and expectations of the program.

''(iii) A developed set of quantitative metrics to measure, to the extent possible, program output.

''(iv) A developed set of qualitative instruments (e.g., surveys and expert interviews) to assess the extent to which stakeholders believe their needs and expectations are being met.

''(2) STATUS REPORTS AND CONTINUATION ASSESSMENT.—

''(A) STATUS REPORTS.—

''(i) IN GENERAL.—The Secretary shall submit to the appropriate congressional committees status reports on the Border Intelligence Fusion Center Program. The reports shall address the elements described in paragraph (1)(B). The reports shall also include the following:

''(I) A description of the training programs in place for CBP and ICE officers and intelligence analysts participating in the program.

''(II) A listing of the border State fusion centers where CBP and ICE officers and intelligence analysts are deployed.

''(III) A representative survey of State, local, and tribal law enforcement officers serving border jurisdictions regarding the specificity and actionable nature of the border intelligence provided by CBP and ICE officers at such fusion centers.

''(IV) A description of the results of the customer satisfaction surveys submitted by users of the products described in subsection (e)(1).

''(ii) DEADLINES.—Status reports under clause (i) shall be submitted not later than—

''(I) one year after the date of the enactment of the Implementing the 9/11 Commission Recommendations Act of 2007; and

''(II) three and five years after the date on which the Border Intelligence Fusion Center Program is established.

''(B) CONTINUATION ASSESSMENT.—Not later than the end of the fifth year following the date on which the Border Intelligence Fusion Center Program is established, the Secretary shall submit to the appropriate congressional committees a Border Intelligence Fusion Center Program Continuation Assessment. The continuation assessment shall accomplish the following:

''(i) Recommend whether the program should continue in its present or some altered form or not.

''(ii) Provide the reasons for that recommendation.

''(iii) If the recommendation is that the program should continue, list and describe legislative priorities for Congress regarding the continuation of the program, and provide recommended appropriations amounts and justifications for them.

''(h) DEFINITION OF BORDER STATE FUSION CENTER.—The term 'border State fusion center' means a fusion center located in the State of Washington, Idaho, Montana, North Dakota, Minnesota, Wisconsin, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, California, Arizona, New Mexico, or Texas.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 203 the following:

''Sec. 204. Border Intelligence Fusion Center Program.''.

Subtitle C—Homeland Security Information Sharing Enhancement

SEC. 721. SHORT TITLE.

This subtitle may be cited as the ''Homeland Security Information Sharing Enhancement Act of 2007''.

SEC. 722. HOMELAND SECURITY ADVISORY SYSTEM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

''SEC. 205. HOMELAND SECURITY ADVISORY SYSTEM.

''(a) REQUIREMENT.—The Under Secretary for Intelligence and Analysis shall implement a Homeland Security Advisory System in accordance with this section to provide public advisories and alerts regarding threats to homeland security, including national, regional, local, and economic sector advisories and alerts, as appropriate.

''(b) REQUIRED ELEMENTS.—The Under Secretary, under the System—

''(1) shall include, in each advisory and alert regarding a threat, information on appropriate protective measures and countermeasures that may be taken in response to the threat;

''(2) shall, whenever possible, limit the scope of each advisory and alert to a specific region, locality, or economic sector believed to be at risk; and

''(3) shall not, in issuing any advisory or alert, use color designations as the exclusive means of specifying the homeland security threat conditions that are the subject of the advisory or alert.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is

amended by adding at the end of the items relating to subtitle A of title II the following:

''Sec. 205. Homeland Security Advisory System.''.

SEC. 723. HOMELAND SECURITY INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

''SEC. 206. HOMELAND SECURITY INFORMATION SHARING.

''(a) INFORMATION SHARING ENVIRONMENT.—Consistent with section 1016 of the National Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in accordance with all other applicable laws and regulations, the Secretary shall integrate and standardize the information of the intelligence components of the Department into a Department information sharing environment, to be administered by the Under Secretary for Intelligence and Analysis.

''(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Under Secretary for Intelligence and Analysis with respect to coordinating the different systems used in the Department to gather and disseminate homeland security information.

''(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

''(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Under Secretary for Intelligence and Analysis shall establish Department-wide procedures for the review and analysis of information gathered from State, local, tribal, and private-sector sources and, as appropriate, integrate such information into the information gathered by the Department and other department and agencies of the Federal Government.

''(2) FEEDBACK.—The Secretary shall develop mechanisms to provide analytical and operational feedback to any State, local, tribal, and private-sector entities that gather information and provide such information to the Secretary.

''(d) TRAINING AND EVALUATION OF EMPLOYEES.—

''(1) TRAINING.—The Under Secretary shall provide to employees of the Department opportunities for training and education to develop an understanding of the definition of homeland security information, how information available to them as part of their duties might qualify as homeland security information, and how information available to them is relevant to the Office of Intelligence and Analysis.

''(2) EVALUATIONS.—The Under Secretary shall, on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information and participating in the Department information sharing environment.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 206. Homeland security information sharing.''.

(c) ESTABLISHMENT OF COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.—

(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following new section:

''SEC. 207. COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Chief Intelligence Officer, shall establish a comprehensive information technology network architecture for the Office of Intelligence and Analysis.

''(b) NETWORK MODEL.—The comprehensive information technology network architecture established under subsection (a) shall, to the extent possible, incorporate the approaches, features, and functions of the network proposed by the Markle Foundation in reports issued in October 2002 and December 2003, known as the System-wide Homeland Security Analysis and Resource Exchange (SHARE) Network.

''(c) COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE DEFINED.—the term 'comprehensive information technology network architecture' means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic goals and information resources management goals of the Office of Intelligence and Analysis.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 207. Comprehensive information technology network architecture.''.

(3) REPORTS.—

(A) REPORT ON IMPLEMENTATION OF PLAN.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report containing a plan to implement the comprehensive information technology network architecture for the Office of Intelligence and Analysis of the Department of Homeland Security required under section 205 of the Homeland Security Act of 2002, as added by paragraph (1). Such report shall include the following:

(i) Priorities for the development of the comprehensive information technology network architecture and a rationale for such priorities.

(ii) An explanation of how the various components of the comprehensive information technology network architecture will work together and interconnect.

(iii) A description of the technology challenges that the Office of Intelligence and Analysis will face in implementing the comprehensive information technology network architecture.

(iv) A description of technology options that are available or are in development that may be incorporated into the comprehensive technology network architecture, the feasibility of incorporating such options, and the advantages and disadvantages of doing so.

(v) An explanation of any security protections to be developed as part of the comprehensive information technology network architecture.

(vi) A description of any safeguards for civil liberties and privacy to be built into the comprehensive information technology network architecture.

(vii) An operational best practices plan.

(B) PROGRESS REPORT.—Not later than 180 days after the date on which the report is submitted under subparagraph (A), the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Secretary in developing the comprehensive information technology network architecture required under section 205 of the Homeland Security Act of 2002, as added by paragraph (1).

(d) INTELLIGENCE COMPONENT DEFINED.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is further amended by adding at the end the following new paragraph:

''(18) The term 'intelligence component of the Department' means any directorate, agency, or element of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information except—

''(A) a directorate, agency, or element of the Department that is required to be maintained as a distinct entity under this Act; or

''(B) any personnel security, physical security, document security, or communications security program within any directorate, agency, or element of the Department.''.

Subtitle D—Homeland Security Information Sharing Partnerships

SEC. 731. SHORT TITLE.

This subtitle may be cited as the ''Homeland Security Information Sharing Partnerships Act of 2007''.

SEC. 732. STATE, LOCAL, AND REGIONAL INFORMATION FUSION CENTER INITIATIVE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further is amended by adding at the end the following:

''SEC. 208. STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.

''(a) ESTABLISHMENT.—The Secretary shall establish a State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.

''(b) DUTIES.—Through the State, Local, and Regional Fusion Center Initiative, the Secretary shall—

''(1) coordinate with the principal official of each State, local, or regional fusion center and the official designated as the Homeland Security Advisor of the State;

''(2) provide Department operational and intelligence advice and assistance to State, local, and regional fusion centers;

''(3) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment (as defined under section 1016(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(a)(2))) in accordance with all applicable laws and regulations;

''(4) conduct table-top and live training exercises to regularly assess the capability of individual and regional networks of State, local, and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;

''(5) coordinate with other relevant Federal entities engaged in homeland security-related activities;

''(6) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;

''(7) review homeland security information gathered by State, local, and regional fusion centers and incorporate relevant information with homeland security information of the Department;

''(8) provide management assistance to State, local, and regional fusion centers;

''(9) serve as a point of contact to ensure the dissemination of relevant homeland security information.

''(10) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;

''(11) provide State, local, and regional fusion centers with expertise on Department resources and operations;

''(12) provide training to State, local, and regional fusion centers and encourage such

fusion centers to participate in terrorist threat-related exercises conducted by the Department; and

''(13) carry out such other duties as the Secretary determines are appropriate.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 208. State, Local, and Regional Information Fusion Center Initiative.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of the enactment of this Act and before the State, Local, and Regional Fusion Center Initiative under section 208 of the Homeland Security Act of 2002, as added by subsection (a), has been implemented, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Initiative, which shall include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—

(A) REVIEW OF CONCEPT OF OPERATIONS.—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security shall review the privacy and civil liberties implications of the Initiative and the concept of operations and report any concerns to the Secretary of Homeland Security and the Under Secretary of Homeland Security for Intelligence and Analysis. The Secretary may not implement the Initiative until the Privacy Officer and the Officer for Civil Rights and Civil Liberties have certified that any privacy or civil liberties concerns have been addressed.

(B) REVIEW OF PRIVACY IMPACT.—Under the authority of section 222(5) of the Homeland Security Act of 2002 (6 U.S.C. 142(5)), not later than one year after the date on which the State, Local, and Regional Fusion Center Initiative is implemented, the Privacy Officer of the Department of Homeland Security, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall submit to Congress, the Secretary of Homeland Security, and the Under Secretary of Homeland Security for Intelligence and Analysis a report on the privacy and civil liberties impact of the Initiative.

SEC. 733. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

''SEC. 209. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall establish a fellowship program in accordance with this section for the purpose of—

''(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—

''(i) the mission and capabilities of the Office of Intelligence and Analysis; and

''(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and

''(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by stationing such officers and analysts in order to—

''(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal homeland security information needs;

''(ii) identify homeland security information of interest to State, local, and tribal law enforcement officers and intelligence analysts; and

''(iii) assist Department analysts in preparing and disseminating terrorism-related products that are tailored to State, local, and tribal law enforcement officers and intelligence analysts and designed to thwart terrorist attacks.

''(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program, an individual must—

''(A) have homeland security-related responsibilities or law enforcement-related responsibilities;

''(B) be eligible for an appropriate national security clearance;

''(C) possess a valid need for access to classified information, as determined by the Under Secretary for Intelligence and Analysis;

''(D) be an employee of an eligible entity; and

''(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties in partnership with the Privacy and Civil Liberties Oversight Board.

''(2) ELIGIBLE ENTITIES.—For purposes of this subsection, the term 'eligible entity' means—

''(A) a State, local, or regional fusion center;

''(B) a State or local law enforcement or other government entity that serves a major metropolitan area, as determined by the Secretary;

''(C) a State or local law enforcement or other government entity that serves a suburban or rural area, as determined by the Secretary;

''(D) a State or local law enforcement or other government entity with port responsibilities, as determined by the Secretary;

''(E) a State or local law enforcement or other government entity with border responsibilities, as determined by the Secretary;

''(F) a State or local law enforcement or other government entity with agricultural responsibilities, as determined by the Secretary;

''(G) a tribal law enforcement or other authority; or

''(H) such other entity as the Secretary determines is appropriate.

''(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.

''(d) PROCEDURES FOR NOMINATION AND SELECTION.—

''(1) IN GENERAL.—The Under Secretary shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.

''(2) LIMITATIONS.—The Under Secretary shall—

''(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

''(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.

''(e) LENGTH OF SERVICE.—Information Sharing Fellows shall serve for a reasonable period of time, as determined by the Under Secretary. Such period of time shall be sufficient to advance the information-sharing goals of the Under Secretary and encourage participation by as many qualified nominees as possible.

''(f) CONDITION.—As a condition of selecting an individual as an Information Sharing Fellow under the program, the Under Secretary shall require that the individual's employer agree to continue to pay the individual's salary and benefits during the period for which the individual is detailed.

''(g) STIPEND.—During the period for which an individual is detailed under the program, the Under Secretary shall, subject to the availability of appropriations provide to the individual a stipend to cover the individual's reasonable living expenses for that period.

''(h) SECURITY CLEARANCES.—If an individual selected for a fellowship under the Information Sharing Fellows Program does not possess the appropriate security clearance, the Under Secretary shall ensure that security clearance processing is expedited for such individual and shall ensure that each such Information Sharing Fellow has obtained the appropriate security clearance prior to participation in the Program.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 209. Homeland Security Information Sharing Fellows Program.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of the enactment of this Act and before the implementation of the Homeland Security Information Sharing Fellows Program under section 209 of the Homeland Security Act of 2002, as added by subsection (a), the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) PRIVACY AND CIVIL LIBERTIES.—

(A) REVIEW OF CONCEPT OF OPERATIONS.—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security shall review the privacy and civil liberties implications of the Program and the concept of operations and report any concerns to the Secretary of Homeland Security and the Under Secretary of Homeland Security for Intelligence and Analysis. The Secretary may not implement the Program until the Privacy Officer and the Officer for Civil Rights and Civil Liberties have certified that any privacy or civil liberties concerns have been addressed.

(B) REVIEW OF PRIVACY IMPACT.—Under the authority of section 222(5) of the Homeland Security Act of 2002 (6 U.S.C. 142(5)), not later than one year after the date on which the Homeland Security Information Sharing Fellows Program is implemented, the Privacy Officer of the Department of Homeland Security, in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall submit to Congress, the Secretary of Homeland Security, and the Under Secretary of Homeland Security for Intelligence and Analysis a

report on the privacy and civil liberties impact of the Program.

Subtitle E—Homeland Security Intelligence Offices Reorganization

SEC. 741. DEPARTMENTAL REORGANIZATION.

(a) REDESIGNATION OF DIRECTORATE FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended—

(1) in subsection (a)(1)—

(A) by striking ''a Directorate for Information Analysis and Infrastructure Protection'' and inserting ''an Office of Intelligence and Analysis''; and

(B) by striking ''an Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''an Under Secretary for Intelligence and Analysis'';

(2) by striking subsection (b) and redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (b), as so redesignated—

(A) by striking ''and infrastructure protection'' before ''are carried out'' and inserting ''and intelligence''; and

(B) by striking ''the Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''the Under Secretary for Intelligence and Analysis'';

(4) in subsection (c), as so redesignated—

(A) by striking ''the Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''the Under Secretary for Intelligence and Analysis'';

(B) by striking paragraphs (2), (5), and (6), and redesignating paragraphs (3) through (17) as paragraphs (2) through (14), respectively;

(C) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively;

(D) in paragraph (2), as so redesignated, by striking ''To integrate'' and inserting ''To participate in the integration of'';

(E) in paragraph (14), as so redesignated, by inserting ''the Assistant Secretary for Infrastructure Protection and'' after ''coordinate with''; and

(F) by inserting after paragraph (14), as redesignated by subparagraph (B), the following new paragraphs:

''(15) To coordinate and enhance integration among intelligence components of the Department.

''(16) To establish intelligence priorities, policies, processes, standards, guidelines, and procedures for the Department.

''(17) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

''(18) To ensure that, whenever possible—

''(A) the Under Secretary for Intelligence and Analysis produces and disseminates reports and analytic products based on open-source information that do not require a national security classification under applicable law; and

''(B) such unclassified open source reports are produced and disseminated contemporaneously with reports or analytic products concerning the same or similar information that the Under Secretary for Intelligence and Analysis produces and disseminates in a classified format.

''(19) To establish within the Office of Intelligence Analysis an Internal Continuity of Operations (COOP) Plan that—

''(A) assures that the capability exists to continue uninterrupted operations during a wide range of potential emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies, that is maintained at a high level of readiness and is capable of implementation with and without warning; and

''(B) includes plans and procedures governing succession to office within the Office of Intelligence and Analysis, including—

''(i) emergency delegations of authority (where permissible, and in accordance with applicable law);

''(ii) the safekeeping of vital resources, facilities, and records;

''(iii) the improvisation or emergency acquisition of vital resources necessary for the performance of operations of the Office; and

''(iv) the capability to relocate essential personnel and functions to and to sustain the performance of the operations of the Office at an alternate work site until normal operations can be resumed.'';

(5) in subsections (d) and (e), as redesignated by subsection (a)(2), by striking ''Directorate'' each place it appears and inserting ''Office''; and

(6) in subsection (f), as redesignated by subsection (a)(2)—

(A) by striking ''the Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''the Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection''; and

(B) by inserting ''and section 203'' after ''under this section''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 103(a), by adding at the end the following new paragraph:

''(10) An Under Secretary for Intelligence and Analysis.'';

(B) in section 223, by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection'';

(C) in section 224, by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Assistant Secretary for Infrastructure Protection''; and

(D) in section 302(3), by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection''.

(2) HEADINGS.—

(A) SECTION 201.—The heading for section 201 of such Act is amended to read as follows:

''SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.''.

(B) SECTION 201(a).—The heading for subsection (a) of section 201 of such Act is amended to read as follows:

''(a) UNDER SECRETARY OF HOMELAND SECURITY FOR INTELLIGENCE AND ANALYSIS.—''.

(C) SECTION 201(b).—The heading for subsection (b) of section 201 of such Act, as redesignated by subsection (a)(2), is amended to read as follows:

''(b) DISCHARGE OF INTELLIGENCE AND ANALYSIS.—''.

(3) NATIONAL SECURITY ACT OF 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

''(I) The Under Secretary for Intelligence and Analysis of the Department of Homeland Security.''.

(4) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 7306(a)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3848) is amended by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis''.

SEC. 742. INTELLIGENCE COMPONENTS OF DEPARTMENT OF HOMELAND SECURITY.

(a) RESPONSIBILITIES.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following new section:

''SEC. 210. INTELLIGENCE COMPONENTS.

''(a) RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the responsibilities of the head of each intelligence component of the Department are as follows:

''(1) To ensure that duties related to the acquisition, analysis, and dissemination of homeland security information are carried out effectively and efficiently in support of the Under Secretary for Intelligence and Analysis.

''(2) To support and implement the goals established in cooperation with the Under Secretary for Intelligence and Analysis.

''(3) To incorporate the input of the Under Secretary for Intelligence and Analysis with respect to performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation.

''(4) To coordinate with the Under Secretary for Intelligence and Analysis in the recruitment and selection of intelligence officials of the intelligence component.

''(5) To advise and coordinate with the Under Secretary for Intelligence and Analysis on any plan to reorganize or restructure the intelligence component that would, if implemented, result in realignments of intelligence functions.

''(6) To ensure that employees of the intelligence component have knowledge of and comply with the programs and policies established by the Under Secretary for Intelligence and Analysis and other appropriate officials of the Department and that such employees comply with all applicable laws and regulations.

''(7) To perform such other duties relating to such responsibilities as the Secretary may provide.

''(b) TRAINING OF EMPLOYEES.—The Secretary shall provide training and guidance for employees, officials, and senior executives of the intelligence components of the Department to develop knowledge of laws, regulations, operations, policies, procedures, and programs that are related to the functions of the Department relating to the handling, analysis, dissemination, and acquisition of homeland security information.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 210. Intelligence components.''.

SEC. 743. OFFICE OF INFRASTRUCTURE PROTECTION.

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is further amended by adding at the end the following new section:

''SEC. 210A. OFFICE OF INFRASTRUCTURE PROTECTION.

''(a) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—

''(1) IN GENERAL.—There shall be in the Department an Office of Infrastructure Protection headed by an Assistant Secretary for Infrastructure Protection.

''(2) RESPONSIBILITIES.—The Assistant Secretary shall assist the Secretary in discharging the responsibilities assigned by the Secretary.

''(b) DISCHARGE OF INFRASTRUCTURE PROTECTION.—The Secretary shall ensure that the responsibilities of the Department regarding infrastructure protection are carried out through the Assistant Secretary for Infrastructure Protection.

''(c) RESPONSIBILITIES OF ASSISTANT SECRETARY.—Subject to the direction and control of the Secretary, the responsibilities of

the Assistant Secretary for Infrastructure Protection shall be as follows:

''(1) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States (including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks).

''(2) To participate in the integration of relevant information, analyses, and vulnerability assessments (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities.

''(3) To develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems.

''(4) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities.

''(5) To coordinate with the Under Secretary for Intelligence and Analysis and elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector, as appropriate.

''(6) To perform such other duties as assigned by the Secretary under this Act.

''(d) STAFF.—

''(1) IN GENERAL.—The Secretary shall provide the Office with a staff having appropriate expertise and experience to assist the Assistant Secretary in discharging responsibilities under this section.

''(2) PRIVATE SECTOR STAFF.—Staff under this subsection may include staff from the private sector.

''(3) SECURITY CLEARANCES.—Staff under this subsection shall possess security clearances appropriate for their work under this section.

''(e) DETAIL OF PERSONNEL.—

''(1) IN GENERAL.—In order to assist the Office in discharging responsibilities under this section, personnel of other Federal agencies may be detailed to the Department for the performance of analytic functions and related duties.

''(2) COOPERATIVE AGREEMENTS.—The Secretary and the head of the agency concerned may enter into cooperative agreements for the purpose of detailing personnel under this subsection.

''(3) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

''Sec. 210A. Office of Infrastructure Protection.''.

TITLE VIII—PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

Subtitle A—Privacy and Civil Liberties Oversight Boards

SEC. 801. SHORT TITLE.

This subtitle may be cited as the ''Protection of Civil Liberties Act''.

SEC. 802. FINDINGS.

Congress finds the following:

(1) On July 22, 2004 the National Commission on Terrorist Attacks Upon the United States issued a report that included 41 specific recommendations to help prevent future terrorist attacks, including details of a global strategy and government reorganization necessary to implement that strategy.

(2) One of the recommendations focused on the protections of civil liberties. Specifically the following recommendation was made: ''At this time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.''.

(3) The report also states that ''the choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our History has shown that the insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.''.

(4) On December 17, 2004, Public Law 108–458, the National Intelligence Reform Act, was signed into law. This law created a civil liberties board that does not have the authority necessary to protect civil liberties.

SEC. 803. MAKING THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD INDEPENDENT.

Section 1061(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended by striking ''within the Executive Office of the President'' and inserting ''as an independent agency within the Executive branch''.

SEC. 804. REQUIRING ALL MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD BE CONFIRMED BY THE SENATE.

Subsection (e) of section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

''(e) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President by no later than 6 months after the date of the enactment of the Protection of Civil Liberties Act, by and with the advice and consent of the Senate, which shall move expeditiously following each nomination.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of six years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

''(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively, from the effective date of this Act, with the term of each such member to be designated by the President.

''(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.''.

SEC. 805. SUBPOENA POWER FOR THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.

Section 1061(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended—

(1) so that subparagraph (D) of paragraph (1) reads as follows:

''(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.''; and

(2) so that paragraph (2) reads as follows:

''(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.''.

SEC. 806. REPORTING REQUIREMENTS.

(a) DUTIES OF BOARD.—Paragraph (4) of section 1061(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

''(4) REPORTS.—

''(A) RECEIPT, REVIEW, AND SUBMISSION.—

''(i) IN GENERAL.—The Board shall—

''(I) receive and review reports from privacy officers and civil liberties officers described in section 212; and

''(II) periodically submit, not less than semiannually, reports to the appropriate congressional committees, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i)(II) shall include—

''(I) a description of the major activities of the Board during the preceding period;

''(II) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c);

''(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (c); and

''(IV) each proposal reviewed by the Board under subsection (c)(1) that the Board advised against implementing, but that notwithstanding such advice, was implemented.

''(B) INFORMING THE PUBLIC.—The Board shall—

''(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.''.

(b) PRIVACY AND CIVIL LIBERTIES OFFICERS.—

(1) DESIGNATION OF OFFICERS.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3688) is amended to read as follows:

''SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.

''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, any other entity within the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board to be appropriate for coverage under this section shall designate not less than 1 senior officer to—

''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;

''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and

''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—

''(A) that the power actually enhances security and the need for the power is balanced with the need to protect privacy and civil liberties;

''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decisionmakers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate congressional committees, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

''(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 1062 and inserting the following:

''Sec. 1062. Privacy and civil liberties officers.''.

Subtitle B—Enhancement of Privacy Officer Authorities

SEC. 811. SHORT TITLE.

This subtitle may be cited as the ''Privacy Officer With Enhanced Rights Act of 2007'' or the ''POWER Act''.

SEC. 812. AUTHORITIES OF THE PRIVACY OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) by inserting before the first sentence the following: ''(a) APPOINTMENT AND RESPONSIBILITIES.—''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO INVESTIGATE.—

''(1) IN GENERAL.—The senior official appointed under this section is specifically authorized—

''(A) to have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to which the senior official has responsibilities under this section;

''(B) to make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the senior official's judgment, necessary or desirable;

''(C) to require by subpoena the production, by persons other than Federal agencies, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the functions of the senior official under this section;

''(D) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the functions of the senior official under this section; and

''(E) to take any other action that may be taken by the Inspector General of the Department, as necessary to require employees of the Department to produce documents and answer questions relevant to performance of the functions of the senior official under this section.

''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall,

in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

''(3) EFFECT OF OATHS, ETC.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

''(c) TERM OF OFFICE.—The term of appointment of a senior official under subsection (a) shall be 5 years.

''(d) REPORTS TO CONGRESS.—The senior official appointed under subsection (a) shall submit reports directly to Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget.''.

TITLE IX—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

SEC. 901. VULNERABILITY ASSESSMENT AND REPORT ON CRITICAL INFRASTRUCTURE INFORMATION.

(a) IN GENERAL.—Subtitle B of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

''SEC. 216. ANNUAL CRITICAL INFRASTRUCTURE VULNERABILITY ASSESSMENT AND REPORT.

''(a) VULNERABILITY ASSESSMENT REQUIRED.—Except where a vulnerability assessment is required under another provision of law, for each fiscal year, the Secretary, acting through the Assistant Secretary for Infrastructure Protection pursuant to the responsibilities under section 210A, shall prepare a vulnerability assessment of the critical infrastructure information available to the Secretary with respect to that fiscal year. Each vulnerability assessment shall contain any actions or countermeasures proposed or recommended by the Secretary to address security concerns covered in the assessment. The information in each such assessment shall be set forth separately for each critical infrastructure sector, including the critical infrastructure sectors named in Homeland Security Presidential Directive-7, as in effect on January 1, 2006.

''(b) ANNUAL REPORT TO CONGRESS.—

''(1) REPORT REQUIRED.—Not later than six months after the last day of a fiscal year, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing a summary and review of the vulnerability assessments prepared by the Secretary under subsection (a) for that fiscal year and the two preceding fiscal years. The information in the report shall be set forth separately for each of the critical infrastructure sectors described in subsection (a).

''(2) CONTENTS OF REPORT.—The Secretary shall include in the report required under paragraph (1)—

''(A) for each critical infrastructure sector covered by the report, a summary comparison describing any changes between the vulnerability assessment for the fiscal year covered by the report and the vulnerability assessment for the preceding fiscal year;

''(B) the explanation and comments of the Secretary with respect to the greatest risks to critical infrastructure for each such sector; and

''(C) the recommendations of the Secretary for mitigating such risks.

''(3) CLASSIFIED ANNEX.—The report required under paragraph (1) may contain a classified annex.''.

(b) TECHNICAL AMENDMENT.—Section 212(3) of such Act (6 U.S.C. 131(3)) is amended—

(1) by inserting ''relating to'' after ''the security of critical infrastructure or protected systems''; and

(2) in subparagraph (A), by inserting ''the'' after ''(A)''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 215 the following new item:

''Sec. 216. Annual critical infrastructure vulnerability assessment and report.''.

SEC. 902. NATIONAL ASSET DATABASE AND THE NATIONAL AT-RISK DATABASE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new sections:

''SEC. 210C. NATIONAL ASSET DATABASE AND NATIONAL AT-RISK DATABASE.

''(a) ESTABLISHMENT.—

''(1) NATIONAL ASSET DATABASE.—The Secretary shall establish and maintain a national database of nationwide critical infrastructure assets to identify and prioritize critical infrastructure and key resources and to protect them from terrorist attack. The database shall be known as the 'National Asset Database'.

''(2) NATIONAL AT-RISK DATABASE.—The Secretary shall establish within the National Asset Database, a database containing a list of the infrastructure the Secretary determines is most at risk, to be known as the 'National At-Risk Database'.

''(3) NATIONAL ASSET DATABASE CONSORTIUM.—

''(A) ESTABLISHMENT.—The Secretary shall establish a consortium to be known as the 'National Asset Database Consortium'. The Consortium shall advise the Secretary on the best way to identify, generate, organize, and maintain the databases described in paragraphs (1) and (2) and shall be made up of at least two but not more than four national laboratories and the heads of such other Federal agencies as the Secretary deems appropriate.

''(B) ADMINISTRATION AND CONSULTATION.—The Secretary shall—

''(i) select as members of the National Asset Database Consortium national laboratories or Federal agencies that have demonstrated experience working with and identifying critical infrastructure;

''(ii) enter into contracts, as necessary, with the members of the National Asset Database Consortium to perform the tasks required under this section; and

''(iii) solicit and receive comments from the National Asset Database Consortium on—

''(I) the appropriateness of the protection and risk methodologies in the National Infrastructure Protection Plan or other nationwide infrastructure protection plan issued by the Department; and

''(II) alternative means to define risk and identify specific criteria to prioritize the most at-risk infrastructure or key resources.

''(b) USE OF DATABASE.—The Secretary shall use the database established under subsection (a)—

''(1) in the development, coordination, integration, and implementation of plans and programs, including to identify, catalog, prioritize, and protect critical infrastructure and key resources in accordance with Homeland Security Presidential Directive number 7, and in cooperation with all levels of government and private sector entities that the Secretary considers appropriate; and

''(2) in providing any covered grant to assist in preventing, reducing, mitigating, or responding to terrorist attack.

''(c) MAINTENANCE OF DATABASE.—

''(1) IN GENERAL.—The Secretary shall maintain and annually update the database, including by—

''(A) annually defining and systematically examining assets in the database that are described incorrectly or that do not meet national assets guidelines used by the Secretary to determine which assets should remain in the National Asset Database and the National At-Risk Database;

''(B) annually providing a list to the States of assets referred to in subparagraph (A) for review before finalizing the decision of which assets to include in the National Asset Database and the National At-Risk Database;

''(C) reviewing the guidelines to the States to ensure consistency and uniformity for inclusion and how the Department intends to use that data;

''(D) meeting annually with the States to provide guidance and clarification of the guidelines to promote consistency and uniformity in submissions;

''(E) utilizing on an ongoing basis the National Asset Database and other expert panels established by the Department to review and refine the National Asset Database and the National At-Risk Database; and

''(F) utilizing the Department's National Infrastructure Simulation and Analysis Center for the National Asset Database taxonomy and asset information in the National Asset Database and facilitating the future exchange of information between the National Asset Database and such center.

''(2) ORGANIZATION OF INFORMATION IN DATABASE.—The Secretary shall—

''(A) remove from the National Asset Database or the National At-Risk Database any asset that the Secretary determines to be unverifiable and as not meeting national asset guidelines set forth by the Secretary in requests for information from States; and

''(B) classify assets in the database according to the 17 sectors listed in National Infrastructure Protection Plan developed pursuant to Homeland Security Presidential Directive 7, to ensure that the assets in the National Asset Database and the National At-Risk Database can be categorized by State and locality, regionally, and in such a manner as is effective for grants and other purposes.

''(3) MILESTONES AND GUIDELINES.—The Secretary shall—

''(A) identify and evaluate key milestones for the National Asset Database and the National At-Risk Database, including methods to integrate private sector assets and tasks that must be completed to eventually allocate homeland security grant programs based on the information contained in the database; and

''(B) issue guidelines for—

''(i) States to submit uniform information for possible inclusion in the National Asset Database or the National At-Risk Database; and

''(ii) review of such submissions by the Department.

''(d) REPORTS.—

''(1) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the critical infrastructure included in the National Asset Database that is most at risk to terrorism.

''(2) CONTENTS.—Each report shall include the following:

''(A) The name, location, and sector classification of assets in the National Asset Database that have been identified or deemed critical infrastructure that is most at risk to terrorism.

''(B) Changes made in such database regarding such critical infrastructure made during the period covered by the report regarding—

''(i) defining and identifying critical infrastructure; and

''(ii) compiling a usable database.

''(C) The extent to which the database has been used as a tool for allocating funds to prevent, reduce, mitigate, and respond to terrorist attacks.

''(3) CLASSIFIED INFORMATION.—The Secretary shall provide to the members of the committees to which the report required under this subsection is required to be submitted under paragraph (1) a classified briefing on the contents of such report. The Secretary shall also submit with each report a classified annex containing information required to be submitted under this section that cannot be made public.

''(e) COVERED GRANT DEFINED.—In this section, the term 'covered grant' means any grant provided by the Department under any of the following:

''(1) The Urban Area Security Initiative.

''(2) The Buffer Zone Protection Program.

''(3) Any other grant program administered by the Department, as determined appropriate by the Secretary.

''(4) Any successor to a program referred to in this paragraph.''.

(b) DEADLINES FOR IMPLEMENTATION AND NOTIFICATION OF CONGRESS.—

(1) DEADLINE FOR RECOMMENDATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall secure recommendations on how to identify, generate, organize, and maintain the list of assets in the databases from the consortium of national laboratories, as required under section 210C(a)(2) of the Homeland Security Act of 2002, as added by subsection (a).

(2) DEADLINE FOR FIRST REPORT REGARDING USE OF THE NATIONAL ASSET DATABASE.—Notwithstanding the date specified under section 210C(d) of the Homeland Security Act of 2002, as added by subsection (a), the Secretary of Homeland Security shall submit the first report required under that section not later than 180 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210 the following:

''Sec. 210C. National Asset Database and National At-Risk Database.''.

(d) SUBMITTAL OF CERTAIN REPORTS.—Each report that is authorized or required by this Act (or the amendments made by this Act) to be prepared by the Secretary of Homeland Security and that concerns a matter of the type carried out under an program under the jurisdiction of the Committee on Energy and Commerce of the House of Representatives shall be submitted to the Committee on Energy and Commerce of the House of Representatives, in addition to the other congressional committees involved.

TITLE X—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

SEC. 1001. STRATEGIC TRANSPORTATION SECURITY INFORMATION SHARING.

Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) STRATEGIC INFORMATION SHARING.—

''(1) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security shall establish a Strategic Transportation Security Information Sharing Plan.

''(2) PURPOSE OF PLAN.—The plan shall ensure the robust development of tactical and strategic intelligence products for disseminating to public and private stakeholders security information relating to threats to and vulnerabilities of transportation modes, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, and over-the-road bus transportation.

''(3) CONTENT OF PLAN.—The plan shall include—

''(A) a description of how intelligence analysts in the Transportation Security Administration are coordinating their activities with other intelligence analysts in the Department of Homeland Security and other Federal, State, and local agencies;

''(B) reasonable deadlines for completing any organizational changes within the Department of Homeland Security required to accommodate implementation of the plan; and

''(C) a description of resource needs for fulfilling the plan.

''(4) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report containing the plan.

''(B) UPDATES.—

''(i) CERTIFICATION OF FULL IMPLEMENTATION.—After achieving full implementation of the plan, the Secretary shall submit to the appropriate congressional committees a written certification of such implementation.

''(ii) UPDATES ON IMPLEMENTATION.—Not later than 90 days after the date of submission of a report under subparagraph (A), and every 90 days thereafter until the date of submission of a written certification under clause (i), the Secretary shall submit to the appropriate congressional committees a report containing an update on implementation of the plan.

''(C) ANNUAL REPORT.—Following the date of submission of a written certification under subparagraph (B)(i), the Secretary shall submit to the appropriate congressional committees an annual report on the following:

''(i) The number of transportation intelligence reports disseminated under the plan and a brief description of each report.

''(ii) The security classification of each report.

''(iii) The number of public and private stakeholders who were provided with each report.

''(5) SURVEY.—The Secretary shall conduct an annual survey of the satisfaction of each of the recipients of transportation intelligence reports disseminated under the plan, and include the results of the survey as part of the annual report to be submitted under paragraph (4)(C).

''(6) SECURITY CLEARANCES.—The Secretary shall ensure that public and private stakeholders have the security clearances needed to receive classified information if information contained in transportation intelligence reports cannot be disseminated in an unclassified format.

''(7) CLASSIFICATION OF MATERIAL.—To the greatest extent possible, the Secretary shall provide public and private stakeholders with specific and actionable information in an unclassified format.

''(8) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

''(B) PLAN.—The term 'plan' means the Strategic Transportation Security Information Sharing Plan established under paragraph (1).

''(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations.''.

SEC. 1002. TRANSPORTATION SECURITY STRATEGIC PLANNING.

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B) transportation modal security plans addressing risks, threats, and vulnerabilities for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets.''.

(b) ROLE OF SECRETARY OF TRANSPORTATION.—Section 114(t)(2) of such title is amended by inserting before the period at the end the following: ''and in carrying out all other responsibilities set forth in this subsection''.

(c) CONTENTS OF NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B) by inserting '', based on vulnerability assessments conducted by the Department of Homeland Security,'' after ''risk-based priorities'';

(2) in subparagraph (D)—

(A) by striking ''and local'' and inserting '', local, and tribal''; and

(B) by striking ''private sector cooperation and participation'' and inserting ''cooperation and participation by private sector entities, including nonprofit employee labor organizations,'';

(3) in subparagraph (E)—

(A) by striking ''response'' and inserting ''prevention, response,''; and

(B) by inserting ''and outside of'' before ''the United States''; and

(4) in subparagraph (F) by adding at the end the following: ''Research and development projects initiated by the Department of Homeland Security shall be based on such prioritization.''.

(d) PERIODIC PROGRESS REPORT.—Section 114(t)(4)(C) is amended—

(1) in clause (i) by inserting before the period at the end the following: '', including the transportation modal security plans'';

(2) by striking clause (ii) and inserting the following:

''(ii) CONTENT.—Each progress report submitted under this subparagraph shall include, at a minimum, the following:

''(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate.

''(II) An accounting of all grants for transportation security, including grants for research and development, distributed by the Department of Homeland Security in the previous year and a description of how the grants accomplished the goals of the National Strategy for Transportation Security.

''(III) An accounting of all funds (other than grants referred in subclause (II)) expended by the Department of Homeland Security on transportation security.

''(IV) Information on the number of employees of the Department of Homeland Security, by agency, working on transportation security issues. The listing shall be divided by transportation mode, including aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation modes. The listing shall include information, by transportation mode, on the number of contractors hired by the Department of Homeland Security to work on transportation-related security.

''(V) Information on the turnover in the previous year among employees of the Department of Homeland Security working on transportation security issues. Specifically, the report shall provide information on the number of employees who have left the Department, their agency, the area in which they worked, and the amount of time that they worked for the Department.

''(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Before carrying out a transportation security activity that is not clearly delineated in the National Strategy for Transportation Security, the Secretary shall submit to appropriate congressional committees a written explanation of the activity, including the amount of funds to be expended for the activity.''.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—Section 114(t)(4)(E) of such title is amended by striking ''Select''.

(f) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

''(iv) the transportation sector specific plan required under Homeland Security Presidential Directive 7; and''.

(g) COORDINATION; PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

''(6) COORDINATION.—In carrying out the responsibilities set forth in this section, the Secretary of Homeland Security, working with the Secretary of Transportation, shall consult with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.

''(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall provide an unclassified version of the National Strategy for Transportation Security to Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other appropriate entities.''.

TITLE XI—PRIVATE SECTOR PREPAREDNESS

SEC. 1101. PARTICIPATION OF PRIVATE SECTOR ORGANIZATIONS IN EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES.

(a) ESTABLISHMENT OF PREPAREDNESS PROGRAM.—Section 519 of the Homeland Security Act of 2002 (6 U.S.C. 318) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 519. PARTICIPATION OF PRIVATE SECTOR ORGANIZATIONS IN EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES.'';

(2) by inserting ''(a) USE OF PRIVATE SECTOR NETWORKS IN EMERGENCY RESPONSE.—'' before ''To the maximum''; and

(3) by adding at the end the following:

''(b) PRIVATE SECTOR EMERGENCY PREPAREDNESS PROGRAM.—

''(1) PREPAREDNESS PROGRAM.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall develop and implement a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters through the promotion of the use of voluntary consensus standards.

''(2) PROGRAM ELEMENTS.—In carrying out the program, the Secretary shall develop guidance and identify best practices to assist or foster action by the private sector in—

''(A) identifying hazards and assessing risks and impacts;

''(B) mitigating the impacts of a wide variety of hazards, including weapons of mass destruction;

''(C) managing necessary emergency preparedness and response resources;

''(D) developing mutual aid agreements;

''(E) developing and maintaining emergency preparedness and response plans, as well as associated operational procedures;

''(F) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;

''(G) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operations procedures; and

''(H) developing procedures to respond to external requests for information from the media and the public.

''(3) STANDARDS.—

''(A) IN GENERAL.—The Secretary shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for private sector emergency preparedness that will enable private sector organizations to achieve optimal levels of emergency preparedness as soon as practicable. Such standards shall include the National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs.

''(B) CONSULTATION.—The Secretary shall carry out paragraph (1) in consultation with the Assistant Secretary for Infrastructure Protection, the Assistant Secretary for Cyber Security and Communications, the Under Secretary for Science and Technology, the Director of the Federal Emergency Management Agency, and the Special Assistant to the Secretary for the Private Sector.

''(4) COORDINATION.—The Secretary shall coordinate the program with, and utilize to the maximum extent practicable—

''(A) the voluntary standards for disaster and emergency management and business continuity programs accredited by the American National Standards Institute and developed by the National Fire Protection Association; and

''(B) any existing private sector emergency preparedness guidance or best practices developed by private sector industry associations or other organizations.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 1(b) of such Act is amended by striking the item relating to section 519 and inserting the following:

''Sec. 519. Participation of private sector organizations in emergency preparedness and response activities.''.

TITLE XII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

SEC. 1201. FINDINGS.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the 9/11 Commission made the following determinations:

(1) The United States Government has made insufficient progress, and receives a grade ''D'', on efforts to prevent weapons of mass destruction (WMD) proliferation and terrorism.

(2) The Cooperative Threat Reduction (CTR) program has made significant accomplishments, but much remains to be done to secure weapons-grade nuclear materials. The size of the problem still dwarfs the policy response. Nuclear materials in the former Soviet Union still lack effective security protection, and sites throughout the world contain enough highly-enriched uranium to fashion a nuclear device but lack even basic security features.

(3) Preventing the proliferation of WMD and acquisition of such weapons by terrorists warrants a maximum effort, by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative (PSI), and supporting the Cooperative Threat Reduction (CTR) Program.

(4) Preventing terrorists from gaining access to WMD must be an urgent national security priority because of the threat such access poses to the American people. The President should develop a comprehensive plan to dramatically accelerate the timetable for securing all nuclear weapons-usable material around the world and request the necessary resources to complete this task. The President should publicly state this goal and ensure its fulfillment.

(5) Congress should provide the resources needed to secure vulnerable materials as quickly as possible.

(b) RECOMMENDATIONS OF 9/11 COMMISSION.—Congress further finds that the 9/11 Commission has made the following recommendations:

(1) STRENGTHEN ''COUNTER-PROLIFERATION'' EFFORTS.—The United States should work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to capture, interdict, and prosecute smugglers of nuclear material.

(2) EXPAND THE PROLIFERATION SECURITY INITIATIVE.—In carrying out the Proliferation Security Initiative (PSI), the United States should—

(A) use intelligence and planning resources of the North Atlantic Treaty Organization (NATO) alliance;

(B) make participation open to non-NATO countries; and

(C) encourage Russia and the People's Republic of China to participate.

(3) SUPPORT THE COOPERATIVE THREAT REDUCTION PROGRAM.—The United States should expand, improve, increase resources for, and otherwise fully support the Cooperative Threat Reduction (CTR) program.

SEC. 1202. DEFINITIONS.

In this title:

(1) The terms ''prevention of weapons of mass destruction proliferation and terrorism'' and ''prevention of WMD proliferation and terrorism'' include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note);

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2458);

(C) programs authorized by section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (the FREEDOM Support Act) (22 U.S.C. 5854) and programs authorized by section 1412 of the Former Soviet Union Demilitarization Act of 1992 (22 U.S.C. 5902); and

(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

(2) The terms ''weapons of mass destruction'' and ''WMD'' mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials that can be used in the manufacture of such weapons.

(3) The term ''items of proliferation concern'' means equipment or other materials that could be used to develop WMD or for activities involving WMD.

Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

SEC. 1211. REPEAL AND MODIFICATION OF LIMITATIONS ON ASSISTANCE FOR PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

Consistent with the recommendations of the 9/11 Commission, Congress repeals or modifies the limitations on assistance for prevention of weapons of mass destruction (WMD) proliferation and terrorism as follows:

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(4) AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; REPEAL OF FUNDING LIMITATION; CONGRESSIONAL NOTICE REQUIREMENT.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended—

(A) in subsection (a)—

(i) by striking ''the President may'' and inserting ''the Secretary of Defense may''; and

(ii) by striking ''if the President'' and inserting ''if the Secretary of Defense, with the concurrence of the Secretary of State,'';

(B) by striking subsection (c);

(C) in subsection (d)(1)—

(i) by striking ''The President may not'' and inserting ''The Secretary of Defense may not''; and

(ii) by striking ''until the President'' and inserting ''until the Secretary of Defense'';

(D) in subsection (d)(2)—

(i) by striking ''Not later than 10 days after'' and inserting ''Not later than 15 days prior to'';

(ii) by striking ''the President shall'' and inserting ''the Secretary of Defense shall''; and

(iii) by striking ''Congress'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate''; and

(E) in subsection (d) by adding at the end the following:

''(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.''.

(5) AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; REPEAL OF FUNDING LIMITATION; CONGRESSIONAL NOTICE REQUIREMENT.—Section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended—

(A) in subsection (a)—

(i) by striking ''the President may'' and inserting ''the Secretary of Energy may''; and

(ii) by striking ''if the President'' and inserting ''if the Secretary of Energy, with the concurrence of the Secretary of State,'';

(B) by striking subsection (c);

(C) in subsection (d)(1)—

(i) by striking ''The President may not'' and inserting ''The Secretary of Energy may not''; and

(ii) by striking ''until the President'' and inserting ''until the Secretary of Energy'';

(D) in subsection (d)(2)—

(i) by striking ''Not later than 10 days after'' and inserting ''Not later than 15 days prior to'';

(ii) by striking ''the President shall'' and inserting ''the Secretary of Energy shall''; and

(iii) by striking ''Congress'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and Committee on Foreign Relations of the Senate''; and

(E) in subsection (d) by adding at the end the following:

''(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.''.

Subtitle B—Proliferation Security Initiative

SEC. 1221. PROLIFERATION SECURITY INITIATIVE IMPROVEMENTS AND AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (PSI) announced by the President on May 31, 2003, with a particular emphasis on the following:

(1) Issuing a presidential directive to the relevant government agencies and departments that establishes a defined annual budget and clear authorities, and provides other necessary resources and structures to achieve more efficient and effective performance of United States PSI-related activities.

(2) Working with the United Nations Security Council to develop a resolution to authorize the PSI under international law.

(3) Increasing PSI cooperation with non-NATO partners.

(4) Implementing the recommendations of the Government Accountability Office (GAO) in the September 2006 report titled ''Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities'' (GAO–06–937C), including the following:

(A) The Department of Defense and the Department of State should establish clear PSI roles and responsibilities, policies and procedures, interagency communication mechanisms, documentation requirements, and indicators to measure program results.

(B) The Department of Defense and the Department of State should develop a strategy to work with PSI-participating countries to resolve issues that are impediments to conducting successful PSI interdictions.

(5) Expanding and formalizing the PSI into a multilateral regime to increase coordination, cooperation, and compliance among its participating states in interdiction activities.

(b) BUDGET SUBMISSION.—The Secretary of State and the Secretary of Defense shall submit a defined budget for the PSI, beginning with the budget submissions for their respective departments for fiscal year 2009.

(c) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the implementation of this section. The report shall include—

(1) the steps taken to implement the recommendations described in paragraph (4) of subsection (a); and

(2) the progress made toward implementing the matters described in paragraphs (1), (2), (3), and (5) of subsection (a).

(d) GAO ANNUAL REPORT.—The Government Accountability Office shall submit to Congress, beginning in fiscal year 2007, an annual report with its assessment of the progress and effectiveness of the PSI, which shall include an assessment of the measures referred to in subsection (a).

SEC. 1222. AUTHORITY TO PROVIDE ASSISTANCE TO COOPERATIVE COUNTRIES.

(a) IN GENERAL.—The President is authorized to provide, on such terms as the President considers appropriate, assistance under subsection (b) to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

(b) TYPES OF ASSISTANCE.—The assistance authorized under subsection (a) consists of the following:

(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Assistance under chapters 4 (22 U.S.C. 2346 et seq.) and 5 (22 U.S.C. 2347 et seq.) of part II of the Foreign Assistance Act of 1961.

(3) Drawdown of defense excess defense articles and services under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) CONGRESSIONAL NOTIFICATION.—Assistance authorized under this section may not be provided until at least 30 days after the date on which the President has provided notice thereof to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), and has certified to such committees that such assistance will be used in accordance with the requirement of subsection (e) of this section.

(d) LIMITATION.—Assistance may be provided to a country under section (a) in no more than three fiscal years.

(e) USE OF ASSISTANCE.—Assistance provided under this section shall be used to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country, consistent with any international laws or legal authorities governing the PSI, to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in operations conducted with other participating countries.

(f) LIMITATION ON SHIP OR AIRCRAFT TRANSFERS TO UNCOOPERATIVE COUNTRIES.—Notwithstanding any other provision of law, the United States may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed that it will

support and assist efforts by the United States to interdict items of proliferation concern until thirty days after the date on which the President has provided notice of the proposed transfer to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition to any other requirement of law.

Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1231. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress is aware that certain United States threat reduction and nonproliferation programs have in past years encountered obstacles to timely obligating and executing the full amount of appropriated funds, and that certain United States threat reduction and nonproliferation programs currently encounter such obstacles and therefore maintain unobligated and uncosted balances. Such obstacles include lack of effective policy guidance, limits on program scope, practical inefficiencies, lack of cooperation with other countries, and lack of effective leadership to overcome such obstacles.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate the obstacles described in subsection (a) with concrete measures, such as those described in this title, to accelerate and strengthen progress on preventing weapons of mass destruction (WMD) proliferation and terrorism. Such measures described in this title include the removal and modification of statutory limits to executing funds, the expansion and strengthening of the PSI, the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle D, and the establishment of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle E. As a result, Congress intends that any funds authorized to be appropriated to programs for preventing WMD proliferation and terrorism under this section will be executed in a timely manner.

SEC. 1232. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) FISCAL YEAR 2007.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Department of Defense Cooperative Threat Reduction Program such sums as may be necessary for fiscal year 2007 for the following purposes:

(1) Biological weapons proliferation prevention.

(2) Chemical weapons destruction at Shchuch'ye, Russia.

(3) Acceleration, expansion, and strengthening of all CTR activities.

(b) FUTURE YEARS.—It is the sense of Congress that in fiscal year 2008 and future fiscal years, the President should accelerate and expand funding for Cooperative Threat Reduction programs administered by the Department of Defense and such efforts should include, beginning upon enactment of this Act, encouraging additional commitments by the Russian Federation and other partner nations, as recommended by the 9/11 Commission.

SEC. 1233. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated to the Department of Energy National Nuclear Security Administration such sums as may be necessary for fiscal year 2007 for programs to prevent weapons of mass destruction (WMD) proliferation and terrorism, to be used as follows:

(1) To accelerate, expand, and strengthen the Global Threat Reduction Initiative (GTRI), with a particular emphasis on—

(A) the Russian research reactor fuel return program;

(B) international radiological threat reduction;

(C) emerging threats and gap material; and

(D) development of quick response and short-term capabilities to secure and remove WMD materials throughout the world.

(2) To accelerate, expand, and strengthen the Nonproliferation and International Security (NIS) program, with a particular emphasis on—

(A) global security and engagement, and cooperation with the People's Republic of China, India, and other states;

(B) activities to address emerging proliferation concerns in North Korea, Iran, and elsewhere;

(C) participation in negotiations regarding North Korea's nuclear programs;

(D) inter-agency participation in the Proliferation Security Initiative (PSI);

(E) technical and other assistance to the International Atomic Energy Agency (IAEA) to support efforts to increase the IAEA's capacity to secure vulnerable WMD materials worldwide and prevent WMD proliferation and terrorism;

(F) efforts to increase United States ability to help states around the world place the ''effective controls'' on WMD and related materials and technology mandated by United Nations Security Council Resolution 1540 (2004);

(G) cooperation on international safeguards and export controls in South Asia, the Middle East, and other regions;

(H) efforts to strengthen United States commitments to international regimes and agreements; and

(I) establishment of a contingency fund for opportunities to prevent WMD proliferation and terrorism that arise.

(3) To accelerate, expand, and strengthen the International Materials Protection, Control and Accounting (MPC&A) program, with a particular emphasis on—

(A) implementation of physical protection and material control and accounting upgrades at sites;

(B) national programs and sustainability activities in Russia;

(C) material consolidation and conversion (including significant acceleration of the down-blending of highly-enriched uranium to low-enriched uranium, the removal of highly-enriched uranium from facilities, and international participation in these efforts);

(D) efforts to strengthen cooperation with Russia;

(E) implementation of Second Line of Defense Megaports agreements;

(F) implementation of Department of Energy actions under the Security and Accountability for Every Port Act of 2006 (also known as the SAFE Port Act; Public Law 109–347); and

(G) promoting and facilitating worldwide the promulgation of best practices for security of weapons usable and other nuclear materials.

(4) To accelerate, expand, and strengthen the Research and Development program, with a particular emphasis on—

(A) improvement of United States government capability for both short and long-term, and innovative, research and development that addresses emerging WMD proliferation and terrorism concerns and will maintain United States technological advantage, including the capacity to detect nuclear material origin, uranium enrichment, and plutonium reprocessing; and

(B) efforts to significantly expand the scientific research and development skills and resources available to the Department of Energy's programs to prevent WMD proliferation and terrorism.

Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1241. OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the ''Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism'' (in this subtitle referred to as the ''Office'').

(b) OFFICERS.—

(1) UNITED STATES COORDINATOR.—The head of the Office shall be the United States Coordinator of the Office (in this subtitle referred to as the ''Coordinator'').

(2) DEPUTY UNITED STATES COORDINATOR.—There shall be a Deputy United States Coordinator of the Office (in this subtitle referred to as the ''Deputy Coordinator''), who shall—

(A) assist the Coordinator in carrying out the responsibilities of the Coordinator under this subtitle; and

(B) serve as Acting Coordinator in the absence of the Coordinator and during any vacancy in the office of Coordinator.

(3) APPOINTMENT.—The Coordinator and Deputy Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be responsible on a full-time basis for the duties and responsibilities described in this section.

(4) LIMITATION.—No person shall serve as Coordinator or Deputy Coordinator while serving in any other position in the Federal Government.

(c) DUTIES.—The responsibilities of the Coordinator shall include the following:

(1) Serving as the advisor to the President on all matters relating to the prevention of weapons of mass destruction (WMD) proliferation and terrorism.

(2) Formulating a comprehensive and well-coordinated United States strategy and policies for preventing WMD proliferation and terrorism, including—

(A) measurable milestones and targets to which departments and agencies can be held accountable;

(B) identification of gaps, duplication, and other inefficiencies in existing activities, initiatives, and programs and the steps necessary to overcome these obstacles;

(C) plans for preserving the nuclear security investment the United States has made in Russia, the former Soviet Union, and other countries;

(D) prioritized plans to accelerate, strengthen, and expand the scope of existing initiatives and programs, which include identification of vulnerable sites and material and the corresponding actions necessary to eliminate such vulnerabilities;

(E) new and innovative initiatives and programs to address emerging challenges and strengthen United States capabilities, including programs to attract and retain top scientists and engineers and strengthen the capabilities of United States national laboratories;

(F) plans to coordinate United States activities, initiatives, and programs relating to the prevention of WMD proliferation and terrorism, including those of the Department of

Energy, Department of Defense, Department of State, and Department of Homeland Security, and including the Proliferation Security Initiative, the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, United Nations Security Council Resolution 1540, and the Global Initiative to Combat Nuclear Terrorism;

(G) plans to strengthen United States commitments to international regimes and significantly improve cooperation with other countries relating to the prevention of WMD proliferation and terrorism, with particular emphasis on work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to interdict and prosecute smugglers of WMD material, as recommended by the 9/11 Commission; and

(H) identification of actions necessary to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle E of this title.

(3) Leading inter-agency coordination of United States efforts to implement the strategy and policies described in this section.

(4) Conducting oversight and evaluation of accelerated and strengthened implementation of initiatives and programs to prevent WMD proliferation and terrorism by relevant government departments and agencies.

(5) Overseeing the development of a comprehensive and coordinated budget for programs and initiatives to prevent WMD proliferation and terrorism, ensuring that such budget adequately reflects the priority of the challenges and is effectively executed, and carrying out other appropriate budgetary authorities.

(d) STAFF.—The Coordinator may appoint and terminate such personnel as may be necessary to enable the Coordinator to perform his or her duties.

(e) CONSULTATION WITH COMMISSION.—The Office and the Coordinator shall regularly consult with and strive to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, established under subtitle E of this title.

(f) ANNUAL REPORT ON STRATEGIC PLAN.—For fiscal year 2009 and each fiscal year thereafter, the Coordinator shall submit to Congress, at the same time as the submission of the budget for that fiscal year under title 31, United States Code, a report on the strategy and policies developed pursuant to subsection (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation or the Office of the Coordinator.

SEC. 1242. REQUEST FOR CORRESPONDING RUSSIAN COORDINATOR.

It is the sense of the Congress that, as soon as practical, the President should personally request the President of the Russian Federation to designate an official of the Russian Federation having authorities and responsibilities for preventing weapons of mass destruction (WMD) proliferation and terrorism commensurate with those of the Coordinator, and with whom the Coordinator should coordinate planning and implementation of activities in the Russian Federation having the purpose of preventing WMD proliferation and terrorism.

Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism

SEC. 1251. COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

There is established the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this subtitle referred to as the ''Commission'').

SEC. 1252. PURPOSES.

(a) IN GENERAL.—The purposes of the Commission are to—

(1) assess current activities, initiatives, and programs to prevent WMD proliferation and terrorism; and

(2) provide a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs.

(b) IN PARTICULAR.—The Commission shall give particular attention to activities, initiatives, and programs to secure all nuclear weapons-usable material around the world and to significantly accelerate, expand, and strengthen, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.

SEC. 1253. COMPOSITION.

(a) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(1) 3 members shall be appointed by the President;

(2) 2 members shall be appointed by the majority leader of the Senate;

(3) 1 member shall be appointed by the minority leader of the Senate;

(4) 2 members shall be appointed by the Speaker of the House of Representatives; and

(5) 1 member shall be appointed by the minority leader of the House of Representatives.

(b) CO-CHAIRMEN.—The Commission shall have two co-chairmen designated from among the members of the Commission. Of the co-chairmen—

(1) 1 shall be designated by the President; and

(2) 1 shall be designated jointly by the majority leader of the Senate and the Speaker of the House of Representatives.

(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 90 days of the date of the enactment of this Act.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the co-chairmen or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 1254. RESPONSIBILITIES.

(a) IN GENERAL.—The Commission shall address—

(1) the roles, missions, and structure of all relevant government departments, agencies, and other actors, including the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle D of this title;

(2) inter-agency coordination;

(3) United States commitments to international regimes and cooperation with other countries; and

(4) the threat of weapons of mass destruction proliferation and terrorism to the United States and its interests and allies, including the threat posed by black-market networks, and the effectiveness of the responses by the United States and the international community to such threats.

(b) FOLLOW-ON BAKER-CUTLER REPORT.—The Commission shall also reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled ''A Report Card on the Department of Energy's Nonproliferation Programs with Russia'' of January 2001 (also known as the ''Baker-Cutler Report'') and implementation of such recommendations.

SEC. 1255. POWERS.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designate subcommittee or designated member may determine advisable.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the co-chairmen, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 1256. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the report required under section 1257.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a

manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 1257. REPORT.

Not later than 180 days after the appointment of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 1258. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this subtitle, shall terminate 60 days after the date on which the final report is submitted under section 1257.

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

TITLE XIII—NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Nuclear Black Market Counter-Terrorism Act of 2007''.

SEC. 1302. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) FOREIGN PERSON.—The term ''foreign person''—

(A) means any person who is not a citizen or national of the United States or lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act;

(B) includes any foreign corporation, international organization, or foreign government; and

(C) includes, for purposes of subsections (a) and (b) of section 1311, successors, assigns, subsidiaries, and subunits of the person described in subparagraph (A) or (B) (as the case may be), and other business organizations or associations in which that person may be deemed to have a controlling interest.

(3) PERSON.—The term ''person''—

(A) means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity, or subsidiary, subunit, or parent entity thereof, and any successor of any such entity; and

(B) in the case of a country where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), means all activities of that government relating to the development or production of any nuclear equipment or technology.

(4) UNITED STATES FOREIGN ASSISTANCE.—The term ''United States foreign assistance'' means assistance under the foreign operations, export financing, and related programs appropriations Act for a fiscal year, and assistance under the Foreign Assistance Act of 1961.

Subtitle A—Sanctions for Transfers of Nuclear Enrichment, Reprocessing, and Weapons Technology, Equipment, and Materials Involving Foreign Persons and Terrorists

SEC. 1311. AUTHORITY TO IMPOSE SANCTIONS ON FOREIGN PERSONS.

(a) DETERMINATION OF NUCLEAR ACTIVITIES BY FOREIGN PERSONS.—

(1) DETERMINATION.—Notwithstanding any other provision of law, the President shall impose the sanctions described in subsection (b) whenever the President determines that a foreign person, on or after the date of the enactment of this Act, participated in the export, transfer or trade of—

(A) nuclear enrichment or reprocessing equipment, materials, or technology to any non-nuclear-weapon state (as defined in section 102(c) of the Arms Export Control Act) that—

(i) does not possess functioning nuclear enrichment or reprocessing plants as of January 1, 2004; and

(ii)(I) does not have in force an additional protocol with the International Atomic Energy Agency for the application of safeguards (as derived from IAEA document INFCIRC/540 and related corrections and additions); or

(II) is developing, manufacturing, or acquiring a nuclear explosive device; or

(B) any nuclear explosive device, or design information or component, equipment, materials, or other items or technology that—

(i) is designated for national export controls under the Nuclear Supplier Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as IAEA document INFCIRC/254/Rev. 6/Part 1 and subsequent revisions) and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software and Related Technology (published as IAEA document INFCIRC/254/Rev. 5/ Part 2 and subsequent revisions); and

(ii) contributes to the development, manufacture, or acquisition of a nuclear explosive device by—

(I) a non-nuclear weapon state; or

(II) a foreign person.

(2) DEFINITION.—For purposes of paragraph (1), the term ''participated'' means sold, transferred, brokered, financed, assisted, delivered, or otherwise provided or received, and includes any conspiracy or attempt to engage in any of such activities, as well as facilitating such activities by any other person.

(b) SANCTIONS.—The sanctions referred to in subsection (a) that are to be imposed on a foreign person are the following:

(1) No assistance may be provided to the foreign person under the Foreign Assistance Act of 1961, and the foreign person may not participate in any assistance program of the United States Government. Any such assistance being provided to the foreign person, and any participation in such assistance program by the foreign person, on the date on which the sanction under this paragraph is imposed shall be terminated as of such date.

(2) The United States Government may not export to the foreign person, or grant a license or other approval to export to or import from the foreign person of, any defense articles, defense services, or design or construction services under the Foreign Assistance Act of 1961 or the Arms Export Control Act. Any contract to export such articles or services, or license or approval to export or import, under either such Act, that is in effect on the date on which the sanction under this paragraph is imposed shall be terminated as of such date.

(3) Licenses or any other approval may not be issued for the export to the foreign person of any goods or technology subject to the jurisdiction of the Export Administration Regulations under chapter VII of title 15, Code of Federal Regulations (or successor regulations), other than food and other agricultural commodities, medicines and medical equipment. Any such license or approval that is in effect on the on the date on which the sanction under this paragraph is imposed, shall be terminated as of such date.

(4) No department or agency of the United States Government may procure, or enter into any contract for the procurement of, any goods or services from the foreign person. The Secretary of the Treasury shall prohibit the importation into the United States of goods, technology, or services produced or provided by the foreign person, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(c) PERIOD SANCTIONS IN EFFECT.—The sanctions referred to in subsection (b) should be imposed for not less than two years, but may be imposed for longer periods. The President may suspend after one year any sanction imposed pursuant to this section 15 days after submitting to the appropriate congressional committees a report explaining—

(1) the reasons for suspending the sanction;

(2) how the purposes of this title and United States national security are furthered by such suspension; and

(3) what measures the United States will take or is taking to ensure that the foreign person will not engage in similar activities in the future.

(d) WAIVER AUTHORITY.—The President may waive the imposition of any sanction under subsection (b) if the President certifies to the appropriate congressional committees that the waiver—

(1) is important to the national security interests of the United States; and

(2) would further the purposes of this title.

SEC. 1312. PRESIDENTIAL NOTIFICATION ON ACTIVITIES OF FOREIGN PERSONS.

(a) REPORTS TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and not later than January 31 of each year thereafter, the President shall submit to the appropriate congressional committees a report detailing any activity by any foreign person described in section 1311. This report shall also include a description of any sanctions that have been imposed and their duration.

(b) PUBLICATION.—When the President imposes sanctions under section 1311, the President shall, to the maximum extent possible in unclassified form, publish in the Federal Register, not later than 15 days after reporting such sanctions to the appropriate congressional committees under subsection (a), the identity of each sanctioned foreign person, the period for which sanctions will be in effect, and the reasons for the sanctions.

Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

SEC. 1321. FINDINGS.

The Congress finds the following:

(1) Foreign persons and corporations engaging in nuclear black-market activities are motivated by reasons of commercial gain and profit.

(2) Sanctions targeted solely against the business interests of the sanctioned person or business concern may be unsuccessful in halting these proliferation activities, as the sanctions may be seen merely as the cost of doing business, especially if the business interests of the parent or subsidiary corporate entities are unaffected by the sanctions.

(3) Such narrow targeting of sanctions creates the incentive to create shell and ''carve-

out'' corporate entities to perform the proliferation activities and attract sanctions, leaving all other aspects of the larger corporation unaffected.

(4) To dissuade corporations from allowing their associated commercial entities or persons from engaging in proliferation black-market activities, they must also be made to suffer financial loss and commercial disadvantage, and parent and subsidiary commercial enterprises must be held responsible for the proliferation activities of their associated entities.

(5) If a corporation perceives that the United States Government will do everything possible to make its commercial activity difficult around the world, then that corporation has a powerful commercial incentive to prevent any further proliferation activity by its associated entities.

(6) Therefore, the United States Government should seek to increase the risk of commercial loss for associated corporate entities for the proliferation actions of their subsidiaries.

SEC. 1322. CAMPAIGN BY UNITED STATES GOVERNMENT OFFICIALS.

The President shall instruct all agencies of the United States Government to make every effort in their interactions with foreign government and business officials to persuade foreign governments and relevant corporations not to engage in any business transaction with a foreign person sanctioned under section 1311, including any entity that is a parent or subsidiary of the sanctioned foreign person, for the duration of the sanctions.

SEC. 1323. COORDINATION.

The Secretary of State shall coordinate the actions of the United States Government under section 1322.

SEC. 1324. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State shall report to the appropriate congressional committees on the actions taken by the United States to carry out section 1322.

Subtitle C—Rollback of Nuclear Proliferation Networks

SEC. 1331. NONPROLIFERATION AS A CONDITION OF UNITED STATES ASSISTANCE.

United States foreign assistance should only be provided to countries that—

(1) are not cooperating with any non-nuclear-weapon state or any foreign group or individual who may be engaged in, planning, or assisting any international terrorist group in the development of a nuclear explosive device or its means of delivery and are taking all necessary measures to prevent their nationals and other persons and entities subject to their jurisdiction from participating in such cooperation; and

(2) are fully and completely cooperating with the United States in its efforts to eliminate nuclear black-market networks or activities.

SEC. 1332. REPORT ON IDENTIFICATION OF NUCLEAR PROLIFERATION NETWORK HOST COUNTRIES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the President shall submit a report to the appropriate congressional committees that—

(A) identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred in connection with the transactions of the nuclear proliferation network that supplied Libya, Iran, North Korea, and possibly other countries or entities; and

(B) identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred for the purpose of supplying nuclear technology, equipment, or material to another country or foreign person that could, in the President's judgment, contribute to the development, manufacture, or acquisition, of a nuclear explosive device by a country or foreign person of concern to the United States

(2) ADDITIONAL INFORMATION.—The report under paragraph (1) shall also include a description of the extent to which each country described in the report is, in the opinion of the President, fully cooperating with the United States in its efforts to eliminate the nuclear proliferation network described in paragraph (1)(A) or stopping the activities described in paragraph (1)(B). The President shall base the determination regarding a country's cooperation with the United States in part on the degree to which the country has satisfied United States requests for assistance and information, including whether the United States has asked and been granted direct investigatory access to key persons involved in the nuclear proliferation network described in paragraph (1)(A) or the activities described in paragraph (1)(B).

(b) CLASSIFICATION.—Reports under this section shall be unclassified to the maximum extent possible.

SEC. 1333. SUSPENSION OF ARMS SALES LICENSES AND DELIVERIES TO NUCLEAR PROLIFERATION HOST COUNTRIES.

(a) SUSPENSION.—Upon submission of the report and any additional information under section 1332 to the appropriate congressional committees, the President shall suspend all licenses issued under the Arms Export Control Act, and shall prohibit any licenses to be issued under that Act, for exports to, or imports from, any country described in the report, unless the President certifies to the appropriate congressional committees that such country—

(1)(A) has fully investigated or is fully investigating the activities of any person or entity within its territory that has participated in the nuclear proliferation network described in section 1332(a)(1)(A) or the activities described in section 1332(a)(1)(B); and

(B) has taken or is taking effective steps to permanently halt similar illicit nuclear proliferation activities;

(2) has been or is fully cooperating with the United States and other appropriate international organizations in investigating and eliminating the nuclear proliferation network, any successor networks operating within its territory, or other illicit nuclear proliferation activities; and

(3) has enacted or is enacting new laws, promulgated decrees or regulations, or established practices designed to prevent future such activities from occurring within its territory.

(b) WAIVER.—The President may waive the requirements of subsection (a) in a fiscal year if—

(1) the President has certified to the appropriate congressional committees that the waiver is important to the national security of the United States; and

(2) at least 5 days have elapsed since making the certification under paragraph (1).

TITLE XIV—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

SEC. 1401. SHORT TITLE; TABLE OF CONTENTS.

This title may be cited as the ''9/11 Commission International Implementation Act of 2007''.

Subtitle A—Quality Educational Opportunities in Arab and Predominantly Muslim Countries.

SEC. 1411. FINDINGS; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism''.

(2) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government ''should offer to join with other nations in generously supporting [spending funds] ... directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education''.

(3) While Congress endorsed such a program in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), such a program has not been established.

(b) POLICY.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of modern basic education through public schools in Arab and predominantly Muslim countries, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Arab and Muslim Youth Opportunity Fund authorized under section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by section 1412 of this Act, with the goal of building and operating public primary and secondary schools in Arab and predominantly Muslim countries that commit to sensibly investing the resources of such countries in modern public education;

(3) to offer additional incentives to increase the availability of modern basic education in Arab and predominantly Muslim countries; and

(4) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

SEC. 1412. INTERNATIONAL ARAB AND MUSLIM YOUTH OPPORTUNITY FUND.

Section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2228) is amended to read as follows:

''SEC. 7114. INTERNATIONAL ARAB AND MUSLIM YOUTH OPPORTUNITY FUND.

''(a) FINDINGS.—Congress finds the following:

''(1) The United Nation's 2003 Arab Human Development Report states that the quantitative expansion of Arab education remains incomplete. The report asserts that high rates of illiteracy, especially among women, persist. Children continue to be denied their basic right to elementary education. Higher education is characterized by decreasing enrollment rates compared to developed countries, and public expenditures on education has declined since 1985.

''(2) The UN report cities the decline in quality as the most significant challenge in the educational arena in Arab countries.

''(3) Researchers argue that curricula taught in Arab countries seem to encourage submission, obedience, subordination, and compliance, rather than free critical thinking.

''(4) Despite major efforts to improve preschool education in some Arab countries, the quality of education provided in kindergartens in the region does not fulfill the requirements for advancing and developing children's capabilities in order to help socialize a creative and innovative generation.

''(5) Many factors in Arab countries adversely affect teachers' capabilities, such as

low salaries (which force educators in to take on other jobs that consume their energy and decrease the time they can devote to caring for their students), lack of facilities, poorly designed curricula, indifferent quality of teacher training, and overcrowded classes.

''(6) Educational attainments in Arab and non-Arab Muslim countries—from literacy rates to mathematical and science achievements—are well below global standards.

''(7) It is estimated that there are 65,000,000 illiterate adult Arabs, and two-thirds of them are women.

''(8) Educational enrollment for Arab countries rose from 31,000,000 children in 1980 to approximately 56,000,000 children in 1995. Yet despite this increase, 10,000,000 children between the ages of 6 and 15 are currently not in school.

''(9) In the Middle East, roughly 10,000,000 children still do not go to school.

''(10) Even though women's access to education has tripled in Arab countries since 1970, gender disparities still persist. Illiteracy in Arab countries affects women disproportionately. Women make up two-thirds of illiterate adults, with most living in rural areas.

''(11) The publication of books and other reading materials in Arab countries faces many major challenges, including the small number of readers due to high rates of illiteracy in some such countries and the weak purchasing power of the Arab reader. The limited readership in Arab countries is reflected in the small number of books published in such countries, which does not exceed 1.1 percent of world production, although Arabs constitute five percent of the world population.

''(12) The nexus between health and education in Arab countries is very strong. Gains in women's education accounted for an estimated 43 percent reduction in child malnutrition between 1970 and 1995. Educated mothers are more likely to better space births, to have adequate prenatal care, and to immunize their children.

''(13) Many educational systems in Arab and non-Arab Muslim countries widen the gap between rich and poor: while rich students attend excellent private schools, poor children receive grossly inadequate schooling.

''(b) PURPOSE.—The purpose of this section is to strengthen the public educational systems in Arab and predominantly Muslim countries by—

''(1) authorizing the establishment of an International Arab and Muslim Youth Educational Fund through which the United States dedicates resources, either through a separate fund or through an international organization, to assist those countries that commit to education reform; and

''(2) providing resources for the Fund to help strengthen the public educational systems in those countries.

''(c) ESTABLISHMENT OF FUND.—

''(1) AUTHORITY.—The President is authorized to establish an International Arab and Muslim Youth Opportunity Fund.

''(2) LOCATION.—The Fund may be established—

''(A) as a separate fund in the Treasury; or

''(B) through an international organization or international financial institution, such as the United Nations Educational, Science and Cultural Organization, the United Nations Development Program, or the International Bank for Reconstruction and Development.

''(3) TRANSFERS AND RECEIPTS.—The head of any department, agency, or instrumentality of the United States Government may transfer any amount to the Fund, and the Fund may receive funds from private enterprises, foreign countries, or other entities.

''(4) ACTIVITIES OF THE FUND.—The Fund shall support programs described in this paragraph to improve the education environment in Arab and predominantly Muslim countries.

''(A) ASSISTANCE TO ENHANCE MODERN EDUCATIONAL PROGRAMS.—

''(i) The establishment in Arab and predominantly Muslim countries of a program of reform to create a modern education curriculum in the public educational systems in such countries.

''(ii) The establishment or modernization of educational materials to advance a modern educational curriculum in such systems.

''(iii) Teaching English to adults and children.

''(iv) The establishment in Arab and predominantly Muslim countries of programs that enhance accountability, transparency, and interaction on education policy in such countries between the national government and the regional and local governments through improved information sharing and monitoring.

''(v) The establishment in Arab and predominantly Muslim countries of programs to assist in the formulation of administration and planning strategies for all levels of government in such countries, including national, regional, and local governments.

''(vi) The enhancement in Arab and predominantly Muslim countries of community, family, and student participation in the formulation and implementation of education strategies and programs in such countries.

''(B) ASSISTANCE FOR TRAINING AND EXCHANGE PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND STUDENTS.—

''(i) The establishment of training programs for teachers and educational administrators to enhance skills, including the establishment of regional centers to train individuals who can transfer such skills upon return to their countries.

''(ii) The establishment of exchange programs for teachers and administrators in Arab and predominantly Muslim countries and with other countries to stimulate additional ideas and reform throughout the world, including teacher training exchange programs focused on primary school teachers in such countries.

''(iii) The establishment of exchange programs for primary and secondary students in Muslim and Arab countries and with other countries to foster understanding and tolerance and to stimulate long-standing relationships.

''(C) ASSISTANCE TARGETING PRIMARY AND SECONDARY STUDENTS.—

''(i) The establishment in Arab and predominantly Muslim countries of after-school programs, civic education programs, and education programs focusing on life skills, such as inter-personal skills and social relations and skills for healthy living, such as nutrition and physical fitness.

''(ii) The establishment in Arab and predominantly Muslim countries of programs to improve the proficiency of primary and secondary students in information technology skills.

''(D) ASSISTANCE FOR DEVELOPMENT OF YOUTH PROFESSIONALS.—

''(i) The establishment of programs in Arab and predominantly Muslim countries to improve vocational training in trades to help strengthen participation of Muslims and Arabs in the economic development of their countries.

''(ii) The establishment of programs in Arab and predominantly Muslim countries that target older Muslim and Arab youths not in school in such areas as entrepreneurial skills, accounting, micro-finance activities, work training, financial literacy, and information technology.

''(E) OTHER TYPES OF ASSISTANCE.—

''(i) The translation of foreign books, newspapers, reference guides, and other reading materials into local languages.

''(ii) The construction and equipping of modern community and university libraries.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

''(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

''(C) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise available for such purposes.

''(6) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this section and annually thereafter, the President shall submit to the appropriate congressional committees a report on United States efforts to assist in the improvement of educational opportunities for Arab and predominantly Muslim children and youths, including the progress made toward establishing the International Arab and Muslim Youth Opportunity Fund.

''(7) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.''.

SEC. 1413. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of Arab and predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism.

(b) CONTENTS.—Each report shall include—

(1) a list of Arab and predominantly Muslim countries that are making serious and sustained efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of such countries that are making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained;

(3) a list of such countries that are not making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism; and

(4) an assessment for each country specified in each of paragraphs (1), (2), and (3) of the role of United States assistance with respect to the efforts made or not made to improve the availability of modern basic education and close educational institutions that promote religious extremism and terrorism.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 1414. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

(a) FINDINGS.—Congress finds the following:

(1) Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. Law 108–458) authorized the establishment of a pilot program to provide grants to American-sponsored schools in Arab and predominantly Muslim countries so that such schools could provide scholarships to young people from lower-income and middle-income families in such countries to attend such schools, where they could improve their English and be exposed to a modern education.

(2) Since the date of the enactment of that section, the Middle East Partnership Initiative has pursued implementation of that program.

(b) EXTENSION OF PROGRAM.—

(1) IN GENERAL.—Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—

(A) in the section heading—

(i) by striking ''**PILOT**''; and

(ii) by inserting ''**ARAB AND**'' before ''**PREDOMINANTLY MUSLIM**'';

(B) in subsection (a)(2), by inserting ''Arab and'' before ''predominantly Muslim'';

(C) in subsection (b), in the matter preceding paragraph (1), by inserting ''Arab and'' before ''predominantly Muslim'';

(D) in subsection (c)—

(i) in the subsection heading, by striking ''PILOT'';

(ii) by striking ''pilot''; and

(iii) by striking ''countries with predominantly Muslim populations'' and inserting ''Arab and predominantly Muslim countries'';

(E) in subsection (d), by striking ''pilot'' each place it appears;

(F) in subsection (f)—

(i) by striking ''pilot''; and

(ii) by inserting ''an Arab or'' before ''a predominantly Muslim country'';

(G) in subsection (g), in the first sentence—

(i) by inserting ''and April 15, 2008,'' after ''April 15, 2006,''; and

(ii) by striking ''pilot''; and

(H) in subsection (h)—

(i) by striking ''2005 and 2006'' inserting ''2007 and 2008'' ; and

(ii) by striking ''pilot''.

(2) CONFORMING AMENDMENT.—Section 1(b) of such Act is amended, in the table of contents, by striking the item relating to section 7113 and inserting after section 7112 the following new item:

''7113. Program to provide grants to American-sponsored schools in Arab and predominantly Muslim countries to provide scholarships.''.

Subtitle B—Democracy and Development in Arab and Predominantly Muslim Countries

SEC. 1421. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) FINDINGS.—Congress finds the following:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms, poverty reduction, and broad-based economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) POLICY.—It is the policy of the United States to—

(1) promote over the long-term, seizing opportunities whenever possible in the short term, democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) provide assistance and resources to individuals and organizations in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia that are committed to promoting such objectives and to design strategies in conjunction with such individuals and organizations; and

(3) work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to appropriate congressional committees a report with a country-by-country five year strategy to promote the policy of the United States described in subsection (b). Such report shall contain an estimate of the funds necessary to implement such a strategy.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 1422. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—

(A) AUTHORITY.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants and providing other assistance to entities to carry out programs for such purposes.

(B) FUNDING FROM OTHER SOURCES.—In determining the amount of funding to provide to the Foundation, the Secretary of State shall take into consideration the amount of funds that the Foundation has received from sources other than the United States Government.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and, only to the extent and in the amounts provided for in advance in appropriations Acts, may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS- .—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes specified in subsection (a); and

(4) the financial condition of the Foundation.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) MIDDLE EAST.—The term ''Middle East'' means Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen.

(j) EXPIRATION OF AUTHORITY.—The authority provided under this section shall expire on September 30, 2017.

(k) REPEAL.—Section 534(k) of Public Law 109–102 is repealed.

Subtitle C—Restoring United States Moral Leadership

SEC. 1431. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDING.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that, ''Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(c) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

''SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

''(a) EMERGENCY AUTHORITY.—

''(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other governmental entity of the United States to furnish the Broadcasting Board of Governors with the assistance of such department, agency, or entity based outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

''(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) shall supersede any other provision of law.

''(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

''(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.

''(c) REPORT.—The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.—

''(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated such sums as may be necessary to carry out United States Government broadcasting activities under this Act, including broadcasting capital improvements, the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), and the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277), and to carry out other authorities in law consistent with such purposes.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.''.

SEC. 1432. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES.

(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States and the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in Arab and predominantly Muslim countries. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to paragraph (1) of such subsection.

(c) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on whether the recommendations referred to in subsection (a) have been implemented and whether the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 have been achieved.

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Oversight and Government Reform of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 1433. UNITED STATES POLICY TOWARD DETAINEES.

(a) FINDINGS.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the ''9/11 Commission'') declared that the United States ''should work with friends to develop mutually agreed-on principles for the detention and humane treatment of captured international terrorists who are not being held under a particular country's criminal laws'' and recommended that the United States engage our allies ''to develop a common coalition

approach toward the detention and humane treatment of captured terrorists'', drawing from Common Article 3 of the Geneva Conventions.

(2) Congress has passed several provisions of law that have changed United States standards relating to United States detainees, but such provisions have not been part of a common coalition approach in this regard.

(3) A number of investigations remain ongoing by countries who are close United States allies in the war on terrorism regarding the conduct of officials, employees, and agents of the United States and of other countries related to conduct regarding detainees.

(b) REPORT; CERTIFICATION.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State, in consultation with the Attorney General and the Secretary of Defense, shall submit to the relevant congressional committees a report on any progress towards implementing the recommendations of the 9/11 Commission for engaging United States allies to develop a common coalition approach, in compliance with Common Article 3 of the Geneva Conventions, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorist operations. Such report shall include—

(1) a certification by the Secretary of State that such recommendations have been implemented and such policy goals have been achieved; or

(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—

(A) the steps taken to implement such recommendations and achieve such policy goals;

(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and

(C) any allocation of resources or other actions by Congress that the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.

(c) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to subsection (a)(1).

(d) GAO REVIEW OF CERTIFICATION.—If the Secretary of State submits a certification pursuant to subsection (a)(1), not later than 30 days after the submission of such certification, the Comptroller General shall submit to the relevant congressional committees a report on whether the recommendations described in subsection (a) have been implemented and whether the policy goals described in such subsection have been achieved.

(e) DEFINITION.—In this section, the term ''relevant congressional committees'' means—

(1) with respect to the House of Representatives, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence; and

(2) with respect to the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 1441. AFGHANISTAN.

(a) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

(1) The United States shall vigorously support the Government of Afghanistan as it continues on its path toward a broad-based, pluralistic, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan and shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan as long as the Government of Afghanistan supports such United States involvement.

(2) In order to reduce the ability of the Taliban and Al-Qaeda to finance their operations through the opium trade, the President shall engage aggressively with the Government of Afghanistan and our NATO partners, and in consultation with Congress, to assess the success of the Afghan counternarcotics strategy in existence as of December 2006 and to explore all additional options for addressing the narcotics crisis in Afghanistan, including possible changes in rules of engagement for NATO and Coalition forces for participation in actions against narcotics trafficking and kingpins.

(b) STATEMENT OF CONGRESS.—Congress strongly urges that the Afghanistan Freedom Support Act of 2002 be reauthorized and updated to take into account new developments in Afghanistan and in the region so as to demonstrate the continued support by the United States for the people and Government of Afghanistan.

(c) EMERGENCY INCREASE IN POLICING OPERATIONS.—

(1) IN GENERAL.—The President shall make every effort, on an emergency basis, to dramatically increase the numbers of United States and international police trainers, mentors, and police personnel operating in conjunction with Afghanistan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing the corruption crisis that is threatening to undermine Afghanistan's future.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act and every six months thereafter until September 31, 2010, the President shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on United States efforts to fulfill the requirements of this subsection.

(d) EMERGENCY ENERGY ASSISTANCE.—

(1) FINDING.—Congress finds that short-term shortages of energy may destabilize the Government of Afghanistan and undermine the ability of President Karzai to carry out critically needed reforms.

(2) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance for the acquisition of emergency energy resources, including diesel fuel, to secure the delivery of electricity to Kabul, Afghanistan, and other major Afghan provinces and cities.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out paragraph (2) such sums as may be necessary for each of fiscal years 2008 and 2009.

SEC. 1442. PAKISTAN.

(a) FINDINGS.—Congress finds the following:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and the rule of law, particularly at the national level;

(E) addressing the continued presence of Taliban and other violent extremist forces throughout the country;

(F) maintaining the authority of the Government of Pakistan in all parts of its national territory;

(G) securing the borders of Pakistan to prevent the movement of militants and terrorists into other countries and territories; and

(H) effectively dealing with Islamic extremism.

(b) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

(1) To work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan, and to end the use of Pakistan as a safe haven for forces associated with the Taliban.

(2) To establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (H) of subsection (a)(2).

(3) To dramatically increase funding for programs of the United States Agency for International Development and the Department of State that assist the Government of Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state, including significant steps towards free and fair parliamentary elections in 2007.

(4) To work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) STRATEGY RELATING TO PAKISTAN.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (F) of subsection (a)(2) and carry out the policies described in subsection (b) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(d) LIMITATION ON UNITED STATES SECURITY ASSISTANCE TO PAKISTAN.—

(1) LIMITATION.—

(A) IN GENERAL.—For fiscal years 2008 and 2009, United States assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be provided to, and a license for any item controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be approved for, Pakistan until 15 days after

the date on which President determines and certifies to the appropriate congressional committees that the Government of Pakistan is making all possible efforts to prevent the Taliban from operating in areas under its sovereign control, including in the cities of Quetta and Chaman and in the Northwest Frontier Province and the Federally Administered Tribal Areas.

(B) FORM.—The certification required by subparagraph (A) shall be transmitted in unclassified form, but may contain a classified annex.

(2) WAIVER.—The President may waive the limitation on assistance under paragraph (1) for a fiscal year if the President determines and certifies to the appropriate congressional committees that it is important to the national security interest of the United States to do so.

(3) SUNSET.—The limitation on assistance under paragraph (1) shall cease to be effective beginning on the date on which the President determines and certifies to the appropriate congressional committees that the Taliban, or any related successor organization, has ceased to exist as an organization capable of conducting military, insurgent, or terrorist activities in Afghanistan from Pakistan.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(e) NUCLEAR PROLIFERATION.—

(1) FINDING.—Congress finds that Pakistan's maintenance of a network for the proliferation of nuclear and missile technologies would be inconsistent with Pakistan being considered an ally of the United States.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2008—

(A) for ''Development Assistance'', such sums as may be necessary to carry out the provisions of sections 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d,);

(B) for the ''Child Survival and Health Programs Fund'', such sums as may be necessary to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the ''Economic Support Fund'', such sums as may be necessary to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for ''International Narcotics Control and Law Enforcement'', such sums as may be necessary to carry out the provisions of chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.);

(E) for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', such sums as may be necessary;

(F) for ''International Military Education and Training'', such sums as may be necessary to carry out the provisions of chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); and

(G) for ''Foreign Military Financing Program'', such sums as may be necessary to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

(g) EXTENSION OF WAIVERS.—

(1) AMENDMENTS.—The Act entitled ''An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes'', approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(A) in section 1(b)—

(i) in the heading, to read as follows:

''(b) FISCAL YEARS 2007 AND 2008.—''; and

(ii) in paragraph (1), by striking ''any provision'' and all that follows through ''that prohibits'' and inserting ''any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2007 or 2008 (or any other appropriations Act) that prohibits'';

(B) in section 3(2), by striking ''Such provision'' and all that follows through ''as are'' and inserting ''Such provision of the annual foreign operations, export financing, and related programs appropriations Act for fiscal years 2002 through 2008 (or any other appropriations Act) as are''; and

(C) in section 6, by striking ''the provisions'' and all that follows and inserting ''the provisions of this Act shall terminate on October 1, 2008.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2006.

(3) SENSE OF CONGRESS.—It is the sense of Congress that determinations to provide extensions of waivers of foreign assistance prohibitions with respect to Pakistan pursuant to Public Law 107–57 for fiscal years after the fiscal years specified in the amendments made by paragraph (1) to Public Law 107–57 should be informed by the pace of democratic reform, extension of the rule of law, and the conduct of the parliamentary elections currently scheduled for 2007 in Pakistan.

SEC. 1443. SAUDI ARABIA.

(a) FINDINGS.—Congress finds the following:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists who operate within Saudi Arabia or who operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in order to more effectively combat terrorism, the Government of Saudi Arabia must undertake and continue a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws, and regulation on terrorist financing.

(c) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

(1) To engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues, such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both countries can publicly support.

(2) To enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such government are committed to making a serious, sustained effort to combat terrorism.

(3) To support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(d) STRATEGY RELATING TO SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the progress on the Strategic Dialogue (established by President George W. Bush and Crown Prince (now King) Abdullah in April 2005) between the United States and Saudi Arabia, including the progress made in such Dialogue toward implementing the long-term strategy of the United States to—

(A) engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) work with the Government of Saudi Arabia to combat terrorism, including through effective prevention of the financing of terrorism by Saudi institutions and citizens.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term ''appropriate congressional committees'' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

○

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. Pursuant to section 507 of House Resolution 6, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 90 minutes.

The Chair recognizes the gentleman from Mississippi, chairman of the Homeland Security Committee.

□ 1300

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are here today considering this bill for one reason: To protect America from terrorism and from those who advocate hate and violence against our Nation and its values.

Let's be clear. The bill before us today does not contain Democratic or Republican ideas on how to protect our Nation. It contains American ideas.

Madam Speaker, it contains ideas formulated by the 9/11 Commission, a bipartisan group of Americans chosen for their wisdom, expertise and love of country; Americans who we tasked to tell us what happened on September 11,

2001, and how to avoid it happening again. That is why we are here today.

I hope my colleagues will put rhetoric and political games aside to do right by the American people, to do right by those whose lives were affected by 9/11, including those whose memories we honor.

I have heard and read a lot of excuses about fulfilling the recommendations, Madam Speaker. On one hand, many of my colleagues across the aisle have publicly said for months they already fulfilled the recommendations.

In the past week they have accused the Democratic leadership of presenting a bill that doesn't fulfill the recommendation and leaves gaps.

Madam Speaker, I am a bit baffled. Did the Republicans fulfill or not fulfill the recommendations? I think we all know the answer, and that is why we are here today.

To those who want to point out alleged gaps in the 9/11 bill, I say, we can do better than the past. Here is a chance for Congress to stop dragging its feet, to become the ''do something'' Congress. We can stand around complaining and pointing fingers, or we can finally do the job we are here and hired to do.

There is an old Irish proverb that says, ''You will never plow the field if you only turn it over in your mind.''

Congress has spent 5 years turning over the 9/11 recommendations in its mind. On the topics covered by this legislation, we have seen bills introduced, amendments offered, hearings held, and investigative reports written.

Don't be fooled by those who say that this bill is moving too quickly. It has been 5 years since 9/11. It has been 3 years since the 9/11 Commission issued its report.

Now is the time, Mr. Speaker, to plow the field. Now is the time to act on the 9/11 recommendations. The 9/11 Commission has told us that we must provide Homeland Security grants to States and cities based on risk, not a pork barrel formula. This bill meets that recommendation.

The 9/11 Commission told us many more people could die after a terrorist attack or natural disaster if police, fire fighters and paramedics can't communicate with each other.

Today, we will create a dedicated grant program to ensure State and local first responders have communication systems that talk to one another.

The 9/11 commissioners told us that more than 5 years after the hijacked planes flew into our national landmarks, our aviation system is still not secure enough.

We still do not spend our money cost-effectively to screen checked baggage. Airport checkpoints are not equipped with the most modern technologies, like those needed to detect liquid explosives, and cargo that is stored under a passengers seat is still not adequately inspected.

This bill extends funding for advanced baggage screening and creates a novel new trust fund to strengthen checkpoint security.

Perhaps more importantly, Mr. Speaker, this bill requires TSA to create a system of inspections to ensure that 100 percent of the cargo shipped on passenger planes is screened within 3 years.

TSA will do this through a system that uses equipment, technology, canines, inspectors and other means to ensure that the level of security provided for air cargo is equivalent to the level of security for checked baggage.

This bill also requires all cargo containers carried on ships to be scanned and sealed before they leave for an American port. The scanning requirement in this bill are put in place within a reasonable time frame, 3 years for large ports and 5 years for smaller ports.

This bill takes other key steps to fulfill the 9/11 Commission's recommendations, such as strengthening critical infrastructure security and improving private sector preparedness.

Perhaps more importantly, this bill will create a strong independent Privacy and Civil Liberties Board. It will also strengthen the authority of privacy officers in Federal agencies.

We all know that securing our Nation will be of little use if we lose our way of life. Our commitment to privacy and individual freedom is in this process.

For too long, Mr. Speaker, many in this House have talked about strengthening Homeland Security. But they are unwilling to pay the necessary price or confront the waste and White House mismanagement.

Now is the time, Mr. Speaker, to put action into words. Supporting the 9/11 Commission Fulfillment Act today will do just that.

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

PURPOSE AND SUMMARY

The purpose of H.R. 1 is to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

BACKGROUND AND NEED FOR LEGISLATION

The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) produced an independent and comprehensive report evaluating the events and implications of the terrorist attacks that occurred on September 11, 2001. Included in the report were 41 recommendations on how to prevent such an attack from occurring again. As of the conclusion of the 109th Congress, not all of those recommendations had been fulfilled. Consequently, the United States remains unprepared for a major emergency of that kind. Hurricanes Katrina and Rita's destruction of the Gulf Coast region further emphasized American vulnerability to national disasters, whether they are caused by nature or terrorism.

In addition to the report, several members of the 9/11 Commission participated in the "9/11 Public Discourse Project," which issued a series of report cards evaluating and ultimately grading the federal government's progress on executing the Commission's recommendations as they related to national security and preparedness. The final report card, issued on December 5, 2005, gave an alarming number of failing or nearly failing grades to key aspects of the government's policies, procedures, and operations.

Areas that received failing grades included interoperable communications for first responders, risk-based homeland security funding, and airline passenger screening, all of which are addressed by H.R. 1. Nearly-failing grades (D's) were used to describe the government's progress toward realistic assessment of critical infrastructure, checked bag and cargo screening for passenger aircraft, providing incentives for information sharing, encouraging government-wide information sharing, creating a meaningful Privacy and Civil Liberties Oversight Board, a maximum effort to prevent terrorist from acquiring weapons of mass destruction, cultivating international scholarship and exchange programs with Arab and predominantly Muslim countries, and thoughtful examination of the role played by Saudi Arabia in the international community.

By enacting provisions that address key recommendations from the 9/11 Commission, H.R. 1 will make the United States more secure, closing many of the security and preparedness gaps mentioned above that keep Americans vulnerable to future national emergencies.

HEARINGS

This bill reflects the findings of many oversight hearings that have taken place since the 9/11 Commission issued its recommendations in 2004.

On February 10, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The Proposed Fiscal Year 2006 Budget: Enhancing Terrorism Preparedness for First Responders."

On February 16, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, "The Proposed Fiscal Year 2006 Budget: Building the Information Analysis Capabilities of DHS."

On March 15, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "Nuclear Terrorism: Protecting the Homeland." Witnesses included Charles E. McQueary, Under Secretary for Science and Technology, Department of Homeland Security; Paul McHale, Assistant Secretary for Homeland Defense, Department of Defense; Paul M. Longsworth, Deputy Administrator for Defense Nuclear Proliferation, Department of Energy; and Willie T. Hulon, Assistant Director for Counterterrorism, FBI.

On April 12, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, "The Need for Grant Reform and the Faster and Smarter Funding for First Responders Act of 2005."

On April 19, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, "DHS Coordination of Nuclear Detection Efforts." Witnesses included Vayl Oxford, Acting Director of the DNDO; Dr. Fred Ikle, Center for Strategic and International Studies; Dr. Graham Allison, Director, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University; and Col. Randy Larson, USAF (Ret.) CEO, Homeland Security Associates.

On May 26, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, ''Building A Nuclear Bomb: Identifying Early Indicators of Terrorist Activity.'' Witnesses included the Honorable Ronald F. Lehman, Director for Global Security Research, Lawrence Livermore National Laboratory; Mr. David Albright, President, Institute for Science and International Security; and Ms. Laura Holgate, Vice President for Russial/New Independent States, Nuclear Threat Initiative.

On June 21, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, ''Detecting Nuclear Weapons and Radiological Materials: How Effective Is Available Technology?'' Witnesses included Mr. Gene Aloise, Director, Natural Resources and Environment, GAO; Dr. Richard L. Wagner, Chair, Defense Science Board Task Force on Prevention of and Defense Against Clandestine Nuclear Attack, Senior Staff Member Los Alamos National Laboratory; and Ms. Bethann Rooney, Security Director, Port Authority of New York & New Jersey, among others.

On June 22, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, ''Ensuring the Security of America's Borders through the Use of Biometric Passports and Other Identity Documents.'' Testimony was received from Department of Homeland Security and State Department officials.

On June 28, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, ''Pathways to the Bomb: Security of Fissile Materials Abroad.''

On July 13, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, ''Leveraging Technology to Improve Aviation Security.'' Members took testimony from industry stakeholders, including firms with checkpoint technologies that show promise at detecting explosives at TSA checkpoints.

On July 19, 2005, the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing titled, ''Leveraging Technology to Improve Aviation Security, Part II.'' Testimony was received from Cliff Wilke, the TSA Chief Technology Officer.

On July 20, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, ''A Progress Report on Information Sharing for Homeland Security.''

On September 8, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, ''WMD Terrorism and Proliferant States.'' Witnesses included Ray Takeyh, Senior Fellow, Middle Eastern Studies, Council on Foreign Relations; Dr. Daniel Byman, Director, Center for Peace and Security Studies, Georgetown University; and Gregory Giles, National Security Consultant, Hicks and Associates.

On September 22, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, ''Trends in the Movement of Illicit of Nuclear Materials.''

On September 29, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, ''Incident Command, Control, and Communications during Catastrophic Events.''

On October. 19, 2005, the full Committee held a hearing titled, ''Federalism and Disaster Response: Examining the Roles and Responsibilities of Local, State, and Federal Agencies.'' The Committee heard testimony from the governors of Arizona, Texas and Florida, as well as three local elected officials.

On October 26, 2005, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, ''Ensuring Operability During Catastrophic Events.'' The Subcommittee heard testimony from Dr. David Boyd, Director of project SAFECOM at the Department of Homeland Security.

On November 8, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, ''Federal Support for Homeland Security Information Sharing: The Role of the Information Sharing Program Manager.''

On November 17, 2005, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, ''Terrorism Risk Assessment at the Department of Homeland Security.''

On November 17, 2005, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, ''International Efforts to Promote Nuclear Security.'' Witnesses included Jerry Paul, Principal Deputy Administrator, Acting Deputy Administrator for Nonproliferation Programs, National Nuclear Security Administration, Department of Energy, and Stephen Rademaker, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State.

On February 8, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Emergency Preparedness, Science, and Technology held a joint hearing titled, ''Protecting the Homeland: Fighting Pandemic Flu from the Front Lines.''

On February 15, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, ''The President's Proposed Fiscal Year 2007 Budget for the Department of Homeland Security: The Office of Intelligence and Analysis.''

On February 15, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, ''The State of Interoperable Communications: Perspectives from the Field.''

On March 1, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, ''The State of Interoperable Communications: Perspectives from State and Local Government.''

On March 8, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, ''Proposed Fiscal Year 2007 Budget: Enhancing Preparedness for First Responders.''

On March 8, 2006, the Subcommittee on Management, Integration, and Oversight held a hearing titled, ''The 9/11 Reform Act: Examining the Implementation of the Human Smuggling and Trafficking Center.''

On April 6, 2006 and May 10, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held hearings titled, ''Protection of Privacy in the DHS Intelligence Enterprise.''

On April 12, 2006, the Committee held a field hearing titled, ''Emergency Planning and Preparedness: Federal, State, and Local Coordination.''

On April 25, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, ''The State of Interoperable Communications: Perspectives on Federal Coordination of Grants, Standards, and Technology.'' The Subcommittee heard testimony from two panels. The first panel consisted of the principal Federal agencies that are responsible for coordinating Federal communication systems with state and local jurisdictions. The second panel included Federal and non-governmental entities that develop the standards and examined the impact of technology in the area of interoperable/emergency communication.

On May 24, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, ''Examining the Progress of the DHS Chief Intelligence Officer.'' The Subcommittee heard testimony from Mr. Charles Allen, the Chief Intelligence Officer at the Department of Homeland Security.

On May 25, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, ''Preventing Nuclear Smuggling: Enlisting Foreign Cooperation.'' Witnesses included Mr. Vail Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security; Mr. Jayson Ahearn, Assistant Commissioner for Field Operations, Customs and Border Protection, Department of Homeland Security; Mr. David Huizenga, Assistant Deputy Administrator for International Materials Protection, Control and Accounting, National Nuclear Security Administration, Department of Energy; and Mr. Frank Record, Acting Assistant Secretary of State for International Security and Nonproliferation, Department of State.

On June 15, 2006, the full Committee held a hearing titled, ''DHS Terrorism Preparedness Grants: Risk-Based or Guess-Work.''

On June 22, 2006, the Subcommittee on Prevention of Nuclear and Biological Attack held a hearing titled, ''International Efforts to Promote Nuclear Security.'' Witnesses included Mr. Jerry Paul, Principal Deputy Administrator, Acting Deputy Administrator for Nonproliferation Programs, National Nuclear Security Administration, Department of Energy; Mr. Frank Record, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; and Mr. Jack David, Deputy Assistant Secretary of Defense for International Security Policy, Office of the Secretary, Department of Defense, among others.

On June 28, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, ''DHS Intelligence and Border Security: Delivering Operational Intelligence.''

On July 26, 2006, the Subcommittee on Emergency Preparedness, Science, and Technology held a hearing titled, ''Emergency Care Crisis: A Nation Unprepared for Public Health Disasters.''

On September 7, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, ''State and Local Fusion Centers and the Role of DHS.''

On September 13, 2006, the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment held a hearing titled, ''The Homeland Security Information Network: An Update on DHS Information Sharing Efforts.'' The Subcommittee heard testimony from the Inspector General of the Department of Homeland Security.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The purpose of H.R. 1, the ''Implementing the 9/11 Commission Recommendations Act of 2007,'' is to strengthen national security and emergency preparedness efforts by enacting recommendations made by the National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) in their comprehensive report on the terrorist attacks of September 11, 2001.

INFORMAL BUDGET ESTIMATE

While there was no formal analysis from the Congressional Budget Office, it is estimated that with respect to Titles I through XI—those titles that fall within the jurisdiction of the Committee on Homeland Security—the only sections that would affect net direct spending are sections 402 and 403.

Section 402, which would extend provisions related to the Aviation Security Capital Fund through 2011, would have no net cost over time. That provision would receive credit for triggering collection of the first $250 million in passenger fees, which would offset the cost of subsequent spending.

Section 403, which creates a new $250 million checkpoint screening improvement fund for fiscal year 2008 that is funded through the Aviation Security Capital Fund, would have no net overall cost, although it would mean that the amount available to offset TSA's 2008 appropriation for aviation security would be reduced by $250 million.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Constitutional authority for this legislation is provided in Article I, section 8, clause 1 of the Constitution, which grants Congress the power to provide for the common Defense of the United States.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

TITLE I: RISK-BASED ALLOCATION OF HOMELAND SECURITY GRANTS

§ 101—First Responders Homeland Security Funding. This section amends the Homeland Security Act of 2002, by inserting Title XX (''Funding for First Responders'') to the end of the Act, including the following new sections:

§ 2002—Faster and Smarter Funding for First Responders. This section sets forth provisions governing Department of Homeland Security (DHS) grant funding for first responders pursuant to the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program. It specifically excludes non-DHS programs, the FIRE Grant programs, and the Emergency Management Performance Grant program and Urban Search and Rescue Grants program authorized by specified Federal laws.

§ 2003—Covered Grant Eligibility and Criteria. This section specifies that high threat urban areas are eligible to apply for funding under the Urban Area Security Initiative and that States, regions, and directly eligible tribes may apply for funding under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. It also directs the Secretary of Homeland Security to require any State applying for a covered grant to submit a State Preparedness report, to be developed in consultation with local governments and first responders. Additionally, this section precludes a grant award to a State absent approval of such plan. It sets forth minimum contents for grant applications, including the designation of regional and tribal liaisons (if the applicant is a region or directly eligible tribe) and requires regional and tribal applications to be coordinated with State applications. Finally, this section requires applicants who purchase equipment that do not meet or exceed any applicable national voluntary consensus standards to include an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

§ 2004—Risk-Based Evaluation and Prioritization. This section requires the Secretary to evaluate and annually prioritize pending applications for covered grants based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons (including transient commuters and tourists) and critical infrastructure. It also requires such evaluation and prioritization to be coordinated with the National Advisory Council (established as part of the recent FEMA Reform Bill), the FEMA Administrator, the United States Fire Administrator, the Chief Intelligence Officer of the Department, the Assistant Secretary for Infrastructure Protection, and other Department officials as determined by the Secretary. This section also sets forth minimum amounts each state shall receive (0.25%), providing for larger grant awards to applicants that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line (0.45%).

§ 2005—Use of Funds and Accountability Requirements. This section lists authorized uses of covered grants and prohibits the use of grant funds to supplant State or local funds, to construct physical facilities, to acquire land, or for any State or local government cost sharing contribution. It authorizes covered grant applicants to petition the Secretary for reimbursement of the costs of any activity relating to prevention of, preparedness for, response to, or recovery from acts of terrorism that is a federal duty and normally performed by a federal agency, and that is being performed by a State and/or local government under agreement with a federal agency. In addition, it sets the federal share of the costs of activities carried out under covered grants at 100 percent of the total for the two-year period following enactment of this Act and at 75 percent thereafter. This section also requires each covered grant recipient to submit annual reports on homeland security spending and establishes penalties for States that fail to pass through to local governments within 45 days of receipt of grant funds. Finally, this section requires the Secretary to report to Congress on grant program activities annually.

TITLE II: ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

§ 201—Improve Communications for Emergency Response Grant Program. This section would amend Title V of the Homeland Security Act of 2002 by creating a stand-alone interoperability grant program at the Department of Homeland Security. This provision requires the Department of Homeland Security's Office of Grants and Training to coordinate with the Director of Emergency Communications to establish the Improved Communications for Emergency Response (ICER) grant program to improve emergency communications among state, regional, national, and in some instances, along the international border communities. The provision provides that the ICER grant would be established the first fiscal year following the Department's completion of and delivery to Congress of the National Emergency Communication Plan (as outlined in current law) and baseline operability and interoperability assessment, and, upon the Secretary's determination that substantial progress has been made with regard to emergency communication equipment and technology standards. Further, this section outlines the available use of the ICER grants for planning, design and engineering, training and exercise, technical assistance, and other emergency communication activities deemed integral by the Secretary.

TITLE III: STRENGTHENING USE OF A UNIFIED INCIDENT COMMAND DURING EMERGENCIES

§ 301—National Exercise Program Design. This section strengthens federal assistance to state, local, and tribal governments both in implementing and in fully understanding the National Incident Management System (NIMS), the Incident Command System (ICS), any relevant mutual aid agreements, and the broad concepts of a unified command system. It refines and focuses some of the provisions of the Post Katrina Emergency Management Reform Act of 2006 by expressly requiring that the National Exercise Program include practical exercises that reinforce the aforementioned subject matters. Finally, it ensures that the utility of any exercise is maximized by requiring that the exercise plans of state, local, and tribal governments include the prompt creation of an after-action report and the rapid incorporation of any lessons learned into future operations.

§ 302—National Exercise Program Model Exercises. This section amends the Post Katrina Emergency Management Reform Act of 2006 to make it easier for state, local, and tribal governments to conduct exercises meant to reinforce NIMS/ICS training. It does so by requiring the Department of Homeland Security to develop and make available to them pre-scripted, preplanned exercise scenarios and materials that will need minimal tailoring.

§ 303—Responsibilities of Regional Administrators of the Federal Emergency Management Agency. This Section amends the Homeland Security Act of 2002 and the Post Katrina Emergency Management Reform Act of 2006 to require FEMA's Regional Administrators to assist state, local, and tribal governments in pre-identifying and evaluating sites where a multijurisdictional unified command system can be quickly established in the event of a terrorist attack or a natural disaster.

TITLE IV: STRENGTHENING AVIATION SECURITY

§ 401—Installation of In-Line Baggage Screening Equipment. This provision directs the Department of Homeland Security to issue, within thirty days of final passage of the Act, a cost-sharing study required under the Intelligence Reform and Terrorism Prevention Act of 2004 that will provide creative financing solutions to promote greater deployment of in-line explosive detection systems. Additionally, the Secretary is to provide analysis of the study, including a list of provisions DHS supports and a schedule to implement them. The 9/11 Public Discourse Project gave Congress and the Administration a ''D'' on improving the security of checked baggage.

§ 402—Aviation Security Capital Fund. The 9/11 Discourse Project gave ''checked bag and cargo screening a 'D,' stating that ''Improvements here have not been made a priority by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding.'' This provision renews expiring authorization for TSA to issue letters of intent, grants or other funding vehicles to airports to help support in-line EDS projects through Fiscal Year 2011. Without this provision, authorization to issue such grants

would expire at the end of Fiscal Year 2007. The provision also removes the $125 million cap on the level of support that TSA can give airports under this fund.

§ 403—Airport Checkpoint Screening Explosive Detection. This provision creates a Checkpoint Screening Security Fund to support the research, development and deployment of EDS checkpoint technologies. The provision provides a one-time deposit of $250 million in FY 2008, from the revenues collected from the passenger ticket fees. The 9/11 Commissioners continues to be concerned about the threat that a would-be terrorist would get passed the TSA checkpoint with explosives strapped to their bodies. The 9/11 Public Discourse Project gave Congress a ''C'' on improving airline screening checkpoints to detect explosives. The Commissioners found that ''while more advanced screening technology is being developed, Congress needs to provide the funding for, and TSA needs to move as expeditiously as possible with the appropriate installation of explosive detection trace portals at more of the nation's airports.''

§ 404—Strengthening Explosive Detection at Airport Screening Checkpoints. This provision directs the Department of Homeland Security to issue, within seven days of enactment, a strategic plan for the deployment of explosive detection equipment at checkpoints that is long overdue under the Intelligence Reform and Terrorism Prevention Act of 2004.

§ 405—Extending Authorization of Aviation Security Funding. This provision reauthorizes the Aviation Security Capital Fund, which expires in 2007, through 2011 to ensure that TSA can continue to collect fees on tickets purchased by the flying public to enhance aviation security. This language would make available an additional $1 billion towards the challenge of expanding inline EDS deployment, that is $250 million per year from FY 2008 through 2011.

§ 406—Inspection of Cargo Carried Aboard Passenger Aircraft. This provision directs the Department of Homeland Security to establish and implement a system to inspect 100% of cargo carried on passenger aircraft by 2009. The measure directs the Department to develop a phased-in approach so that by the end of fiscal year 2007, 35% of cargo carried on passenger aircraft is inspected; by the end of fiscal year 2008, 65% percent of cargo is inspected; and by the end of fiscal year 2009, 100% of cargo is inspected. Last December, the 9/11 Commissioners gave a ''D'' grade to Congress and the Administration for their efforts to enhance air cargo screening.

§ 407—Appeal and Redress Process for Passengers Wrongly Delayed or Prohibited from Boarding a Flight. This provision directs the Secretary of Homeland Security to create the Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a flight because they have been misidentified against the ''No Fly'' or ''Selectee'' watchlists. The 9/11 Commissioners identified problems with airline passenger pre-screening as an area that needs addressing. In the 9/11 Public Discourse Project, the Commissioners stated that there has not been any real progress on improving the watch-listing process. The Department of Homeland Security was given an ''F'' in this area.

§ 408—Transportation Security Administration Personnel Management. This section provides for equal treatment for all Transportation Security Administration employees, including screeners. This provision requires the Department of Homeland Security apply the same management system to all TSA employees, including screeners. Under this provision, all TSA employees, including screeners, would have collective bargaining rights and whistleblower rights.

§ 409—Advanced Airline Passenger Prescreening. This provision directs the Secretary to submit a plan with milestones to test and implement a system to prescreen passengers against the automatic selectee and no fly lists. The plan is due 90 days after enactment of the Act and must include (1) a description of the system; (2) a projected timeline for each phase of testing and implementation of the system; (3) an explanation of how the system integrates with the prescreening system for passenger on international flights; and (4) a description of how the system complies with the Privacy Act.

TITLE V: STRENGTHENING THE SECURITY OF CARGO CONTAINERS

§ 1501—Requirements Relating to Entry of Containers into the United States. This section amends 46 U.S.C. § 70116 to add a new subsection. Under the new subsection, all containers must be scanned overseas using the best-available technology, including scanning for radiation and density, before they are loaded onto a ship destined for the United States. The scans will be reviewed by American security personnel before the container is loaded, and as technology becomes available, containers will be sealed with a device that will sound an alarm when it is tampered with, and will notify U.S. officials of a breach before the container enters the Exclusive Economic Zone of the United States. This section also requires the Secretary of Homeland Security to establish standards for scanning equipment and seals. The Secretary is required to review and if necessary, revise these standards not less than once every two years. Moreover, this section authorizes to be appropriated such sums as may be necessary to carry out this new requirement for fiscal years 2008 through 2013.

Under this section, the Department of Homeland Security is required to issue a final rule implementing this requirement within one year after the Department issues the report on the foreign pilot program required by § 231 of the SAFE Ports Act. In addition, this section mandates a phased-in application. The new requirement shall apply to containers loaded at larger ports (more than 75,000 TEUs loaded in 2005) beginning on the end of the 3-year period beginning on the date of the enactment of this act. The new requirement shall apply to all other containers beginning on the end of the 5-year period beginning on the date of enactment of this act. This section encourages the Secretaries of Homeland Security and State to promote and establish international standards for the security of containers moving through the international supply chain. The legislation also requires the Secretary of Homeland Security to consult with the appropriate public and private stakeholders when carrying out this new subsection to ensure that actions taken by the Department do not violate international trade obligations or other international obligations of the United States.

TITLE VI: STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

Subtitle A—Human smuggling and trafficking center improvements

§ 601—Strengthening the Capabilities of the Human Smuggling and Trafficking Center. This section would improve the capabilities of the Human Smuggling and Trafficking Center (HSTC) by authorizing the Assistant Secretary of Immigration and Customs Enforcement (ICE) to provide administrative and operational support to stem human smuggling, human trafficking, and terrorism travel. This provision would authorize the hiring of 30 FTEs, of which no less than 15 detailed special agents and intelligence analysts—with at least three years of experience in the field of human smuggling and trafficking—would serve for at least two years at HSTC. This provision requires the Secretary to develop a plan whereby the responsibilities of the participating agencies and departments would be clearly defined, outline how the Department's resources would be used to support the intelligence functions of HSTC, and describe the information sharing mechanism with the Office of Information and Analysis (I&A), ICE, and the U.S. Customs and Border Protection. Under this provision, the plan must also develop a reciprocal clearance status for participating agencies and departments, establish coordinated networked systems, and define efforts to incorporate HSTC personnel into the civil service system. This provision also requires SHA to execute a Memorandum of Understanding with the Attorney General clarifying the responsibilities of the participating departments regarding human smuggling, trafficking, and terrorist travel. Finally, I&A, in coordination with HSTC must produce periodic reports to Federal, State, local, and tribal law enforcement and other relevant agencies regarding the terrorists threats related to human smuggling, human traveling, and terrorism travel.

Subtitle B—International collaboration to prevent terrorist travel

§ 611—Report on International Collaboration to Increase Border Security, Enhance Global Document Security, and Exchange Terrorist Information.

Subtitle C—Entry and exit of foreign nationals into the United States

§ 621—Biometric Entry and Exit Verification. This section directs that the Secretary submit a plan, detailing the manner in which the US–VISIT program meets the goals of a comprehensive entry and exit screening system—including both biometric entry and exit—and how it will fulfill statutory obligations. As of October 2006, this plan was still under review in the Office of the Secretary, according to US–VISIT officials. Without such a plan, DHS cannot articulate how entry/exit concepts fit together—including any interim nonbiometric solutions—and neither DHS nor Congress is in a good position to prioritize and allocate resources, including funds for any facility modifications that might be needed, for a US–VISIT exit capability, to plan for the program's future, or to consider trade-offs between traveler convenience and security.

TITLE VII: IMPROVING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT AND FIRST RESPONDERS

Subtitle A—Fusion and Law Enforcement Education and Teaming (FLEET) grant program

§ 701—Findings.

§ 702—FLEET Grant Program. State, local, and tribal law enforcement participation in state and local fusion centers advances the cause of homeland security by involving officers in the intelligence process on a daily basis; helping officers build relationships across every level and discipline of government and the private sector; and ensuring that criminal intelligence and other information is shared with their home communities. Unfortunately, the many local and tribal police and sheriffs' officers who serve suburban, rural, and tribal areas lack the resources to participate fully in fusion centers. This section accordingly establishes and authorizes funding for a program that will help them detail officers and intelligence analysts to state fusion centers by defraying the

costs associated with details. Specifically, it will provide local and tribal communities with the funding they need to backfill positions vacated by detailees; to train detailees in the intelligence cycle and privacy and civil liberties, and to ensure effective communications between detailees and their home departments and agencies. By encouraging participation in state fusion centers by these lower profile but equally critical law enforcement players—regardless of resources—this program will promote the development of more robust fusion centers nationally that are better geared toward protecting the American people. This section authorizes such sums as may be necessary for each of fiscal years 2008 through 2013 in support of the FLEET Grant Program.

Subtitle B—Border Intelligence Fusion Center Program

§711—Findings.

§712—Establishment of Border Intelligence Fusion Center Program. Law enforcement officers speak highly of fusion centers—entities that have been established at the State and regional levels in order to make sense of the millions of pieces of data available to them, state health authorities, local first responders, the private sector, and other homeland security players. One place where police and sheriffs' officers have identified a need for such intelligence ''fusion'' is at America's borders. As the June 2, 2006, arrest of suspected terrorists in Toronto, Canada, and news that al Qaeda has considered crossing the Mexican border to infiltrate the country both vividly demonstrate, America needs a ''border intelligence'' capability. Having situational awareness of the goings-on at our points of entry and all places in between would help the Department of Homeland Security make best use of its resources by partnering more effectively with the state, local, and tribal law enforcement officers that are the ''eyes and ears'' at our borders. Although it is commonly accepted that officers armed with that information could be effective lookouts for terrorists, drug and human smugglers, and others who pose a threat to the nation, no consistent and effective border intelligence capability yet exists. This section accordingly establishes and authorizes funding for a program that will require the Department to deploy Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) officers to border state fusion centers in order to generate border-related intelligence products that are relevant to the policing communities in those states. This section also provides for intelligence analysis, privacy, and civil liberties training. This section authorizes such sums as may be necessary for each of fiscal years 2008 through 2013 in support of the Border Intelligence Fusion Center Program.

Subtitle C—Homeland Security information sharing enhancement

§721—Short Title.

§722—Homeland Security Advisory System. This section directs the Under Secretary for Intelligence and Analysis to implement an advisory system to relay advisories and alerts to the public regarding threats to the homeland. This bill likewise prescribes the contents of those advisories and alerts, and it makes clear that the Under Secretary for Intelligence and Analysis is not to use color designations as the exclusive means warning the public of potential threat conditions.

§723—Homeland Security Information Sharing. This section directs the Secretary to integrate the various intelligence components of the Department (CBP, ICE, TSA, etc.) into a Departmental Information Sharing Environment (ISE) to be administered by the Under Secretary for Intelligence and Analysis. To support the development of the ISE, this section:

(1) requires the Secretary to appoint ''Knowledge Management Officers'' for each intelligence component in order to promote a coordinated approach to gathering and disseminating homeland security information;

(2) establishes business processes for the review of information provided by State, local, tribal, and private sector sources and related feedback mechanisms; and

(3) establishes a training program for Department employees so they can better understand what ''homeland security information'' is, how they can identify it as part of their day-to-day work, and how it is relevant to the Office of Intelligence and Analysis.

This section also directs the Secretary, acting through the Under Secretary for Intelligence and Analysis, to establish a comprehensive information technology network architecture that will connect all of the databases within the Department of Homeland Security to each other—promoting internal information-sharing within the Department's Office of Intelligence and Analysis (I&A) and among the Department's various intelligence components. This section requires the Secretary to submit an implementation plan and progress report to Congress in order to monitor the development of the architecture and encourages its developers to adopt the functions, methods, policies, and network qualities recommended by the Markle Foundation.

Subtitle D—Homeland Security information sharing partnerships

§731—Short Title.

§732—State. Local. and Regional Information Fusion Center Initiative. This section directs the Secretary to establish an initiative to partner I&A with State, local, and regional information fusion centers. Such fusion centers analyze and disseminate potentially homeland security relevant information to appropriate audiences in a given community and are managed by a State, local, or regional government entity. This section directs the Secretary to, among other things, coordinate the Department's information sharing efforts with these entities; provide intelligence and other assistance to them; represent the interests of these entities to the wider Intelligence Community; and provide appropriate training. In addition, this section requires the Secretary to submit a concept of operations for the fusion center initiative before it can get underway. It also requires the Secretary to address any privacy or civil liberties concerns about the initiative raised by both the Department's Privacy Officer and Officer for Civil Rights and Civil Liberties before the initiative is implemented. This section also requires a follow-up privacy impact assessment within one year after the initiative commences.

§733—Homeland Security Information Sharing Fellows Program. This section essentially creates a program by which State, local, and tribal law enforcement agencies can nominate officers to work alongside intelligence analysts in I&A to accomplish three key goals for improving information sharing: (1) identifying for Department intelligence analysts what kinds of homeland security information are actually of interest to law enforcement, including information that can be used to help thwart terrorist attacks; (2) assisting intelligence analysts to write and disseminate intelligence reports in a shareable format—providing officers with specific and actionable information without disclosing sensitive sources and methods; and (3) serving as a point of contact for officers in the field who want to share information with the Department but are unsure of where they should direct that information. Moreover, this section directs the Under Secretary for Intelligence and Analysis to solicit nominations for the program from a wide range of urban, suburban, and rural communities; provides a stipend to participating officers when funding permits; and directs the Under Secretary for Intelligence and Analysis to expedite the security clearance process for any nominee selected for the program who does not otherwise possess a valid security clearance. This provision requires the Secretary to submit a concept of operations for the program before it can get underway. It also requires the Secretary to address any privacy or civil liberties concerns about the program raised by both the Department's Privacy Officer and Officer for Civil Rights and Civil Liberties before the program can begin. Additionally, this section also requires a follow-up privacy impact assessment within one year after the program commences.

Subtitle E—Homeland Security intelligence offices reorganization

§741—Departmental Reorganization. This section reflects the changes wrought by the Secretary's Second Stage Review by redesignating the Directorate for Information Analysis and Infrastructure Protection (IAIP) within the Homeland Security Act of 2002 as I&A. It likewise redesignates the ''Under Secretary for Information Analysis and Infrastructure Protection'' as the ''Under Secretary for Intelligence and Analysis.'' This section also takes the list of responsibilities for the Under Secretary for Information Analysis and Infrastructure Protection contained in Section 201 of the Homeland Security Act of 2002 and divides them up between the new Under Secretary for Intelligence and Analysis and the new Assistant Secretary for Infrastructure Protection who heads the new Office of Infrastructure Protection (described in Section 763 below). This section also adds new responsibilities for the Under Secretary for Intelligence and Analysis, including (1) coordinating and enhancing integration among the Department's intelligence components; (2) establishing intelligence priorities; and (3) ensuring that open-source information is used in I&A products whenever possible. In addition, this section requires the Under Secretary for Intelligence and Analysis to establish a continuity of operations (COOP) plan in the event I&A's operations are disrupted by a range of potential emergencies and includes a variety of technical and conforming amendments.

§742—Intelligence Components of the Department of Homeland Security. This section defines ''intelligence component''; requires the Secretary to provide training to intelligence component staff regarding the handling, analysis, dissemination, and collection of homeland security information; and sets forth the responsibilities of the heads of each of the Department's intelligence components. Those responsibilities include: (1) ensuring that the work of their component supports the Under Secretary for Intelligence and Analysis and is consistent with his goals; (2) incorporating the Under Secretary for Intelligence and Analysis's input with regard to performance appraisals, bonus or award recommendations, recruitment and selection of staff, reorganization of the component, and other matters; and (3) ensuring that staff has knowledge of and complies with the programs and policies established by the Under Secretary for Intelligence and Analysis.

§743—Office of Infrastructure Protection. This section establishes the aforementioned Assistant Secretary for Infrastructure Protection to head the new Office of Infrastructure Protection. This section also lists six

key responsibilities for this new Assistant Secretary, including (1) conducting assessments of key resource and critical infrastructure vulnerabilities; (2) identifying priorities for Department protective and support measures; (3) developing a comprehensive national plan for securing key resources and critical infrastructure; (4) recommending protective measures for key resources and critical infrastructure; and (5) coordinating with the Undersecretary for Intelligence and Analysis and the Department's homeland security partners. The remainder of this section requires the Secretary to provide the Office with an expert staff, some of whom may hail from the private sector. It also requires staff to have appropriate security clearances and provides that personnel from other Federal agencies may be detailed to the Office in order to meet staffing needs.

TITLE VIII: PROTECTING PRIVACY AND CIVIL LIBERTIES WHILE EFFECTIVELY FIGHTING TERRORISM

Subtitle A—Privacy and civil liberties oversight boards

§ 801—Short Title.

§ 802—Findings.

§ 803—Making: the Privacy and Civil Liberties Oversight Board Independent. This provision removes the Board from the Executive Office of the President and makes the Board an independent agency. Under its current structure, the Board acts under the direction of the President, its offices are housed within the White House and its members serve at the pleasure of the President. This section would grant the Board autonomy and change its status to an independent agency.

§ 804—Requiring: All Members of the Privacy and Civil Liberties Oversight Board to Be Confirmed by the Senate. This section requires every member of the Board to be confirmed by the U.S. Senate. The Board will be composed of a full-time chairman and 4 additional members. The Board members shall be determined to be qualified and selected on the basis of their professional qualifications, achievements, public stature and expertise in the areas of civil liberties and privacy. Moreover, there shall never be more than three members of the Board that are members of the same political party and those individuals who are not of the same political party as the President can only be appointed after the President has consulted with the leadership of the nominee's party. Members of the Board cannot serve as an elected official or an employee of the Federal Government, other than in the capacity as a Board member during their tenure of service. All members will serve for a term of six years each.

§ 805—Subpoena Power for the Privacy and Civil Liberties Oversight Board. This section states that the Board will have subpoena powers that will be enforced by the U.S. District Court in the judicial district where the subpoenaed person resides. The subpoenas must be issued by the majority of the members of the Board.

§ 806—Reporting: Requirements. This provision requires the Board to submit no less than two reports each year to the appropriate committees of Congress that shall include a description of the Board's activities, information on its findings, conclusions, minority views, and recommendations resulting from its advice and oversight functions. The Board will also receive and review reports from Privacy Officers and Civil Liberties Officers from other executive branch agencies. The reports shall be unclassified, to the greatest extent possible, with a classified annex if necessary. The general public shall be kept abreast of the Board's activities through its reports, which shall be made public and through public hearings.

SUBTITLE B—Enhancement of privacy officer authorities

§ 811—Short Title.

§ 812—Authorities of the Privacy Officer of the Department of Homeland Security. This section vests the designated privacy officer with the power to access any and all records necessary to fulfill the obligations of the office; undertake any privacy investigation that is deemed appropriate; subpoena documents from the private sector, where necessary; obtain sworn testimony; and take the same action that the Department's Inspector General can take in order to obtain answers to questions and responsive documents in the course of an investigation. The term of appointment shall be five years. Additionally, the Privacy Officer will be required to submit reports directly to Congress regarding the officer's performance without any prior comment of amendment by the Secretary, Deputy Secretary, or any other officer or employer of the Department of the Office of Management and Budget.

TITLE IX: IMPROVING CRITICAL INFRASTRUCTURE SECURITY

§ 901—Vulnerability Assessment and Report on Critical Infrastructure Information. This section requires the Secretary to provide annual comprehensive reports on vulnerability assessments for all critical infrastructure sectors established in Homeland Security Presidential Directive-7. This provision will require the Secretary to provide the appropriate congressional committees with a summary vulnerability report and a classified annex for each industry sector. This provision also requires the Department of Homeland Security to provide a summary report from the preceding two years to compare with the current report to show any changes in vulnerabilities, provide explanations and comments on greatest risks to critical infrastructure for each sector, and additional recommendations for mitigating these risks.

§ 902—National Asset Database and the National At-Risk Database. This section requires the Secretary of the Department of Homeland Security to maintain two databases addressing critical infrastructure: the National Asset Database and, as a subset, the National at-risk Database. These databases will list the nation's critical infrastructure most at-risk of a terrorist attack. To develop the National Asset Database and the At-Risk Database, the Secretary will meet with a consortium of national laboratories and experts. The Secretary is required to annually update both databases and remove assets and resources that are not verifiable or do not comply with the database requirements. The Secretary will also meet with the states and advise them as to the format for submitting assets for the lists and notifying them as to deficiencies before removing or not including assets on the lists. This provision also requires the Secretary to consult the Databases for purposes of allocating various Department grant programs. Finally, the Secretary must provide an annual report to Congress on the contents of the Databases.

TITLE X: TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

§ 1001—Strategic Transportation Security Information Sharing. This section amends 49 U.S.C. § 114 to add subsection 114(u). This new subsection requires the establishment of a Strategic Transportation Security Information Sharing Plan. The purpose of this plan is to ensure the robust development of tactical and strategic intelligence products related to transportation security for dissemination to public and private stakeholders. The plan shall include a description of how intelligence analysts in the Transportation Security Administration are coordinating their activities with other Federal, State, and Local analysts. In addition the plan shall include reasonable deadlines for completing organizational changes within the Department and a description of resources needed to fulfill this plan.

Under this new subsection, the Secretary of the Department of Homeland Security is required to submit a report containing the plan to the appropriate Congressional Committees within 180 days of enactment. The Secretary is also required to submit an annual report and updates on implementation

The Secretary of Homeland Security is required under the new subsection to conduct an annual survey on the stakeholder satisfaction concerning the transportation security intelligence reports issued by the Department. To the greatest extent possible, the Secretary shall provide stakeholders with transportation security information in an unclassified format. The Secretary is also required to ensure that stakeholders have the security clearances needed to receive classified information if the information can not be disseminated in an unclassified format.

§ 1002—Transportation Security Strategic Planning. This section amends 49 U.S.C. 114(t). This new legislation specifically states that the Secretary of the Department of Homeland Security is required to complete modal security plans for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation assets (the National Strategy for Transportation Security is complete, but its underlying modal plans have not yet been completed). The Secretary of Homeland Security is responsible for coordinating all efforts undertaken under this subsection with the Secretary of Transportation. The development of risk-based priorities required under this section shall be based on vulnerability assessments conducted by the Department of Homeland Security.

This section requires the Secretary to define the roles and missions of tribal authorities. This section also requires the Secretary to establish mechanisms for encouraging employee organization cooperation and participation. Under this new language, the Secretary is responsible for a comprehensive delineation of prevention responsibilities. The responsibilities and issues delineated under this section have been expanded to include executed acts of terrorism outside of the United States. Research and development projects initiated by the Department shall be based on the prioritization required by this subsection. This section requires the Secretary, in conjunction with the submission of the budget to Congress under 31 U.S.C. § 1105(a), to submit to the appropriate congressional committees an assessment of the progress made on implementing the transportation modal security plans.

The periodic progress report required under this subsection shall include, at a minimum, recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal security plans that the Secretary, in consultation with the Secretary of Transportation, considers appropriate. The report shall include an accounting of all grants, including those for research and development, distributed by the Department of Homeland Security the previous year and a description of how these grants accomplished the goals of the National Strategy for Transportation Security. The report shall include an accounting of all funds spent by the Department on transportation security. This

accounting should not include the aforementioned grants. The report shall include information on the number of employees, by agency, working on transportation security issues. This listing shall be divided by mode—aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation modes. This list shall also include information, by mode, on the number of contractors hired by the Department to work on transportation-related security. Finally, the report shall include information on the turnover of transportation-security related employees at the Department the previous year. Specifically, the report shall provide information on the number of people who have left the Department, their agency, the area in which they worked, and the amount of time that they had worked at the Department. If the Department initiates any transportation security activities that are not clearly delineated in the National Strategy for Transportation Security, the Department shall provide an explanation to the appropriate congressional committees; including the amount of funds expended for these initiatives.

Finally, this section requires the National Strategy for Transportation Security to include, as an integral part or as an appendix, the Transportation Sector Specific Plan required under Homeland Security Presidential Directive 7. Additionally, the Secretary of Homeland Security, working with the Secretary of Transportation, shall consult with other Federal agencies; state, local, and tribal officials; the private sector; employee organizations; institutions of higher learning; and others, as applicable, when carrying out the responsibilities outlined in this section. An unclassified version of the National Strategy for Transportation Security shall be provided to other Federal agencies; state, local, and tribal officials; the private sector; employee organizations; institutions of higher learning; and others, as applicable.

TITLE XI: PRIVATE SECTOR PREPAREDNESS

§1101—Participation of Private Sector Organizations in Emergency Preparedness and Response Activities. This provision establishes a program by which the Secretary of Homeland Security will establish a disaster and emergency preparedness response program for the private sector. Under this provision, within 90 days of passage, the Secretary will create a program to enhance private sector preparedness and response to terrorism and other emergencies and disasters. Among other things, the program must establish guidelines to: (1) identify hazards and assessing risks and impacts, (2) mitigating hazards, (3) managing emergency preparedness and response, and (4) developing training and response plans and operational procedures. Among any such standards created, the Department is required to use National Fire Protection Association 1600 Standard on Disaster/Emergency Management and Business Continuity Programs, which establishes a check-list of best practices for disaster and emergency preparedness and response. This standard was endorsed and recommended by the 9/11 Commission.

TITLE XII: PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

§1201—Findings.

§1202—Definitions.

Subtitle A—Repeal and modification of limitations on assistance for prevention of WMD proliferation and terrorism

§1211—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism. Consistent with the 9–11 Commission's recommendations, this section repeals conditions on CTR assistance to Russia and the former Soviet Union, as proposed by Senator Lugar in amendments in prior Congresses. This provision also removes limits on the use of CTR and Department of Energy funds outside the former Soviet Union by modifying certification requirements and repealing funding caps while providing additional oversight over this program.

Subtitle B—Proliferation Security Initiative

§1221—Proliferation Security Initiative Improvements and Authorities. This section expresses a Sense of Congress that the President should expand and strengthen the PSI, with a particular focus on implementing recent recommendations from the Government Accountability Office, including establishing a separate budget item for PSI. It also requires the Secretary of State and Secretary of Defense to submit defined annual budgets for the PSI. This provision further requires a presidential report on the implementation of Subtitle B and an annual GAO report on PSI progress and effectiveness.

§1222—Authority to Provide Assistance to Cooperative Countries. This section authorizes the President to provide certain types of foreign military assistance to countries that cooperate with the U.S. and its allies to achieve PSI goals. It also requires the President to notify the Congress 30 days before transferring any ship or aircraft with military applications to any country that does not support U.S. interdiction efforts.

Subtitle C—Assistance to Accelerate Programs to Prevent WMD Proliferation and Terrorism

§1231—Findings: Statement of Policy.

§1232—Authorization of Appropriations for the Department of Defense Cooperative Threat Reduction Program. This provision authorizes such additional appropriations as may be necessary for fiscal year 2007 for the CTR Program, particularly for biological weapons proliferation prevention; chemical weapons destruction at Shchuch'ye; and to accelerate and strengthen all Cooperative Threat Reduction programs. This section also contains a sense of Congress that in future fiscal years, the President should accelerate and expand funding for Department of Defense CTR programs, and should begin immediately to secure additional commitments from the Russian Federation and other partner countries to facilitate such efforts.

§1233—Authorization of Appropriations for Department of Energy Programs to Prevent WMD Proliferation and Terrorism. This provision authorizes appropriations for FY 2007 for the Department of Energy National Nuclear Security Administration for the following programs and purposes:

To accelerate and strengthen the Global Threat Reduction Initiative (GTRI or ''global cleanout''), with a particular emphasis on the Russian research reactor fuel return program; international radiological threat reduction; and development of a quick response and short-term capabilities to secure and remove nuclear materials throughout the world.

To accelerate and strengthen the Nonproliferation and International Security program, with a particular emphasis on global security and engagement with China, India, and other states; activities to address emerging proliferation concerns in North Korea, Iran and elsewhere; participation in negotiations regarding North Korea's nuclear programs; inter-agency participation in the PSI; technical and other assistance to the International Atomic Energy Agency (IAEA) to increase the IAEA's capacity to secure vulnerable materials worldwide and prevent nuclear terrorism; U.S. efforts to help states around the world place the ''effective controls'' on weapons of mass destruction and related materials and technology mandated by UN Security Council Resolution 1540; cooperation on export controls in South Asia, the Middle East and other regions; efforts to strengthen U.S. commitments to international regimes and agreements; and establishment of a contingency fund for opportunities that arise.

To accelerate and strengthen the International Materials Protection, Control and Accounting program, with a particular emphasis on implementation of physical protection and material control and accounting upgrades at site; national programs and sustainability activities in Russia; material consolidation and conversion (including significant acceleration of the down-blending of highly-enriched uranium (HEU) to low-enriched uranium (LEU), the removal of HEU from facilities, and international participation in these efforts); efforts to strengthen cooperation with and access to Russia; implementation of Second Line of Defense Megaports agreements; and implementation of Department of Energy actions under the Security and Accountability for Every (SAFE) Port Act of 2006.

To accelerate and strengthen the Research and Development program, with a particular emphasis on improvement of U.S. government capability for both short and long-term, and innovative, nonproliferation research and development that addresses emerging proliferation concerns and will maintain U.S. technological advantage, including the capacity to detect nuclear material origin, uranium enrichment and plutonium reprocessing; and efforts to significantly expand the scientific research and development skills and resources available to the Department of Energy's nonproliferation programs.

Subtitle D—Office of the United States Coordinator for the Prevention of WMD Proliferation and Terrorism

§1241—Office of the United States Coordinator for the Prevention of WMD Proliferation and Terrorism. This section establishes the executive office of the U.S. Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. The U.S. Coordinator's duties include serving as the advisor to the President on all matters relating to the prevention of WMD proliferation and terrorism; formulating a comprehensive and well-coordinated U.S. strategy and policies (including department and agency performance milestones, identification of program inefficiencies, plans to coordinate and expand U.S. activities, new initiatives and programs, and plans to strengthen international cooperation); leading interagency coordination; conducting oversight and evaluation; and overseeing the development of a comprehensive and coordinated budget and carrying out other budgetary authorities. This section further requires an annual congressional report on the strategy and policies described in Subtitle D, and consultation with the Commission on the Prevention of WMD Proliferation and Terrorism (established in Subtitle E).

§1242—Request for Corresponding Russian Coordinator. This section expresses a sense of Congress that the President should personally request the President of the Russian Federation to designate an official of the Federation with responsibilities for preventing WMD proliferation and terrorism, commensurate with those of the U.S. Coordinator, and with whom the U.S. Coordinator should work to plan and implement activities in the Russian Federation.

Subtitle E—Commission on the Prevention of WMD Proliferation and Terrorism

§1251—Commission on the Prevention of WMD Proliferation and Terrorism. This section directs the President to convene a bipartisan blue-ribbon commission of experts for the purpose of assessing current activities and programs to prevent weapons of mass destruction (WMD) proliferation and terrorism, and providing a clear and comprehensive strategy and concrete recommendations for these activities and programs.

§1252—Purposes. This section provides for the purposes of the Commission, including assessing current activities, initiatives, and programs to prevent WMD proliferation and terrorism and providing a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs, with a particular emphasis on significantly accelerating, expanding, and strengthening, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.

§1253—Composition. This provision describes the composition of the Commission, which will have three members appointed by the President, three members appointed the by the House and three members appointed by the Senate, and establishes requirements for quorum and filling vacancies.

§1254—Responsibilities. This section requires the Commission to address the structure and mission of relevant government actors, including the Office of the U.S. Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (established in Subtitle D); inter-agency coordination; U.S. commitments to international regimes; and the threat of WMD proliferation and terrorism to the U.S. and its interests. This section also requires the Commission to reassess, and where necessary update and expand upon, the conclusions and recommendations of the report entitled ''A Report Card on the Department of Energy's Nonproliferation Programs with Russia'' of January 2001 (also known as the ''Baker-Cutler Report'').

§1255—Powers. This provision describes the powers of the Commission.

§1256—Nonapplicability of Federal Advisory Committee Act. This section clarifies that the Federal Advisory Commission Act does not apply to the Commission but requires the Commission to hold hearings as appropriate.

§1257—Report. This section requires that the Commission report to Congress not later than 180 days after appointment of the Commission.

§1258—Termination. This provision terminates the Commission 60 days after completion of the report required under §1257.

TITLE XIII: NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT

§1301—Short Title.

§1302—Definitions.

Subtitle A—Sanctions for transfers of nuclear enrichment, reprocessing, and weapons technology, equipment, and materials involving foreign persons and terrorists

§1311—Authority to Impose Sanctions on Foreign Persons. This section requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to any non-nuclear weapon state that does not possess such technology as of January 1, 2004 and does not have in force an IAEA Additional Protocol; or, is developing nuclear weapons; or, who provides items controlled by the Nuclear Suppliers Group that contributes to the development of a nuclear weapon by a non-nuclear weapon state or any foreign person. Sanctions include prohibiting foreign assistance to such person, prohibiting the export of defense articles, defense services, or dual use items (other than food or medicine), and prohibiting contracts. Sanctions may be waived if it is important to the national interest and furthers the purposes of the Act.

§1312—Presidential Notification on Activities of Foreign Persons. This provision requires a report from the President on foreign persons who engage in the activities described in §1311.

Subtitle B—Further actions against corporations associated with sanctioned foreign persons

§1321—Findings.

§1322—Campaign by United States Government Officials. This section requires the President to instruct U.S. officials and agencies to persuade foreign governments and relevant corporations not to enter into any business transaction with foreign persons who engage in the activities described in 1311.

§1323—Coordination. This section provides that the Secretary of State coordinate the activities of U.S. government agencies under 1322.

§1324—Report. This provision requires an annual report on all activities described in this subtitle.

Subtitle C—Rollback of nuclear proliferation networks

§1331—Nonproliferation as a Condition of United States Assistance. This section provides that U.S. assistance should only be provided to countries that are not cooperating with countries or foreign groups or individuals who are engaged in, planning or assisting any international terrorist group in the development of nuclear weapons or the means to deliver them and are taking all necessary measures to prevent their nationals or persons under their control from participating in such cooperation and are fully and completely cooperating with the United States in its efforts to eliminate nuclear black-market networks.

§1332—Report on Identification of Nuclear Proliferation Network Host Countries. This provision requires an annual report that identifies any country in which activities of the nuclear black market network that supplied Libya, Iran and North Korea occurred and any country in which such activities occur in the future. This section also requires that the President submit information as to whether such countries are fully cooperating with the United States, including providing access to individuals involved in such networks.

§1333—Suspension of Arms Sales Licenses and Deliveries to Nuclear Proliferation Host Countries. This provision directs the President to prohibit exports or other activities under the Arms Export Control Act to any country unless the President certifies that such country is fully investigating the nuclear black market networks described in 1332, is taking effective steps to halt such activities, and is fully cooperating with the United States and other appropriate international organizations in investigations regarding such networks. These prohibitions may be waived if it is important to the national security interest. 25

TITLE XIV: 9/11 COMMISSION INTERNATIONAL IMPLEMENTATION

§1401—Short Title: Table of Contents.

Subtitle A—Quality educational opportunities in Arab and predominantly Muslim countries

§1411—Findings: Policy. This section declares that it is the policy of the United States to: work toward the goal of dramatically increasing the availability of modern basic education through public schools in Arab and predominantly Muslim countries, join with other countries in supporting the International Arab and Muslim Youth Opportunity Fund, offer additional incentives to increase the availability of basic education in Arab and predominantly Muslim countries, and work to prevent financing of education institutions that support radical Islamic fundamentalism.

§1412—International Arab and Muslim Youth Opportunity Fund. This section amends §7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 by establishing an International Arab and Muslim Youth Opportunity Fund. The new §7114(a) contains findings on the United Nation's 2003 Arab Human Development Report on the lack of quality public education, the high illiteracy, enrollment, and access rates in Arab countries. The new §7114(b) states the purpose is to strengthen the public educational systems in Arab and predominantly Muslim countries by authorizing the establishment of an International Arab and Muslim Youth Opportunity Fund and providing resources for the Fund to help strengthen the public educational systems in Arab and predominantly Muslim countries. The new §7114(c) authorizes the establishment of an International Arab and Muslim Youth Opportunity Fund as either a separate fund in the U.S. Treasury or through an international organization or international financial institution; authorizes the Fund to support specific activities, including assistance to enhance modern educational programs; assistance for training and exchange programs for teachers, administrators, and students; assistance targeting primary and secondary students; assistance for development of youth professionals; and other types of assistance such as the translation of foreign books, newspapers, reference guides, and other reading materials into local languages and the construction and equipping of modern community and university libraries; and authorizes such sums as may be necessary for fiscal years 2008, 2009 and 2010 to carry out these activities. This subsection requires the President to prepare a report on the United States efforts to assist in the improvement of education opportunities for Arab and predominantly Muslim children and youths, including the progress in establishing the International Arab and Muslim Youth Opportunity Fund. This subsection also provides a definition for use in this section.

§1413—Annual Report to Congress. This section directs the Secretary of State to prepare an annual report on the efforts of Arab and predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism and provides the requirements for the annual report.

§1414—Extension of Program to Provide Grants to American-Sponsored Schools in Arab and Predominantly Muslim Countries to Provide Scholarships. This section provides findings regarding the pilot program established by §7113 of the 9/11 Implementation Act of 2004, stating that this program for outstanding students from lower-income and middle-income program in Arab and predominantly Muslim countries is being implemented. This provision also amends §7113 to extend that program for FY2007 and 2008, authorizes such sums as may be necessary for such years, and requires a report in April 2008 about the progress of the program.

Subtitle B—Democracy and development in Arab and predominantly Muslim countries

§1421—Promoting Democracy and Development in the Middle East, Central Asia, South

Asia, and Southeast Asia. This section contains findings describing the national security interests of the United States to promote democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia. This provision also declares that it is the policy of the United States to promote in the short and long-term, democracy, the rule of law, good governance, sustainable development, a vigorous civil society, political freedom, protection of minorities, independent media, women's rights, private sector growth, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia; and provide assistance to individuals and organizations in the countries of those regions that are committed to promoting those objectives. Moreover, this section directs the Secretary of State to prepare a report with a country-by-country five year strategy to promote the policy of the United States described in subsection (b), including an estimate of the funds necessary to implement such a strategy.

§1422—Middle East Foundation. This provision authorizes the Secretary of State to designate an appropriate private, non-profit United States organization as the Middle East Foundation and to provide funding to the Middle East Foundation through the Middle East Partnership Initiative. This subsection directs the Secretary of State to provide notification prior to designating an appropriate organization as the Middle East Foundation. It also requires the Middle East Foundation to award grants to persons located in the Middle East or working with local partners based in the region to carry out projects that support the purposes specified in subsection (a); and permits the Foundation to make a grant to a Middle Eastern institution of higher education to create a center for public policy. In addition, this section prevents the funds provided to the Foundation from benefiting any officer or employee of the Foundation, except as salary or reasonable compensation for services, and provides that the Foundation may hold funds provided in this section in interest-bearing accounts, subject to appropriations. This section requires annual independent private audits, permits audits by the Government Accountability Office, and requires audits of the use of funds under this section by the grant recipient. This provision also directs the Foundation to prepare an annual report on the Foundation's activities and operations, the grants awarded with funds provided under this section, and the financial condition of the Foundation. Finally, this section repeals 534(k) of P.L. 109–102.

Subtitle C—Restoring United States moral leadership

§431—Advancing United States Interests through Public Diplomacy. This provision finds, via the National Commission on Terrorist Attacks Upon the United States, that the U.S. government has initiated some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan and that these efforts are beginning to reach larger audiences. It also includes a sense of Congress that the United States needs to improve its communication of ideas and information to people in countries with significant Muslim populations, that public diplomacy should reaffirm the United States commitment to democratic principles, and that a significant expansion of United States international broadcasting would provide a cost-effective means of improving communications with significant Muslim populations. In addition, this section amends the United States International Broadcasting Act of 1994 to include a provision establishing special authority for surge capacity for U.S. international broadcasting activities to support United States foreign policy objectives during a crisis abroad, and authorizes such sums to carry out the surge capacity authority and directs the Broadcasting Board of Governors to submit an annual report to the President and Congress. This section also authorizes such sums as may be necessary for FY 2008 for U.S. broadcasting activities, including broadcasting capital improvements.

§1432—Expansion of United States Scholarship. Exchange, and Library Programs in Arab and Predominantly Muslim Countries. This section directs the Secretary of State to prepare a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States for expanding U.S. scholarship, exchange, and library programs in Arab and predominantly Muslim countries, including a certification by the Secretary of State that such recommendations have been implemented or if a certification cannot be made, what steps have been taken to implement such recommendations. This provision also directs the Comptroller General of the United States to review the certification once submitted.

§1433—United States policy toward Detainees. This section restates the 9/11 Commission recommended that the United States develop a common coalition approach toward detention and humane treatment of captured terrorists, that while the U.S. has passed a number of laws in this area, it has not developed such a common coalition approach, and that a number of U.S. allies are conducting investigations related to treatment of detainees. It also requires a report 90 days after enactment of the Act and 180 days thereafter on any progress on developing such an approach, and a certification that such an approach has been implemented or, if such certification has not been made, the steps taken to implement this recommendation. In addition, this provision terminates the requirement of subsection (b) if the Secretary makes such a certification, and requires a GAO review of the certification.

Subtitle D—Strategy for the United States' relationship with Afghanistan, Pakistan, and Saudi Arabia

§1441—Afghanistan. This provision declares that it is the policy of the United States to maintain its long-term commitment to Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan and that the President shall engage aggressively with the Government of Afghanistan and NATO to assess the success of the Afghan December 2006 counternarcotics strategy and to explore all additional options for addressing the narcotics crisis in Afghanistan, including considering whether NATO forces should change their rules of engagement regarding counternarcotics operations. Moreover, this section declares that the Afghanistan Freedom Support Act of 2002 should be reauthorized and updated, and directs the President to make every effort to dramatically increase the numbers of United States and international police trainers, mentors, and police personnel operating with Afghan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing corruption; and directs the President to submit a report on the United States efforts to fulfill the requirements in this subsection. This section also authorizes such sums as may be necessary for fiscal years 2008 and 2009 for the acquisition of emergency energy resources, including diesel fuel, to secure the deliver of electricity to Afghanistan.

§1442—Pakistan. This section declares that it is the policy of the United States to work with the Government of Pakistan to combat international terrorism, to end the use of Pakistan as a safe haven for forces associated with the Taliban, to establish a long-term strategic partnership with Pakistan, to dramatically increase funding for programs of the U.S. Agency for International Development and the Department of State, and to work with the international community to secure additional financial and political support to assist the Government of Pakistan in building a moderate, democratic state. This provision also requires the President to submit a report on the long-term strategy of the United States to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology, combating poverty and corruption, building effective government institutions, promoting democracy and the rule of law, addressing the continued presence of the Taliban and other violent extremist forces throughout the country, and effectively dealing with Islamic extremism. In addition, this section prohibits the provision of United States security assistance to Pakistan until the President certifies that the Government of Pakistan is making all possible efforts to prevent the Taliban from operating in areas under its sovereign control but provides a national security waiver to the President. The subsection includes a sunset provision whereby the limitation of assistance will cease to be effective once the President determines that the Taliban cease to exist as an organization capable of conducting military, insurgent, or terrorist activities in Afghanistan from Pakistan. This provision also authorizes such sums as may be necessary for assistance for Pakistan in various different accounts, and extends waivers of foreign assistance restrictions with respect to Pakistan through the end of FY 2008 and includes a sense of congress that extensions of these waivers beyond FY 2008 should be informed by whether Pakistan makes progress in rule of law and other democratic reforms and whether it holds a successful parliamentary election.

§1443—Saudi Arabia. This provision states Congressional findings that the Kingdom of Saudi Arabia's record in the fight against terrorism has been uneven and that the United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists, and expresses a sense of congress that the Government of Saudi Arabia must undertake a number of political and economic reforms in order to more effectively combat terrorism. This section also provides for a number of statements of policies regarding the U.S. relationship to Saudi Arabia, including engaging Saudi Arabia to openly confront the issue of terrorism, to enhance counterterrorism cooperation, and to support reform efforts by the Government of Saudi Arabia. Finally, this provision requires a report on the ongoing U.S.-Saudi Strategic Dialogue and whether the Dialogue has promoted progress in achieving the U.S. long term strategy to engage the Government of Saudi Arabia to undertake reforms and to combat terrorism.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset, let me thank the gentleman from Mississippi (Mr. THOMPSON), the new chairman of the Homeland Security Committee, for the work that he did, certainly in the

time that I was chairman of the Homeland Security Committee and he was the ranking member.

Let me also wish him the very best as he embarks on his tenure as chairman of the Homeland Security Committee. And even though we certainly will have differences today and the debate will be strong at times, I want to assure him that I share the same commitment he does. I know that he shares the commitment that I have to work together in a bipartisan way on the issue of Homeland Security and throughout the next 2 years. I certainly look forward to working with him and cooperating with him in every way that I can, and I know I speak for the members of the committee on my side of the aisle.

Mr. Speaker, it is, to me, a very significant matter that Homeland Security is listed as the top issue. I agree that it should be. I agree that it is, and to that extent, I certainly commend the gentleman from Mississippi (Mr. THOMPSON) for bringing forth this legislation.

However, I am extremely disappointed in the way it is being done. And I say that not just as a matter of process or a matter of procedure, but I say that as a person who, during the 15 months that I was the chairman of the Homeland Security Committee, I did all I could to ensure that every piece of legislation that came through our committee was bipartisan from day one. Every piece of legislation went through a complete subcommittee hearing. The Democratic minority, at the time, were fully apprised of all that we were doing at all stages. Went to a full committee hearing, and again, everyone was apprised of all that was happening. It was an open book. And as a result of that, we passed very, very significant bipartisan legislation in the most recent Congress, the Port Security Act, chemical plant legislation, reforming and restructuring FEMA. The interoperability legislation, which was jointly sponsored and advanced by Mr. REICHERT and Mr. PASCRELL became part of the FEMA restructuring legislation. And I say that because it shows that, on an issue such as homeland security, we make the most progress when we work together, and that this should not be a partisan issue because terrorists don't care if you are Democrats, Republicans or Independents. If we are Americans, they want to kill us. And that has to be our guiding principle throughout this.

So I am disappointed today that such a piece of legislation, which attempts to deal with such a vital issue in such an all-encompassing way is going to be done without any benefit at all of going through the committee, having committee hearings, getting testimony, of reaching out. We, as Republicans, had no say whatsoever in this legislation.

Again, I emphasize, I can speak for the Homeland Security Committee. That never happened during the 15 months that I was the chairman, nor do I believe it ever happened under my predecessor, Mr. Cox.

Now, as far as the legislation today, as I said, parts of it are disappointing. And I guess this even goes back to last week. If there is one issue, one recommendation that the Homeland Security Committee made was that we should centralize as much jurisdiction as possible in one committee, rather than have such a multiplicity of committees and subcommittees in both Houses requiring the Secretary and the assistants and the undersecretaries to come up to the Hill to be testifying, and also to get a much more coordinated policy. Nothing was done on that whatsoever.

Now, the chairman pointed out that perhaps Republicans could have done this in the past. Well, the fact is, this is a work in progress. It was the Republican majority which set up and established, first as a select committee for 2 years and then as a permanent committee since January of 2005, the Committee on Homeland Security. I know in my conversations with the leadership, it was certainly the intention to centralize it more. Would they have? I believe they would have. If not, I certainly would have fought to have it done because one thing I think the former ranking member and the current chairman and I would agree on, we saw last year what happened when you had legislation going from one committee to the other, one committee trying to grab a small part of it and slowing down the process.

Also, we found out how nuanced and how complicated these issues are, and that very few of us ended up where we began. We saw, as the debate went forward, as the hearings went forward, as the expert witnesses came in, just how intricate these issues were and how vital they were and how important it was not to jump ahead.

Now, the chairman mentioned, for instance, scanning 100 percent of cargo within 3 years or most of it done within 3 years. Now, on its face, that sounds very good. It is a good sound bite. It is good for a 100-hour scenario. But the fact is, we held extensive hearings on that. The fact is that the legislation that was arrived at between the House and the Senate, seeing the complexity of it, and realizing that there is no technology in place right now that could bring that about, has set up pilot projects around the world, and we will get a report back on those projects with a sense of urgency and a need to implement whatever can be implemented. But to set forth a 100-percent standard when there is no evidence now that that can be achieved during that time period, to me, gives a false hope to the American people, and it is playing, to me, it is trivializing what should be the most important issue that confronts the Nation today.

Now, also, on that and to show that our constructive criticism of this issue is not done in a partisan way, the Washington Post today had an editorial extremely critical of that provision in particular and the process in general.

So with that I look forward to the debate today. As I said, I have real problems with the process. I have certain specific problems with parts of the legislation. But that can be all brought out in the debate today. Unfortunately, there won't be an opportunity to offer amendments on it. As I said, there were no committee hearings. But it is going to be a long 2 years, long in the sense that we have a long period in which to get a lot done. But, on the other hand, I assure Mr. THOMPSON that once we get this behind us, I look forward to working with him in as bipartisan a way as possible. And with the respect I have for him, I think, at the end of that long 2 years, the American people will see that we have achieved quite a bit.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to assure the ranking member that after today, and from this day forward, there will be communication. We will work together. The jurisdictional issues that we didn't resolve completely in the last 15 months or so, I assure you, we will do our best to make sure that they don't come into impacting the committee.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the chairman of the Homeland Security Committee.

Notwithstanding the remarks of the gentleman from New York (Mr. KING), the fact is that the bipartisan 9/11 Commission gave the last Congress Fs and Ds in implementing its recommendations. This Congress is determined to earn its As in implementing those recommendations, and not just by inspecting the air and sea cargo but also by distributing the funds that are available based upon risk, not just by population; by preventing the spread of terrorism and, particularly, weapons of mass destruction; by reducing the appeal of extremism through international quality education and the expansion of democracy and economic development.

But most of all, Mr. Speaker, this Congress is determined to implement the principal recommendation of the 9/11 Commission, which was to restore U.S. moral leadership. That is the intent of this bill. I strongly urge support for it.

Mr. KING of New York. Mr. Speaker, I would just point out to the gentleman from Virginia (Mr. MORAN) that on the fairer funding, the legislation which is in the bill today is exactly the legislation which passed the previous Congress, and certainly, that part of the bill I will support strongly.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

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Mr. MICA. Mr. Speaker, I ask unanimous consent that the House resolve into secret session as though pursuant to a motion by Mr. MICA, under rule XVII, clause 9. Because there are 54 new Members of the House of Representatives and a significant number of returning Members who have not had access to critical classified information, it is extremely vital to their understanding of the consequences of their vote in regard to the impact of H.R. 1, which will affect this Nation, our security, and pending terrorist threat.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Florida?

Mr. THOMPSON of Mississippi. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that the distinguished incoming chairman of Armed Services, Mr. SKELTON, be allowed to control the remainder of the time.

The SPEAKER pro tempore. Is there objection to the gentleman from Mississippi?

There was no objection.

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

I thank the gentleman from Mississippi.

Mr. Speaker, during the Presidential debates of 2004, there was one point of consensus between the two candidates that is important for us in our debate today. In answer to the question of what is the single most threat to the national security of the United States, both candidates agree that nuclear proliferation and weapons of mass destruction in the hands of terrorists was the biggest threat. This view was shared by the 9/11 Commission, which recommended a vital effort to prevent and counter the proliferation of weapons of mass destruction.

H.R. 1 will help put the United States much further down the path to addressing the problem of weapons of mass destruction, proliferation, and terrorism. It will strengthen the Cooperative Threat Reduction program also, known as the Nunn-Lugar program, as well as the Department of Energy's nonproliferation programs. It will strengthen and expand the multinational Proliferation Security Initiative started by this administration and will establish a new Coordinator for the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism.

The bill also establishes a new commission to follow up on the work of the 9/11 Commission focused on the issue of weapons of mass destruction, proliferation, and terrorism.

Specifically, the bill will repeal a set of limitations on nonproliferation programs which threatens on an annual basis to shut off access to program funding unless Congress or the President waives them. It simplifies the authority to use those funds outside the countries of the former Soviet Union when necessary and appropriate while strengthening oversight. The bill authorizes such sums as are necessary for these programs.

On the Proliferation Security Initiative, the bill calls upon the President to continue and to expand it. It directs the administration to develop and transmit to Congress a defined budget for this effort and initiates a GAO review. The bill further authorizes the President to use foreign assistance as an initiative to get more countries to join.

The coordinator for the Prevention of Weapons of Mass Destruction, Proliferation, and Terrorism established by this bill will be a senior aide close to the President who can give the nonproliferation programs spread across the Federal Government the support they need and, of course, deserve. The bill requires a comprehensive strategy to fully use and coordinate these programs, and it calls for measurable goals and milestones by which we can judge progress.

The commission established by this bill will build upon the excellent work of the 9/11 Commission by examining in detail the existing nonproliferation programs and also any new and creative ideas for securing dangerous materials.

In addition, the commission would follow up on the work of the Baker/Cutler Commission, which made a series of recommendations in this area in 2001.

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

Mr. KING of New York. Mr. Speaker, I yield the remainder of my time to the distinguished ranking member of the Foreign Affairs Committee, the gentlelady from Florida (Ms. ROS-LEHTINEN), and ask unanimous consent that she be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the gentleman from New York?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, it is truly a shame that the new Democratic leadership has chosen to turn what was a bipartisan, carefully calibrated approach to safeguarding our Nation's security in the aftermath of 9/11 into a partisan political tool. This bill does have some good elements. In fact, a big portion of the foreign policy titles in the bill mirror what is already in law, with some minor additions or recommendations.

That said, the bill does raise concern, and it even includes drafting errors that could have been avoided had we on the other side of the aisle had in the committees been allowed to operate and been allowed to contribute to the drafting, but we were not.

For example, the Nuclear Black Market section in this bill, Mr. Speaker, is a legislative effort that I had the pleasure of working on with the gentleman from California (Mr. LANTOS) throughout the last few years.

However, much has changed. Parts of it need revision. It needs to be reedited and updated. But we will be unable to fix these provisions and make these necessary corrections.

Far more troubling, Mr. Speaker, is the profound divergence between our two parties that this legislation reveals. The divergence is clearly most demonstrated in the provisions regarding the Proliferation Security Initiative, known as the PSI.

Since its creation by this administration in the year 2002, the PSI has quickly become one of this country's most valuable tools in helping to stop the spread of weapons of mass destruction and preventing them from falling into the hands of terrorists. Our PSI partners and others at times have stopped the transshipment of material and equipment bound for Iran's ballistic missiles programs and also prevented Iran from procuring funds and the goods to support its weapons of mass destruction programs, including its nuclear program; and it was PSI cooperation between the U.S., the U.K., and other European partners that began the demise of the Dr. A.Q. Khan network, an action that was also instrumental in convincing the Libyan Government to stop its nuclear weapons and longer-range missile programs.

Despite this success, Mr. Speaker, this legislation urges the President to secure a resolution by the United Nations Security Council that would authorize the PSI under international law. We have seen how ineffective the U.N. Security Council has been in compelling Syria to stop its support for terrorist activities in Lebanon, or at least in keeping to its own deadlines regarding Iran's nuclear program. Giving the United Nations the ability to define what is permissible under the PSI will result in the imposition of unpredictable limitations, unpredictable conditions, and unpredictable interpretations and would result in a regulatory straightjacket overseen by the international bureaucracy.

Frankly, Mr. Speaker, this is disturbing. I need only point out the continuing efforts by Russia and China to hobble the efforts of the United States at the United Nations to apply pressure to Iran to abandon its nuclear weapons program. If this recommendation were followed, the PSI would be undermined. The problem, however, is far deeper than merely the threat to this vital and proven program. The position of some of my colleagues across the aisle appears to be that the PSI and similar efforts by the United States to defend its citizens against terrorists and other threats require authorization under international law by the United Nations. They believe that these so-called

multilateral regimes are credible substitutes for the efforts of the United States.

We must oppose any efforts to substitute action by the U.N. and other international organizations for those of the U.S. Government in carrying out its fundamental responsibility to protect the American people and advance American interests. I know that there are many of my colleagues who are equally concerned that this proposal should be adopted. I know their constituents will be, Mr. Speaker.

Therefore, I hope that all of our colleagues carefully think about some of these provisions and that they put partisan politics aside when it comes time to vote on the motion to recommit, a motion that reaffirms a central tenet of the U.S. foreign policy, and that is that it is the responsibility of the U.S. Government to protect the American people. This responsibility must never be surrendered to the United Nations or other multilateral institutions.

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

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Armed Services Committee.

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

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, colleagues, our country is living on borrowed time. A quantity of highly enriched uranium or plutonium the size of a grapefruit that could be put into a vehicle the size of a U-Haul truck could result in the detonation of a nuclear weapon about the size of that which leveled Hiroshima and Nagasaki.

Loose nuclear materials have been too loose and too free for too long around the world. This was the first and most urgent recommendation of the 9/11 Commission. Frankly, we have been moving at too slow of a pace with too little of a focus and without sufficient funding to get this problem under control.

Today's long overdue legislation is a necessary first step toward protecting the American people against these egregious consequences. This legislation properly focuses on the problem of loose nuclear material, the origins of which and the whereabouts of which we do not know. It focuses upon nuclear material that is in hands that are not properly being secured, it focuses on nuclear materials that are being properly secured, and it expedites the process of converting reactors that use highly enriched uranium to reactors that would use low-enriched uranium and, therefore, be much, much less of a risk.

For the first time, there will be a central point in the executive branch where the diplomatic intelligence, research and development and military responsibilities for bringing this problem under control will be focused and centered in one place.

The job will not be done by the passage of this legislation. But for too long we have lived on borrowed time waiting for the passage of this legislation. I would urge my colleagues on both the majority and minority side to vote ''yes'' and start us down the road toward solving this egregious and urgent problem.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 9 minutes to the gentleman from Florida (Mr. MICA), 5 minutes to the gentleman from Michigan (Mr. HOEKSTRA), 10 minutes to the gentleman from Michigan (Mr. UPTON), 34 minutes to the gentleman from New York (Mr. KING), and ask that each of them be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the gentlewoman from Florida?

There was no objection.

Mr. MICA. I thank the gentlelady for yielding me this time.

Mr. Speaker, I am pleased to come to the floor during what I consider to be probably one of the most important issues that we will consider, not only in this 100 hours, but in this entire session of Congress, because this issue determines and will determine the very security, not just the security as far as a terrorist attack on this Nation, but even our economic security; and the actions that are taken here have great implications.

While I believe that my good friends on the other side of the aisle are very well intended in what they propose today, unfortunately I believe they are misguided in what they are doing.

I have a copy of the 9/11 Commission report. I chaired for some 6 years the Aviation Subcommittee. I inherited it by fate of the good Lord and circumstances here in Congress. I followed from the very beginning the creation of TSA and all of the actions that we have taken from day one in protecting this great Nation against a terrorist attack.

□ 1330

I have read the proposals that are brought forth here today. Unfortunately, these proposals can result in turning in the wrong direction at this time in our vulnerability against terrorist attack. Let me be very frank, and I offered before, and I am sorry that the other side did not accept it, unanimous consent requests that we resolve into a committee for 1 hour, 1 hour of a secret session to discuss the pending threats against this Nation and also the status of our security systems in place to deal with those threats, and I was denied it. As part of the record of this Congress, now, I was denied that opportunity.

There are 54 Members who were elected, new Members, Republican and Democrat, who have not had access to that classified information. They will vote in a few hours on turning the direction of the system that we have put in place and a system we are trying to make work to protect us against a terrorist attack, and we have been denied the opportunity for 1 hour in closed session, with no cameras, no public, but the classified reports.

Mr. Speaker, I am going to ask that the titles of each of the classified reports that now are in possession of the Transportation Committee be included in this part of the RECORD.

DHS OIG FINAL PENETRATION TEST RESULTS—March 30, 2004

AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS

AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS

FOLLOW-UP AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS (UNCLASSIFIED SUMMARY)

FOLLOW-UP AUDIT OF PASSENGER AND BAGGAGE SCREENING PROCEDURES AT DOMESTIC AIRPORTS (U)

AIRPORT PASSENGER SCREENING—PRELIMINARY OBSERVATIONS ON PROGRESS MADE AND CHALLENGES REMAINING

BRIEFING TO THE CHAIRMAN, AVIATION SUBCOMMITTEE—HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—March 31, 2004

AVIATION SECURITY—SYSTEMATIC PLANNING NEEDED TO OPTIMIZE THE DEPLOYMENT OF CHECKED BAGGAGE SCREENING SYSTEMS

AVIATION SECURITY—SCREENER TRAINING AND PERFORMANCE MEASUREMENT STRENGTHENED, BUT MORE WORK REMAINS

We have tried to make this work, and the good Lord and some efforts on behalf of many people, maybe just sheer fate, have brought us to this day and not being attacked. And last week on Thursday when I gave up that responsibility of chairing Aviation, a great mantle came off my shoulders, but I am telling you that you are headed in the wrong direction today. We have a very fragile system of security, particularly aviation security.

Now you come forth with recommendations. One recommendation dealing with cargo security is not a recommendation in this 9/11 Report. I defy anyone to find it. So what you are doing is taking our limited resources that protect us and putting them in an area that does not protect us.

We have had problems with TSA, yes. I have had four TSA administrators in 5 years. That is a problem with TSA. We have a system out there that screens passengers as they come through. And there are some improvements, I must say, that you have provided in this, but they are not the improvements we need. And now we are

telling TSA, an agency across the Potomac here in Washington to head in another direction.

We have taken the money for research and development that was first authorized, we put it in the original TSA bill, $50 million, half of it was taken by a Senator for a pet project. The next year $75 million, this Congress failed to act, and $63 million was spent on salary instead of research and development for the technology to protect us. So here we go off in another direction on a recommendation I defy anyone to find in here.

Another point here, and it is nice to throw your friends a bone but this is not the time to do it. I am telling you, I am very serious about this, folks, and listen to this. These words will be repeated because this Nation is at risk, and you won't take 1 hour to even listen to what that risk is or address that risk and what you are going to do.

Nowhere in this 9/11 Commission does it say that we should give collective bargaining rights to airport screeners, to TSA screener personnel. Nowhere. We had a bipartisanship agreement when we created TSA that we wouldn't do that and put us at risk, that we needed to move people around, that we needed to fire people when we needed to do that. This is taking big government; we have 43,000 screeners, 43,000 screeners, it is taking big government and it is doing the worst thing we could possibly do is making it entrenched in big government.

We need to replace those people with technology. Here is the report: 78 percent of the personnel could be replaced that now conduct checked baggage screening. You go to the airport, you check your bags. Check your bags. The failure rate of that system that was forced into place, I tried to get us to opt for technology; instead, we spent some $20 billion so far on this system that is reliant on people, human beings who fail. We could save 78 percent of the personnel costs. There are 16,800 people checking those bags by hand. I visited some 50 airports during August and September, and I am telling you, the system is flawed. And you are changing now to a recommendation that isn't even in this report? You are taking a big bureaucracy and making it an entrenched bureaucracy? You are putting us at risk.

This isn't a game, a political game where we score a few points and tell people we are doing something. This is about our women and children, our wives and mothers and our loved ones being put on aircraft and not having a secure system in place, and we aren't doing that with these proposals.

So maybe I am a little bit too emotional on this subject, maybe I have been too involved in this subject; but I am telling you for the sake of this country and our security. And many of the Members here have not had the opportunity to sit down and look at those classified reports. When this report was written, liquid bombs, liquid explosives, does it appear anywhere in here? The terrorists that we deal with now, is it addressed anywhere here? I need to have these points in the RECORD because this deals with our national security. And I am telling you, and mark my words on this day, that our terrorist-hatred folks know what is going on. They have tested the system, they test the system, and they scope the system and they see these flaws, and they would have to be laughing to see us change our resources to go in another direction and put us at risk today.

Again, there are some good things in here. We have right now about a dozen airports with in-line high-tech systems. One of the them is the Speaker, Ms. PELOSI's, airport. It is the safest airport in the world. It has private screeners, and it has automated in-line high-tech equipment. Its capacity to find and detect threats is almost flawless. That is the model that we need; instead, we have about a dozen airports. Unfortunately, it will be 20 years at the current rate in which you propose to protect us with even that basic protection.

Mr. SKELTON. Mr. Speaker, may I inquire how much time is remaining for each side, please.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from Missouri has 77½ minutes, and the gentlewoman from Florida has 69 minutes remaining.

Mr. SKELTON. Mr. Speaker, in order to respond, I will yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank my good friend from Florida. Much of what you say is correct. But I have to refer you to the 9/11 report in the final recommendations: 9/11 public discourse project grades, checked bag and cargo screening, D. And it says in the report, in the final report, that improvements have not been made a priority by the Congress or the administration.

It is about time. And while the terrorists may know or they may not know, we have to do what we have to do, and we have to do it based upon the record.

The 9/11 recommendations are very clear, Mr. Speaker. The 9/11 Commission is in black and white right here, says it right here, received a D, and that is not acceptable to us.

Mr. SKELTON. Mr. Speaker, I yield myself 30 seconds.

My friend and colleague, the gentlewoman from Florida, reminds me of a law school professor who would say when someone gave a fuzzy answer, Well, read it. What does it say? And in looking at our resolution regarding the issue she raises about U.N. resolution encourages the administration to work to expand and formalize the PSI into a multi-national regime, and let me quote for my friend from Florida, ''to increase coordination, cooperation, and compliance among its participating States in interdiction activities.''

Mr. Speaker, I yield at this time 2 minutes to the gentlewoman from California.

Mrs. TAUSCHER. Mr. Speaker, I thank the chairman of the House Armed Services Committee for yielding time.

Mr. Speaker I rise in strong support of the 9/11 Commission Recommendations Act of 2007. Congress has reformed the intelligence community to better identify global threats and defend the United States, but for too long we have had a gaping hole in our security, eliminating the threat of weapons of mass destruction. And for too long the Bush administration and their congressional allies have left nonproliferation on the back burner. The bill before us today provides the tools we need to fight the threat of the world's most dangerous weapons. In the last Congress, I introduced the 9/11 Commission Combating Proliferation Implementation Act along with my colleagues JOHN SPRATT and MARTY MEEHAN.

The essential provision of our bill contained also in the bill before us today creates a coordinator for the prevention of weapons of mass destruction proliferation within the White House. The coordinator would also have both the budget authority over all nonproliferation programs and would also be responsible for designing and implementing a strategic plan to address the current threat levels posed by weapons of mass destruction.

Currently, nonproliferation efforts are overseen by the Departments of Energy, Defense, and State. While they all have had some success, these three large agencies are not guided by an overall plan or supported by a single individual who has the ability to ensure accountability. Because of the lack of high-level attention and leadership, some programs have either lapsed or been burdened with unrelated restrictions. Such a coordinating function has been recommended several times, including in the 1999 Deutsche Commission, to access the organization of the Federal Government to combat the proliferation of weapons of mass destruction.

As the 9/11 Commission warned: ''The greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons.''

We know the threat; now we have to act. I urge my colleagues to join me in support of this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), a former chairman of the Committee on Transportation and an expert in that field.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentlelady for yielding.

My colleagues and Mr. and Mrs. America, this is primarily a political

gesture without a great deal of result, and that is unfortunate. The hearings are necessary, especially in cargo screening. It has been shown to us that the cargo screening port security cannot occur within our ports themselves without total cooperation from the overseas shippers to the United States.

What we are asking in this bill is expenditure of huge dollars for really window dressing and not results. As the gentleman from Florida said, we are not really in this legislation as being proposed giving us any more security. We are expending dollars in the billions in the airports, and it will be in the billions in the ports and the waterways of our Nation. And the direct result will be, and keep this in mind, Mr. and Mrs. America, a direct cost to you without any security. Every product, everything you pick up that is imported to the United States will add an additional cost, and it may make us noncompetitive. There are other ports within our hemisphere that will be accepting without the security that is being offered in this bill within our ports the cargo that should be coming through our ports employing our people.

If you want true security, it will be done at the origin of shipping to the United States, and that is where we should be putting our efforts, not a charade of saying we are going to have our ports secure because we are going to put millions of dollars, billions, into the screening of everyone who works in the ports and setting up an artificial barricade of security.

There is an old saying: If you want a secure area, don't let anybody know how you secured it. What this proposal says is: national standards shall be set, and thus you shall be secure. But if I am the bad guy, I will figure around it to do good damage, bad damage to you, good damage to me. I ask you to reconsider and let's go back to the hearing process and do this job right.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

□ 1345

Mr. LARSEN of Washington. Mr. Speaker, I thank the chairman of the House Armed Services Committee for yielding time.

I rise today in support of fully implementing the September 11 Commission recommendations. As a member of the House Armed Services Committee, I can say that this bill creates a new foundation of security here at home by protecting our borders, our infrastructure and our freedoms. This legislation also plays an equally important role by reenergizing our engagement abroad and creating a new foundation for security in the international arena. These provisions, particularly those dealing with the prevention of proliferation of weapons of mass destruction, are what I would like to discuss today.

We will not be safe here at home as long as the worst weapons can fall into the worst hands. Citizens around the world will not be safe unless responsible nations work together to locate, secure and destroy global nuclear stockpiles. Today we are rightfully strengthening the leadership of the United States in these important areas.

The time for us to fully engage in the nonproliferation and counter proliferation arenas is long overdue. This bill dramatically strengthens the nonproliferation regime by both strengthening the best programs of the last decade and creating a new coordination and sanctions mechanism that will strengthen the nonproliferation mission for the future. I am particularly pleased with the provisions that will strengthen the Proliferation Security Initiative, or PSI, and the Cooperative Threat Reduction Initiative, CTRI.

With the involvement of approximately 70 nations, PSI has become the primary platform that allows us to work with our allies to search planes and ships carrying suspect cargo and to seize illegal weapons or missile technologies.

Unfortunately, until now, the future of this successful program was uncertain. Without a dedicated funding source and without integration into international law, this critical program could falter without proper administration support. This legislation works to secure the future of PSI by integrating it into both international law and to our own budget process.

And, finally, this bill provides Congress with the ability to fully support CTRI programs that are geared to lock up nuclear weapons and nuclear materials around the world. By lifting funding limitations and encouraging the program's expansion, this bill shows the world that our Nation, the United States, will strengthen its role as the global leader in combating proliferation.

Mr. UPTON. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, time moves on, but before some of us begin pretending that we are legislating on a blank slate when it comes to 9/11, I am going to take this moment in my time to remind everyone of the good work that was indeed accomplished over the last 2 years. In fact, we are also standing on the shoulders of giants who, in the face of the tragic events of 9/11, actually took action to make this Nation a safer place.

Congress's first responders were both Republicans and Democrats, and some of them were here just last session writing laws to protect America. America's firefighters, police officers, ambulance crews, the ones who received $1 billion, ''B'' as in big, to help save American lives surely haven't forgotten about Congress's efforts, and neither should we.

The issue of our Nation's own security is too important to play politics with. And while some on the other side perhaps would prefer to give the impression that Congress has done little, nothing could be further from the truth.

I am proud of what was accomplished and what we can do more. Indeed, we succeeded in enacting within the Energy and Commerce Committee's jurisdiction a number of provisions improving public safety communications. For example, the digital television provisions of the Deficit Reduction Act cleared 24 megahertz of spectrum in every market in the Nation exclusively for use by its first responders.

The interoperable communications provisions provided in the Deficit Reduction Act did not merely authorize funding but made $1 billion in direct spending available for equipment to enable first responders to more effectively communicate with each other in times of disaster.

The Call Home Act accelerated to September 30 of this year the deadline for distribution of that $1 billion for interoperable communications.

The Warning, Alert and Response Network, WARN Act, created a framework through which wireless communication providers can transmit emergency alerts to the public on a national, regional or local basis and required that the Federal Communications Commission adopt technical standards for that alert system.

The national alert provisions of the Deficit Reduction Act made $156 million in direct spending available for use with the national alert system created under the WARN Act.

The E911 provisions of the Deficit Reduction Act made another $43 million in direct spending available to implement the Enhance 911 Act of 2004, which provides grants to upgrade existing 911 systems for advanced capabilities.

The Department of Homeland Security appropriations legislation created an Office of Emergency Communications within the Energy and Commerce Committee's oversight. That office is directed to develop a national emergency communication plan and to report on the communications capabilities and needs of emergency response providers and relevant government officials.

These are all critical items that we have already enacted into law over the last 2 years, better preparing our Nation to respond to natural or manmade disasters.

From my own leadership spot as chairman of the Telecommunications and Internet Subcommittee, I seized on one particular recommendation offered by the 9/11 Commission. I wanted to help our first responders, and I am proud of the work that we did on a very strong bipartisan basis. First of all, we provided a slice of the spectrum for the first responders, 24 megahertz, and we saw that with Katrina as well, that our first responders in New York couldn't get the signal to evacuate the building. We saw that our folks helping folks in Katrina couldn't communicate between

the Coast Guard helicopter and the sheriff boat down below. That is going to change because we are going to give some of the responders some of that spectrum.

Second, we know that the cost for this equipment is enormously high. We provided $1 billion in the Upton amendment, which I helped shepherd through our committee and through the conference, to provide the means for our first responders so that they could purchase the equipment. It was done. The President signed it into law.

As much as we would like to say that this could be effective today, January 8, 2007, we cannot do that. First of all, we have to get the spectrum. That means we have to retrieve it from those that are using it, in this case, the broadcasters. They have to make the transition from analog to digital. A lot of them have done that, but it is more than $1 million often for some of these stations. We also have to think about the consumers, the millions of Americans who do not have a digital TV set. They can't receive the signal unless they have got that converter box. They aren't made yet. We have a transition for that to happen.

At the end of the day, we set a date, a hard date, when that all would happen, February of 2009. There were many that took us on that didn't want a hard date. They wanted to extend forever and a day, perhaps. In fact, there were amendments offered to delay the date even further. I would like to say that, at least on our side of the aisle, we opposed every one of those amendments to extend the deadline, and thank goodness we were successful because that date is now set. We had to work and negotiate with the Senate, with ourselves, but it is now set. It is a good thing.

We have an unmistakable record of results. Let us work together and build on them.

Mr. Speaker, at this time I yield 2 minutes to my colleague on the Energy and Commerce Committee, the honorable gentleman from Illinois (Mr. SHIMKUS), a very valuable member of our subcommittee as we helped shepherd this legislation.

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

Mr. SHIMKUS. Mr. Speaker, the gentleman from Michigan outlined crucial actions we took in the last Congress to improve the use of telecommunications technologies, and I appreciate those efforts, especially as co-Chair of the E911 caucus. But our work for Homeland Security was not confined to the telecommunications arena.

One of the most important issues Congress faced last year was creating a program in the Department of Homeland Security to protect chemical facilities from terrorist attacks. The challenge was to ensure that our Nation's chemical plants could appropriately secure their facilities by providing technical guidance and oversight by the Department of Homeland Security but without being overzealous and allowing DHS to take over the daily management of these facilities.

We needed to prevent terrorists from using our domestic disclosure laws from obtaining roadmaps to our chemical plants' vulnerabilities. Congress also clarified the distinct reach of existing environmental and public health laws versus homeland security and chemical plant securities.

While the more conscientious members of the American chemical industry already had a head start on Congress by developing rigorous security standards on their own, Congress has now ensured that good security standards govern all significant chemical players, not just the conscientious leaders.

DHS's chemical security program is not about using the threat of terrorism as an excuse to drive American chemical factories offshore. Its purpose is just the opposite: to make certain that chemical facilities continue to be safe for these workers and communities, to ensure the viability of employment in the chemical industry for American workers, and to guarantee that all Americans can continue to enjoy the benefits of these plant products.

As Chairman Barton said last year, America does not become safer with greater levels of regulation. It just becomes more regulated.

DHS has recently proposed regulations to carry out this new chemical plant security authority, and those regulations closely follow Congress's intent in hammering out the compromise.

I look forward to working with the Department to ensure that the program gets underway and measures up to the task that Congress gave it in the Fiscal Year 2007 Homeland Security Appropriations Act.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, a few moments ago, the former chairman of the Transportation and Infrastructure Committee, Mr. YOUNG of Alaska, was excoriating this side of the aisle and saying that our provisions in this bill for 100 percent scanning of containers were impractical and couldn't be done. I would simply point out that the provision in this bill is word for word the same as the provision that was negotiated by Mr. OBERSTAR and me with Mr. YOUNG and Mr. LOBIONDO and included in the bill in the Transportation and Infrastructure Committee last year by unanimous vote, supported by Mr. YOUNG and Mr. LOBIONDO, who thought it was very practical last year.

It is not impractical this year if it was practical last year.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a good bill, long past due, but a good bill in many respects, particularly in the application of this bill to the nonproliferation of nuclear materials and nuclear weapons and weapons of mass destruction.

In the debates, Presidential debates, between President Bush and Senator KERRY, there was one subject on which both candidates found common ground: They both agreed that the gravest threat to the United States is terrorists armed with nuclear weapons or crude radiological weapons. That may be the gravest threat facing us, but you wouldn't know it from the application of resources in the Defense budget today.

The 9/11 Commission, looking at what we have done, gave us a ''D,'' a ''D,'' on efforts to restrict access to weapons of mass destruction, particularly nuclear weapons. There are tons of weapons-grade plutonium and enriched uranium scattered about the world. For example, under the Atoms for Peace program, enriched uranium was leased or lent to countries around the world to be used in their research programs. Much of that nuclear material, some of it fissile, is loosely secured, some by no more than a chain link fence and a junkyard.

Graham Allison, who was the dean at the Kennedy School at Harvard, wrote a book about this subject and entitled it ''Preventable Catastrophe'' as if to emphasize, on one hand, the dire threat and, on the other hand, the fact that we are not necessarily doomed to this fate. The first thing he recommended is, we have got to keep nuclear materials secure and away from the reach of terrorists and rogue states.

This bill assembles the best of various bills and amendments that we have debated in committee, sometimes on the floor and in conference, occasionally with success, more often than not for one reason because we haven't been able to get all of our members out of the Rules Committee. But here in a nutshell is what we would do: Set up a director for nonproliferation, we need somebody who can direct this effort, oversee it, seek the funding for it and fight for it; speed up the removal of nuclear research materials or, where they can't be removed, enhance their security; expand the so-called Proliferation Security Initiative, by which the United States can seize nuclear materials on the high seas outside the United States and coordinate such interdiction with other countries; and expand the so-called Cooperative Threat Reduction program, better known as Nunn-Lugar. In cost-benefit terms, this may be the best money we have spent.

□ 1400

To date, we have deactivated 6,000 warheads, 500 ICBMs, 400 ICBM silos.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from the great State of Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise today to address the first responder

and emergency management reforms in this 9/11 bill.

As the past chairman of the emergency management subcommittee, I am very familiar with first responder reforms we enacted since the September 11 attacks.

While there are some improvements in this bill, the major 9/11 reforms were made under Republican leadership. Since 9/11, we have provided over $15 billion to prepare State and local first responders. We increased funding for Fire Grants and created the SAFER grant program for hiring firefighters. We also created a billion dollar grant program for emergency communications.

Unlike the unfunded authorization in the Democrats' bill, Republican leadership provided real money. But we have done much more than simply throw money at first responders. We also enacted a comprehensive reform bill that rebuilds FEMA's capabilities and establishes a truly national preparedness system. We gave FEMA the authority and the tools they need to manage all disasters. We strengthened FEMA's regions, response teams, logistics, and communications capabilities. We established a national preparedness goal and set clear preparedness standards for State and local governments to coordinate their resources and focus on their highest risk priorities.

We established a national incident command system so that all levels of government can integrate their forces in a disaster. We created a comprehensive training and exercise program so first responders will be ready when the next big disaster strikes. And we created a comprehensive assessment and lessons-learned program so that first responders won't make the same mistakes again.

Unlike the bill before us, we made these reforms through a series of committee hearings and markups with bipartisan support. While the press releases are going to claim that this bill implements all of 9/11 Commission recommendations, the reality is that the vast majority of legislative changes were made under Republican leadership.

This is no more than window dressing. It is not good policy; it is politics.

Mr. SKELTON. Mr. Speaker, for the very first time for the gentleman from Pennsylvania to address this body, I yield 2 minutes to Mr. SESTAK.

Mr. SESTAK. Mr. Speaker, I rise today in support of this bill, H.R. 1.

If 9/11 taught us anything, it is that the leadership we most need in this Nation today is not a leadership to lead us out of a crisis, but rather a leadership that prevents such crises from ever happening.

Today is about offering such leadership. As a Nation, we have been fortunate to have wars away from our shore, ''over there.'' But after 9/11, we saw that we now face a war here at home. And 2½ years ago a bipartisan commission provided 41 recommendations to prevent another attack on U.S. home soil.

Few argue that the commission's recommendations are wrong. But so far their implementation generally rates Fs, Ds and incompletes. And so this legislation ensures that we will win at home by having a homeland defense that says to our adversaries, Today is not your day.

I had the honor while serving in the military of leading our youth in harm's way overseas. But 5 days ago, I became responsible for a new set of citizens, the constituents of my district. When I think about how to serve them best, and to turn their hopes into accomplishment, our foremost duty is to provide for their security this time here at home.

Our Nation needs the tools to be secure: training that can prevent a crisis and first responders with seamless communications among Federal, State, and local levels.

Today as we debate, we are reminded of what John F. Kennedy once said: ''The hour is late, but the agenda is long,'' which is why we must act now to implement these long overdue recommendations.

So as we look at ourselves in the national mirror and say we are better than this, we can and we must change for a more secure America. We then can look our constituents in the eyes, Mr. Speaker, knowing that we did turn their hope into accomplishment here at home. I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from California (Mr. ROYCE), who is an expert on fighting international terrorism.

Mr. ROYCE. Mr. Speaker, I thank the gentlelady for yielding me this time.

I must confess, I do not understand the compulsion to integrate PSI into international law under the United Nations. I share my ranking member's concern with the fact that weakening the Proliferation Security Initiative is going to have grave consequences for the security of this country. And it is going to have grave consequences for the administration's ability to interdict weapons of mass destruction material. This needlessly empowers the United Nations to weaken our hand.

Right now the Proliferation Security Initiative is a Bush administration multilateral initiative aimed at stopping the proliferation of weapons of mass destruction, interdicting those weapons of mass destruction on cargo, whether on land or in the air or at sea. It has been around since 2003. It is an aggressive response crafted by then-Under Secretary of Arms Control John Bolton, and it checks increasingly sophisticated proliferators.

As the proliferation subcommittee I chaired in the last Congress heard in hearings, PSI has produced results. It has served as a strong deterrent to would-be proliferators, most recently conducting a joint exercise in the Persian Gulf where Iran menaces. PSI cooperation has stopped the transshipment of material and equipment bound for ballistic missile programs in countries of concern, including Iran. It has had a dozen successes, and it was critical in uncovering Libya's WMD program and the A.Q. Khan proliferation network in 2003 in Pakistan.

The key to PSI is its flexibility. The key is the ability to cooperate with other countries on a moment's notice. That is something that an organization like the United Nations inherently cannot do. Yet this bill before us instructs the President to pursue a U.N. Security Council resolution to authorize the PSI under international law. Putting a successful multilateral program up to a Chinese veto strikes me as weakening PSI rather than strengthening it, as is called for by the 9/11 Commission.

In 2005, then-Secretary Kofi Annan endorsed PSI as is, with no call for a Security Council resolution. By keeping PSI flexible, it avoids the lowest-common-denominator approach that U.N.-centered initiatives inevitably take. If the majority really wanted to bolster PSI, the other body should have kept its key champion, Ambassador Bolton, in place at the United Nations.

Now, as for the legislation to authorize the President to establish an International Arab and Muslim Youth Opportunity Fund to be located as a separate fund in Treasury or through the international organization or financial organization, naming UNESCO or the U.N. Development Program as possibilities, why would we locate this fund in UNESCO or UNDP, which would surely distort its goals and mismanage its resources?

The UNDP in 2005, as Israel was withdrawing from the Gaza Strip, financed the Palestinian Authority's production of propaganda materials, banners, bumper stickers and T-shirts bearing the slogan: ''Today Gaza, Tomorrow the West Bank and Jerusalem.'' This rightly led to protests from U.S. Representative John Bolton, who rightly called this funding inappropriate and unacceptable.

And then there is the UNDP's long record of hostility toward economic freedom. Has anyone thought through this fund? I do not think this fund was thought through, and I think a chance to go through the committee process would have allowed us the opportunity to raise these serious concerns.

Nor do I understand, frankly, the compulsion to give the United Nations this input and this ability to have the Security Council veto the authority we right now have in order to effectively use our Proliferation Security Initiative on the high seas.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, from the beginning, this Administration obstructed independent review of the 9/11 tragedy. But for the courage of the 9/11 families, we wouldn't have any recommendations to consider here.

We are not now moving ''too quickly'' by finally enacting recommendations in 2007 that were issued in 2004 about a tragedy that occurred in 2001.

Just as with the deepening quagmire in the Iraq civil war and the aftermath of the Hurricane Katrina debacle, this Administration wastes precious time and squanders precious dollars.

Many of those, who, by their neglect, have earned failing grades from the independent 9/11 Commission, continue rejecting this long-overdue legislation to make our families safer here at home, while at the same time they urge us to engage in more misadventure abroad.

Security in our homes, at our borders, and in our air and seaports must be given a top priority.

Mr. SKELTON. Mr. Speaker, I yield the balance of our time on this side to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be allowed to control the balance of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LANTOS) is recognized for 66½ minutes.

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

Mr. Speaker, we have a solemn commitment to those who lost their lives in the 9/11 attacks, to the people who lived through those brutal events, and to all of their loved ones. Honoring this commitment will help spare others in our country from enduring similar pain and loss. It is the right and responsible thing to do.

We need to apply the lessons learned from September 11, 2001, including the recommendations of the bipartisan 9/11 Commission.

Mr. Speaker, until now we in the Congress have only partially met our responsibility to assure that these recommendations are fully implemented.

Today on this floor we are adopting the rest of those recommendations as we promised. As the 9/11 Commission recognized, the struggle between the forces of tolerance and pluralism and the forces of nihilism and destruction is not confined to a single dimension. It is a war of ideas as well as a war of arms. It is a challenge of diplomacy and development as well as one of intelligence and ideology. Our bill recognizes this fact in a number of ways.

It includes the commission's recommendation to establish an International Arab and Muslim Youth Opportunity Fund to help expand, improve, and modernize the public education system in the Muslim world, an idea whose time surely has come.

Our legislation directs the Secretary of State to develop a 5-year country-by-country strategy of promoting democracy, the rule of law, sustainable development, private sector growth, and open economic systems. This provision will focus on building democratic institutions and not focus on elections alone.

We are establishing a Middle East Foundation in order to facilitate the delivery of assistance to our friends in the region who are involved in civil society, to increase political participation and to foster independent media. We have sought to follow the commission's advice to restore the moral leadership of the United States by increasing our public diplomacy efforts, including the expansion of U.S. scholarship, exchange, and library programs in the Muslim world.

□ 1415

Mr. Speaker, the treatment of detainees in the war on terrorism has undermined our national security. It has eroded our moral standing in the world and made it more difficult for the intelligence services of our friends and allies to work closely with us. Our bill will provide additional review over what the administration has done to create a common coalition approach on all these matters.

Mr. Speaker, our bill also addresses U.S. policy towards three countries whose role is critical in the war on terrorism: Afghanistan, Pakistan and Saudi Arabia. It reaffirms our commitment to a stable and democratic Afghanistan so that no future terrorist acts may be launched from that country, it provides that the United States must work with Pakistan to end the use of its territory as a safe haven for Taliban and al Qaeda, and it provides us additional oversight tools over our relationship with Saudi Arabia.

Our legislation, Mr. Speaker, strengthens our efforts to keep nuclear weapons out of the hands of terrorists. It addresses the emergence of a black market in nuclear technology that has facilitated the development of nuclear programs in Iran, North Korea, Libya and elsewhere. Our legislation provides for sanctions against individuals and corporations which deal in this illegal trade in nuclear materials and technology. It will help us determine which countries are allowing such black markets to operate from their territories.

Our legislation makes significant improvements in the effectiveness of U.S. nonproliferation programs. Our bill removes all impediments to securing and eliminating so-called ''loose nukes'' and the dangerous nuclear material that terrorists could use one day against us.

Mr. Speaker, this is a comprehensive package that has been supported by members of the 9/11 Commission. It is not the end of our work of protecting our Nation's security, requiring constant vigilance by this Congress.

I encourage all of our colleagues to look around this Chamber as we conduct this debate. If not for the heroism of a dedicated handful of Americans, this building, this Chamber and this shining monument to democracy might well have been reduced to ashes on September 11, 2001. We have a commitment to ensure that the lessons of that day are a permanent part of their legacy.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. ACKERMAN), the chairman select of the Middle East and South Asia Subcommittee, and I ask unanimous consent that he control the balance of our time.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

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

Mr. Speaker, I want to compliment the Chairs, particularly my friend, the distinguished gentleman from California, for their hard work on this legislation. This bill was not easy in getting ready, given its size and scope, and the House owes all its thanks.

It is entirely proper that the first bill of this 110th Congress, H.R. 1, be focused on the implementation of the 9/11 Commission Report. Under the previous majority and under the leadership of the current administration, America's common defense has been shortsighted, irresponsible, poorly conceived and incompetently executed. There can scarcely be any argument that our Nation's reputation is in tatters; our finances are in disarray; our alliances are in poor repair; our deterrent posture has been weakened; and our Armed Forces have been overextended and are nearing exhaustion.

The Bush administration and the Republican Congress of the past have combined, through a posture of belligerence and torpor, arrogance and ineptitude, to make America less free, less strong and less safe. From the party that has claimed ''peace through strength'' as its guiding principle, we have unfortunately come to discover that ''war with weakness'' has been their governing practice.

But a new day has dawned, and I am proud, Mr. Speaker, that we have turned our attention so readily in this new Congress to cleaning up the mess that has been made of our national security.

We all know that hindsight offers almost perfect vision. But the great and bitter irony, indeed the great tragedy of the past 2 years, is that, in contrast to the confused and inept policy the Bush administration has pursued and that the previous Congress rubber stamped, there was and there is a readily available, easily implemented strategy waiting on the shelf.

From July 22, 2004, onward, a clear and compelling strategy for the struggle against the radical Islamic terrorists who attacked our Nation on September 11th has been waiting for us, shamefully gathering dust. It is a bipartisan strategy. It is a thoughtful and insightful strategy. And most significantly, it actually is a strategy. It is an actual and realistic plan for applying all the tools of national power

to achieve our national interests and protect our Nation from further attack.

It does not depend on the metaphysical power of the word ''freedom'' to transform cultures or dissolve ancient hatreds. It does not assume that elections are great sociological Band-Aids that will make everything all better; and it is not faith-based. It is not a policy which we simply announce and then hope and pray that it works.

It is a strategy that recognizes that our enemies are dangerous, but they are also vulnerable. It is a strategy that sees the difference between great nations with powerful industrial economies, and a league of violent religious zealots living in caves and on the margins of society. Our enemies are not all powerful, and it is about time that we stop trying to terrify the public in order to justify and excuse bad policy and infringements upon our civil rights.

We need to remember that whatever chaos, murder and destruction al Qaeda's leadership and the global jihadi movement have perpetrated, in truth they are not great leaders and theirs is not a great movement. They are dangerous, for sure, but they are also failures. Virtually every success the jihadist have celebrated since 9/11 have actually been the work of our own badly guided hands.

What have they marked as signs of progress? Is the civil war in Iraq the result of their unstoppable juggernaut of chaos or our recklessness in tearing down the structures of law and order and our incomprehensible unwillingness to match forces to the mission? Is the collapse of security in Afghanistan the outcome of their mighty offensive or our unconscionable passivity and penny-pinching? Is the rise in violence in the Arab-Israeli conflict the product of their clever tactics or our idiotic disengagement? And is the decline of our reputation and prestige a consequence of their brilliant public relations strategy or our fixed determination to treat Arab and Muslim public opinion as irrelevant?

The truth is that our enemies face enormous handicaps. Their goals and methods are broadly considered illegitimate, even in the countries we have most alienated. Our enemies can destroy, but they cannot create. They can impose, but they cannot inspire. Their vision of the future is, in fact, utterly unpalatable to the great mass of their own desired audience. Indeed, the grandiosity of their vision for a revived caliphate generally inspires mockery and scorn, not support or adherence.

Our enemies are a few thousand lunatics who want to put the entire world in a straitjacket of 12th century Islamic law who shouldn't be hard to defeat in a public relations war. If our situation wasn't so tragic and dire, it would be hysterically funny. If it were a movie, it would be ''The Jihadi Mouse that Roared.''

More than 5 years after 9/11, it is about time we put in place a strategy that takes the threat as seriously as it deserves but doesn't wrap our Nation around the twin axles of fear and ignorance. And just because our military is readily available and highly effective doesn't make it the right tool for every job.

The 9/11 Commission Report was explicit about the significance of the foreign policy components of an effective national counter terrorism strategy. Sadly, the Bush administration and previous Congress thought little of this advice. Public diplomacy was equated with campaign-style spin and flavor-of-the-month diplomatic initiatives designed to address American critics but not Arab or Muslim public opinion.

This bill takes a different tact. Instead of broadcasting our inability to steer events, this legislation will strengthen our ability to create like-minded allies. Instead of alternately yelling at Arab governments and giving them cash anyway, this legislation sets in motion efforts to strengthen our allies at the roots of their societies. Instead of sweeping bad behavior by allies under the carpet, this bill demands that the administration come clean about what has been happening in the key regions and what the United States has done in response.

There is more that must be done to right our policy in the Arab and Muslim world, and as a member of the Middle East and South Asia Subcommittee, I am looking forward to getting to work.

This legislation to implement the recommendations of the 9/11 Commission is an appropriate starting point and hopefully marks a welcome change of course. The fact that we have not been attacked since September 11th should give us no more solace than the 8 years of quiet between the first attack on the Twin Towers and the day that they were destroyed.

We may only hope that our continuing efforts will hold the next attack in abeyance indefinitely. As the President likes to remind us, we are safer but not yet safe. Today's legislation implementing the 9/11 Commission Report is not a panacea, but it will make us safer still. I strongly encourage all Members of the House on both sides of the aisle to support this bill.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), who represents a district made up of many families who lost loved ones on 9/11 and has a staff member who also suffered a terrible loss on that horrific day.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend from Florida for yielding.

Mr. Speaker, when terrorism crashed through our national borders and claimed the lives of nearly 3,000 Americans, including over 50 men and women from my district in New Jersey who were in the World Trade buildings that day, I advocated early and consistently for a commission to chronicle the lessons learned from the 9/11 tragedy and to develop a well-informed, thoughtful strategy to reduce the risk of future terrorist attacks.

The commission's report and subsequent legislation were thoroughly examined by House committees, including the two hearings that I chaired, one in the Committee on International Relations on visa reform and recommendations for enhanced U.S. diplomacy, and the other in the Committee on Veterans' Affairs on emergency medical preparedness.

The scrutiny given to the report by previous Congresses was robust, thorough and fair, and although prior legislation implemented numerous important measures that have bolstered our national security, indeed, much has already been done, we must always be diligent in implementing new and expanded means for responding to developing threats.

□ 1430

Our enemies as we all know are constantly on the prowl searching for our vulnerabilities, and our ability to remain ahead of them is critical for our very survival.

Mr. Speaker, the legislation before us today is yet another attempt in trying to distribute the majority of homeland security and first responder grants based on the risk of terrorism. New Jersey is the most densely populated State in the Nation with at least a dozen sites placed on the FBI's national critical infrastructure list. I, along with members of our delegation in New Jersey, have maintained, like a majority of this House and like the Bush administration, that the Department of Homeland Security's first responder grant system was flawed and needed to focus on critical infrastructure rather than on minimum guarantees and a simple population count. The risk formula established by this bill, which will face tough sledding over on the Senate side, will ensure that the Department of Homeland Security thoroughly and accurately evaluates the risks that New Jersey and other States and locales face rather than just doling it out like it's pork-barrel money.

Mr. Speaker, I appreciate title VI's provisions that recognize and address the often overlooked correlation between terrorism and human trafficking and smuggling. In addition, like many here in this room, I applauded the creation of the Privacy and Civil Liberties Board 2 years ago. Unfortunately, it has not been implemented in a way that matched the intent of the law nor in the way that the 9/11 Commission had recommended.

H.R. 1 does include significant reforms that would strengthen the efforts of that board by making it an

independent agency and giving it subpoena power. These provisions will ensure that the government is protecting America's privacy while still doing everything in its power to protect our Nation from a terrorist attack.

I support H.R. 1 and strongly recommend its passage.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from California for a unanimous-consent request.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise in strong support of H.R. 1.

As I have said many times, terrorists won't check our party registration before they blow us up. The American people know this. And they expect us to protect them in spite of many barriers—personal, institutional, and political—that often gridlock the legislative process.

Mr. Speaker, keeping America secure is our sworn constitutional duty. This bill, which includes measures considered over the past 2 years by Chairman THOMPSON and the Homeland Security Committee, is important. If it becomes law, it will make us safer.

Let me highlight a few items.

First, a strengthened Privacy and Civil Liberties Board. Originally created as part of the Intelligence Reform Act of 2004, the Board is reestablished as an independent agency with subpoena powers and all five members are subject to Senate confirmation. That is a good thing, and something Speaker PELOSI urged as the Intel Reform bill was written.

Second, a greater allocation of Homeland Security grants based primarily on risk, rather than the "squeaky wheel" theory. My own District includes portions of LAX and the Port of Los Angeles. But other cities and States are also subject to significant risk—from obvious targets like New York and Washington, to smaller communities with nuclear or chemical facilities. Congress must direct its limited resources where threats are greatest, period.

Third, intelligence and information-sharing. I believe reforms at the Federal level are beginning to take hold—though I wish the Intelligence Committees in Congress would get budgetary authority, as the 9/11 Commission recommended.

H.R. 1 focuses on providing State and local first responders more of the intelligence tools they need. For example, it requires DHS to deploy officers to border State fusion centers, and permits State and local authorities to send detailees to DHS.

It is locals, after all, who will be most likely to know what's wrong in their neighborhoods. And so we must trust and empower them to act.

Finally, interoperable communications. I salute our colleague Representative LOWEY for her persistence. Without interoperable communications, we won't have the ability to stop or respond to major attacks.

H.R. 1 is aptly numbered. It is this House's first responsibility. Vote "aye."

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman, a member, the chairwoman actually of the House Administration Committee, Ms. MILLENDER-MCDONALD.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank my friend for giving me this time.

Mr. Speaker, I am very pleased to rise and offer my support and brief comments on this measure before the House today, the 9/11 Commission Recommendations Implementation Act. This act reflects our determination to strengthen the United States' efforts to combat terror on these shores and as such is commendable and prescient.

It is clearly in our national best interest to pass this productive legislation and fulfill yet another promise to the American people. Productivity and focus of this kind were clearly demanded by the American citizens in the 2006 national elections. The 9/11 Commission Recommendations Implementation Act is far reaching, and it encompasses a multitude of endeavors critical to ensuring our Nation's security.

We must pass this legislation, Mr. Speaker. This legislation is critical. This legislation is important. This legislation is what the American people have asked us to pass. One such endeavor that I particularly am pleased to see in this legislation is the strengthening of port security. In my district and in surrounding areas, we have the largest port complex, the Los Angeles and the Long Beach port security. This bill talks about, and we will put into place by phasing in the requirement for 100 percent screening of cargo containers bound for this United States.

Before this 110th Congress, the Congress before us did not put this in any piece of legislation. This is important because if we are going to safeguard and bring national security to this country, we must look at the cargo that comes and passes through these ports.

The other thing, Mr. Speaker, is aviation security. This bill will require and direct the Department of Homeland Security to establish a system for inspecting 100 percent of cargo carried on our aircrafts. I heard earlier on the floor that we need high tech. This is what this bill is talking about, bringing about high technology that will screen the cargo that is carried aboard our aircraft.

It is important that we pass this piece of legislation because this legislation is important to ensuring that we have national security and a secure America. I call on Congress to pass this legislation today and to implement it as quickly as possible because of the importance of this piece of legislation.

The other thing that we have here that requires our looking at and passing this bill is that the 9/11 Commission gave us a C grade on passenger screening at checkpoints to detect explosives. We must pass this legislation so that the American people will be safe.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield to the gentleman from California (Mr. SHERMAN) 3 minutes.

Mr. SHERMAN. I thank the gentleman for yielding.

I would like to thank Speaker PELOSI and our leadership for putting together an outstanding bill and thank Mr. LANTOS and the leadership of our committee for the provisions within the jurisdiction of the Foreign Affairs committee. I expect to be the chair of the subcommittee of the Foreign Affairs Committee that deals with terrorism and nonproliferation, and I want to focus on those matters in my short presentation here today.

The most important issue facing the United States and certainly the most important part of this bill deals with preventing nuclear attack on American cities. Since a nuclear bomb is about the size of a person, it could be smuggled into the United States inside a bale of marijuana. Now, I know that this bill will deal with port security, but we cannot expect our ports or our borders to be airtight. The key is preventing the worst people from getting their hands on the worst weapons. This bill implements several provisions that will be helpful in that regard.

First, it authorizes all funds necessary for the Nunn-Lugar program to help Russia get control over its thousands of potentially loose nukes, the weapons left over from the Cold War. Second, it authorizes all funds necessary for the Global Threat Reduction Initiative to get control of the 20 tons of highly enriched uranium at various nuclear reactor sites around the world, many of them unsecured. But I want to emphasize, this bill only authorizes funds and it will be meaningless unless we appropriate the funds, and I look forward to an appropriation bill that does just that as quickly as possible.

This bill imposes sanctions limiting the sale of U.S. weapons to those who provide centrifuges to Iran. I hope the administration will be able to report to us, before they send the F–16s, that Pakistan has verifiably and permanently halted its aid to the Iranian nuclear weapons program. This bill will do a lot, but we have to do more to prevent nuclear weapons from falling into the worst hands.

The bill also contains important provisions dealing with public diplomacy and youth education. I think that the United States should print the textbooks for the poorest nations in the world. In doing so, we can help parents in such poor countries—that make only a dollar a day or less—who are required to provide textbooks for their kids or their kids can't go to school. At the same time we can assure American taxpayers that our tax dollars are being used to help kids and not to teach hate. I look forward to a foreign aid bill that focuses on the textbook needs of those in the poorest countries in the world.

Ms. ROS-LEHTINEN. Mr. Speaker, I am now pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), who understands the dangers of turning over U.S. national security concerns to international organizations.

Mr. ROHRABACHER. Mr. Speaker, there are positive, even necessary, elements of this legislation; but nevertheless it is flawed. A major flaw reflects

what I believe, I think I state, a wrong-headed approach which is favored perhaps by the new majority of this current Congress.

Mr. Speaker, today I rise in strong support of a motion that will be offered later, the motion to recommit H.R. 1. That motion is aimed at removing this damaging flaw that is currently part of the bill. The Proliferation Security Initiative, or the PSI, is a vital program created by the United States in which we team with 14 other partner countries to catch terrorists who attempt to transfer weapons of mass destruction. We created this program so that the United States and our allies could operate independently and quickly without bureaucratic interference to stop the world's most dangerous terrorists. The PSI has been effective due to its independence as well as the member countries' commitments to stop these weapons transfers.

This, as I say, has been an effective effort. It was created by Americans. It was led by Americans. And the decisions made were essentially under the leadership of Americans. The new majority in this House seems to favor a more multilateral approach which would be led by international organizations, in this case the United Nations.

If H.R. 1 passes in its current form, so will a sense of Congress that says our Proliferation Security Initiative should be authorized by the United Nations. Our new majority in Congress appears more interested in catering to unelected bureaucrats at the United Nations than in stopping proliferation of weapons of mass destruction. This is not only a dangerous mistake; it runs totally counter to the principles we have followed thus far in our country where Americans should be the main determinants of those elements and those decisions that so much affect our security.

Now, I understand that the new majority prefers a more global approach which, of course, would leave us dependent on international bodies like the United Nations. But that is not an approach that I believe will make this country safer as reflected in this legislation. A sense of Congress that says we want to cede our power to the United Nations on any issue such as this but especially on matters of U.S. national security is a mistake.

I encourage my colleagues on both sides of the aisle to correct this harmful error in H.R. 1 and vote in favor of the motion to recommit. And as we face these decisions in the future, as we make these very important decisions and as we develop legislation like this, let's remember our obligation is to the people of the United States. Our obligation is not to curry favor with unelected bureaucrats at the United Nations.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise today in support of H.R. 1, to implement the 9/11 Commission recommendations. Unfortunately, the Republican leadership in the last Congress refused to do so, and I am glad we are doing it now.

As a New Yorker, I understand the serious concerns about homeland security, and I have long argued in favor of a formula funding based on risk. In the 109th Congress, Mr. FOSSELLA and I introduced the Responsible Bioterrorism Funding Act of 2006, which directed the Department of Homeland Security to develop a funding formula based on risk. Unfortunately, again the Republican Congress did not pass our bill. So in 2006, as a result, New York's homeland security funding was cut by 40 percent. Thus, per capita in New York we received $3 per resident while other States received as much as $60 or more.

No State has a higher risk of terrorist attack than New York, so the new funding formulas proposed in this bill will allocate funding based on risk rather than an across-the-board funding level as established in the PATRIOT Act. This is very, very important and this bill strikes the balance between allocating most of the funding based on risk while ensuring that each State has the proper funding to reach a level of preparedness.

I also stand in strong support of title II of this bill, which establishes a communications interoperability grant program. I have worked on this as well. I believe this is a good part of this bill, and I strongly urge my colleagues to vote for it.

Ms. ROS-LEHTINEN. Mr. Speaker, I am now pleased to yield 3 minutes to the gentleman from Illinois (Mr. KIRK), a proud vet who understands the threat of terror internationally.

Mr. KIRK. Mr. Speaker, I rise in support of this legislation, especially its new security requirement for Pakistan to continue to receive U.S. taxpayer subsidies.

□ 1445

After September 11, the government of Pakistan performed admirably, allowing U.S. Army supplies to help our campaign in Afghanistan to end the Taliban dictatorship. The Pakistani military also moved into the lawless tribal areas where Osama Bin Laden sought refuge.

But that record of cooperation against Bin Laden has dramatically weakened over the last 9 months. In a set of two agreements, the government of Pakistan has largely given up on the conflict against Bin Laden and his Taliban allies. In two agencies along the Afghan borders, North and South Waziristan, al Qaeda and the Taliban now have safe havens immune from action by the regular Pakistani military. They are now at rest, slumbering in garrison, marvelously inactive against foreign terrorists operating on Pakistani soil.

This issue directly concerns the safety of Americans, both here and abroad. Waziristan and Pakistan could now be called ''al Qaedastan,'' as terrorist leaders have led organization efforts in attacks against Afghan territory.

Recently I accompanied Senators MCCAIN and LIEBERMAN to visit our garrison in Khost, Afghanistan, where they reported a 500-percent increase in attacks against their outpost organized from these regions of Pakistan.

Mr. Speaker, we need to pass this legislation to send a message to Pakistan that you must continue to work with the United States and our NATO allies in Afghanistan against the Taliban and al Qaeda. A policy of safe havens and sanctuary for these people will not work, has not worked, is not working and represents a direct threat, first to Americans in uniform stationed in Afghanistan and later to our allies in Europe and America itself.

Mr. ACKERMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman, ADAM SCHIFF.

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

Mr. SCHIFF. Mr. Speaker, one of the most important findings of the 9/11 Commission was that the failure to anticipate the attack was a failure of imagination. The idea of such an assault was so abhorrent it was difficult to think about.

We cannot know for sure what form a future attack may take, but as we struggle to prevent it, we must be willing to consider the most horrific possibility, a nuclear or biological attack on an American city. The idea of 100,000 people killed in an instant is an idea too terrible to contemplate. But to ignore this threat, or fail to act upon it with the greatest urgency is to be grossly, criminally, negligent with our Nation's security.

Osama Bin Laden has termed the acquisition of weapons of mass destruction ''a religious duty.'' He has called for an American Hiroshima. This is his Mein Kampf.

H.R. 1 includes many of the best ideas from around the country on how to combat nuclear terrorism. But the one fundamental idea is, we must prevent terrorists from acquiring nuclear weapons or material because once it is acquired, it may be too late. This bill will strengthen the Global Threat Reduction Program and accelerate the global clean-out of the stockpiles around the world. And I urge everyone's support.

Mr. Speaker, I rise in strong support of this bill, which is long overdue and I commend the Speaker and other members of the Leadership for making this a priority.

One of the most important findings of the 9/11 Commission was that the failure to anticipate the attack was a "failure of imagination." The idea of such an assault was so abhorrent that it was difficult to think about. We cannot know for sure what form a future attack may take, but as we struggle to prevent it, we must be willing to consider the most horrific possibility: a nuclear or biological attack on an American city. The idea of 100,000 people killed in an instant, is an idea too terrible to

contemplate, but to ignore this threat, or fail to act upon it with the greatest urgency, is to be grossly, criminally neglegent with our Nation's security. Osama bin Laden has termed the acquisition of weapons of mass destruction ''a religious duty.'' He has called for an American Hiroshima. This is his Mein Kampf.

H.R. 1 includes many of the best ideas from around the country on how to combat nuclear terrorism. But the one fundamental idea is that we must prevent terrorists from acquiring nuclear weapons or material, because once they are acquired, it may be too late.

Programs throughout the government are struggling to secure nuclear weapons and materials around the world, and prevent nuclear trafficking. But there is little overall organization of these efforts. That's why our bill establishes a Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism in the Office of the President. The Coordinator will formulate and coordinate a comprehensive strategy for U.S. nonproliferation activities, oversee all nonproliferation and nuclear terrorism prevention programs, and advise the President and congress on the progress that each program is making.

To assist the Coordinator, this bill establishes a bipartisan blue-ribbon commission to assess the current state of U.S. nonproliferation and nuclear terrorism prevention activities, develop a clear, comprehensive strategy, and identify the areas in which accelerated effort is most urgent.

Currently, the President must certify that Russia is meeting certain conditions before authorizing the release of Cooperative Threat Reduction funds. This has caused delays in shielding vulnerable weapons when the President was unable to fully certify Russia. This bill removes those restrictions, granting the President more flexibility in negotiations with Russia. It also gives the President the flexibility to direct Cooperative Threat Reduction funds outside of Russia when necessary.

The bill will strengthen the Global Threat Reduction Program, to accelerate the global clean-out of the most vulnerable stockpiles of nuclear material. At the current pace, cleaning up the most vulnerable nuclear sites around the globe will take more than a decade. Given AQ's desire for these weapons, how can we be assured that we will have this much time—we can't.

The bill also urges the President to expand the Proliferation Security Initiative, an international program to intercept weapons of mass destruction shipments. It encourages joint training exercises, particularly with China and Russia, to strengthen our cooperation on security issues, and encourage them to adopt strict standards for WMD security. U.N. Security Council Resolution 1540 broached the idea of international standards for securing nuclear material, but was brief on the specifics. Now the U.S. must take the lead in establishing those standards, through organizations like the Proliferation Security Initiative.

I hope everyone can support this long-awaited overhaul to our anti-nuclear-terrorism efforts.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FOSSELLA), who has many families who lost loved ones in 9/11 in his district.

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

Mr. FOSSELLA. Mr. Speaker, at the outset, let me just thank the majority for bringing this bill to the floor because I think most Americans want Democrats and Republicans to ensure that all America remains safe and secure, and not to repeat another September 11. And, by and large, there are some very good elements in the legislation.

But let me, right at the outset, request that as we go forward, there are some specific concerns that New York City has that I think need to be addressed. First is the notion that the city itself cannot apply directly. It must go through the State without any requirement for the State to get the funds to the localities like New York City. We know by now that New York City has specific needs, and therefore, I believe should be addressed.

The same would apply to what could be a duplicative process whereby the grant program, and as someone who was involved in the establishment the first grant program under the Department of Commerce, where, as we speak, the NTIA is in the process of preparing guidelines, my concern is that we don't get into a situation where there are two different agencies getting into a bureaucratic trap which will prevent the flow of money.

Most important, however, is the fact that we know that one size does not fit all. And I speak specifically that, under the current bill, there could be, and I think will be, a problem with the restriction to Section 306. And that is that over the last 10 years, New York City has dedicated a lot of money and, in the last 5 years, since 9/11, almost $1 billion to upgrade its interoperability capacity to allow firefighters and police officers to talk with each other.

Now, under this bill, we are essentially saying that everyone must use the 700 megahertz in the spectrum. New York City cannot. As I say, they have developed and deployed $1 billion plus in the 400 and the 800 megahertz of the spectrum. Why? Because they found it easier to use that for communicating into the subways, into high rise buildings. And the last thing I think this Congress wants to be on the record for is to essentially tie the hands of New York City, undo much of the good work that has taken place over the last 5 years, and allow New York City and other localities that have unique and specific needs to continue to deploy and build on the networks that they have put in place. I think it would be a big mistake. I encourage the majority to consider this as the process goes forward.

I make no mistake and make no hesitation in suggesting that this will hurt and punish New York City and the millions and tens of millions of people who come there annually to visit the greatest city in the world.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentlewoman from Pennsylvania, ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Mr. Speaker, I am proud to stand here today as we deliver on one of the most important campaign promises our party made to the American people, implementing the 9/11 Commission recommendations. Today we will take steps to improve our Nation's aviation, port and transportation security. We will strengthen government intelligence and information sharing, and we will prevent terrorists from acquiring weapons of mass destruction. And we will create a dedicated source of funding to provide first responders with communications interoperability equipment that will allow our first responders to communicate across departmental and jurisdictional lines during emergencies.

It was over 5 years ago when evacuation orders were not heard in the towers of the World Trade Center because police and fire fighters and other emergency personnel simply could not talk to each other. The Federal Government failed to act. And these same communication problems happened again during the failed response following Hurricane Katrina.

As a representative of the Philadelphia region, a major population, commerce, and transportation hub, I share the opinion that we have to do something about this. It is scandalous not to act.

Mr. Speaker, I am proud to stand with you as we deliver on one of the most important campaign promises our party made to the American people.

Today, we will implement the bipartisan 9/11 Commission's recommendations. And, today we will make our Nation safer.

We will: improve our Nation's aviation, port and transportation security; strengthen government intelligence and information sharing; help reduce the appeal of extremism abroad; and prevent terrorists from acquiring Weapons of Mass Destruction.

We will also create a dedicated source of funding to provide first responders with communications interoperability—the type of equipment that allows local, state, and regional first responders to communicate with one another during emergencies.

We know that the inability to communicate across department and jurisdiction lines impedes first responder's ability to address emergency situations. It was over five years ago when evacuation orders were not heard in the towers of the World Trade Center because the police, fire fighters and other emergency personnel simply could not speak to each other.

Despite this, the Federal Government failed to act and these very same communications problems happened again during the failed response and recovery efforts in the Gulf region following Hurricane Katrina. Prompting, in part, Thomas Kean, former chair of the 9/11 Commission, to call the Republican-led Congress' lack of progress on this issue scandalous.

However, local communities across the Nation have been moving forward—despite little leadership from the Federal level. In my region, the Philadelphia Police Department along with Southeastern Pennsylvania Transit Authority are working to address the fact that

their radio systems are not compatible—making it virtually impossible for them to communicate should a coordinated response be necessary.

I have been working closely with city and transit officials to find interim remedies to this problem. However, it has been a difficult task, in large part, because of the lack of guidance and resources provided by the Federal Government. In fact, when they applied for a grant to help fund an interoperable communications system, the Department of Homeland Security denied their request. This denial leaves the city of Philadelphia, its transit system and the millions of daily riders, residents and workers in the region vulnerable to attack. It also leaves the city's first responders less prepared than need to be to protect the fifth largest metropolitan region in the country.

But, Mr. Speaker, today is a new day. It is a day when Congress acknowledges our Nation's first responders—police officers, fire fighters, medics. It is a day when we give these brave women and men the tools to properly aid their fellow Americans in need of help.

The aptly numbered bill—H.R. 1—will pass this body within the first 100 legislative hours of the 110th Congress, and it demonstrates that the Democratic-led Congress' top priority is protecting and ensuring the safety of the American people.

Thank you and I urge a ''yes'' vote on implementing the recommendations of the 9/11 Commission.

Mr. ACKERMAN. Mr. Speaker, I am very pleased now to yield 2 minutes to the gentleman from Queens and the Bronx, New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Queens and Nassau County, Mr. ACKERMAN, for yielding me this time.

I listened very closely to my colleague from Staten Island, Mr. FOSSELLA, and his concerns about any disadvantage that New York may suffer under passage of this legislation. It is not our intention or anyone's intention to have New York be disadvantaged in any way, shape or form. And I will continue to work with him, as we have done in previous Congresses, to help make sure that New York is not disadvantaged.

But Mr. Speaker, I rise in strong support of H.R. 1. After the awful events of September 11, our Nation joined together to construct ways to prevent this from happening again and for better protecting our homeland.

But this administration, the Bush administration, and Congress then refused to act or to listen properly. The Republicans refused to implement commonsense recommendations ensuring Federal Homeland Security dollars went to places where they were actually needed.

The Republicans did not take threat or risk assessment into account for protecting our homeland. Rather, the Republicans took politics into account.

Democrats are fixing these problems and providing real security to all 300 million Americans, regardless of political persuasion. Democrats are making sure all of our first responders in harm's way are given the training they need to perform and protect our citizens. Democrats are cracking down on loose nukes and strengthening nuclear proliferation to keep weapons out of the wrong hands.

For over 5 years I have heard the Republicans play politics with homeland security and with the lives and the memories of the 3,000 people who were murdered on 9/11. Their scare tactics expired this November when the American people demanded real change.

Homeland security is about protecting the homeland and not politics or 30-second ads. We Democrats recognize that.

After 6 years, America is moving in a new direction. It is moving forward, Mr. Speaker. Let's protect America. Let's implement the 9/11 Commission's recommendations and let us move forward.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume, the remaining time.

We have seen, Mr. Speaker, how ineffectively the United Nations Security Council has been in compelling Syria to stop its support for terrorist activities in Lebanon or at least keeping to its own deadlines regarding Iran's nuclear program.

After decades of rampant anti-Americanism at the United Nations, after decades of opposition and obstruction regarding virtually every aspect of U.S. foreign policy, no one can truly believe that the United Nations Security Council would draft its resolutions to advance the interests of the United States or that any U.N. entity would help the U.S. image in the Arab and Muslim world.

I need only point to the continuing efforts by Russia and China to hobble U.S. efforts at the U.N. that would seek to apply pressure on Iran to abandon its nuclear weapons program.

Let us consider the UNDP, for example. In 2005, as Israel was withdrawing from Gaza, financed by the Palestinian Authority's production of propaganda materials, it included banners, bumper stickers, T-shirts bearing the slogan: ''Today, Gaza; tomorrow, the West Bank and Jerusalem.'' This is the United Nations.

This rightly led to protests from then U.S. Ambassador to the United Nations John Bolton who rightly called this funding inappropriate and unacceptable.

And we know the record of the UNDP of hostility toward economic freedom. Has anyone really thought this through? This needs to be revamped, and the bill before us does not address that in a correct way to have it be pro-U.S. and pro-U.S. national security.

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

Mr. ACKERMAN. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from the Capital of the United States, Washington, DC, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, 5 years after 9/11, we still have no national security strategy for securing public transportation, the principal form of transportation most Americans use, 9 billion passenger trips annually. No wonder the 9/11 commission gave a C minus grade.

This bill rescues us by requiring the Department of Homeland Security to develop risk-based priorities for transportation security and, finally, a strategic information plan so that the private sector, which owns our modes of transportation, can share information with one another.

Mr. Speaker, the terrorists have changed their focus, as Madrid and London made clear. We have not.

I was the sponsor of the Secure Trains Act. It had no Republican sponsors; many Democratic sponsors.

After 9/11, we promised we would never be caught flatfooted again. This bill finally gets us up on our feet and rescues us from a zero strategy on public transportation and public transportation from being the stepchild of national security.

□ 1500

Mr. HOEKSTRA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, for a bill that is supposed to carry out a series of partisan campaign promises on national security and homeland security issues, what is most notable about this bill is actually the many areas that it highlights where there has been bipartisan agreement, not only on the provisions of the 9/11 Commission that should be implemented, but just as importantly, those recommendations that should not be implemented.

In the 109th Congress, the House acted to address many of the recommendations of the 9/11 Commission. A number of these reforms were included in the Intelligence Reform and Terrorism Prevention Act, in which the Intelligence Committee played a prominent role. Others were addressed and refined in later legislation.

On intelligence matters, many of the items in this bill are duplications or slight modifications to initiatives that were already put into place during the preceding Congress, such as support to the fusion of border intelligence and provisions to facilitate greater information sharing on homeland security.

As another key example, this bill would create a new Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism. This duplicates and complicates the work of the National Counterproliferation Center created in the Intelligence Reform bill.

I also think it is important to point out that contrary to campaign promises, this bill does not implement all of the recommendations of the 9/11 Commission. Let me note a few, the intelligence budget, and paramilitary activities, that it does not address at all.

This bill is following the lead of the previous Congress and not implementing the two recommendations

that were not warranted, declassifying the amount of the intelligence budget and making the Department of Defense the lead for all paramilitary operations. These decisions were right for our national security on the merits in the last Congress, and they are still right for our national security now.

I appreciate that this bill follows and reinforces Republican positions on these issues where the 9/11 Commission recommendations were not good policy. This bill also curiously omits another explicit recommendation of the 9/11 Commission that the majority party's representation on the intelligence oversight committee should never exceed the minority's representation by one. If the new majority wants to claim that it has implemented all of the 9/11 Commission recommendations, it cannot pick and choose to implement all of its recommendations except the ones that involve their own power.

Later today, the House will also consider a resolution that purports to address the 9/11 Commission's recommendation to consolidate intelligence oversight in Congress and enhance the influence of the authorizing committee on the appropriations process. The proposal will not accomplish the objectives sought by the 9/11 Commission.

The 9/11 Commission recommended that the authorizing committee also become the Appropriations Committee. The last Congress thought that that was a bad idea, and we didn't do it. The proposal in front of us today will further add complication and confusion by creating a third group in the House with responsibility for intelligence. Actually, in the last Congress, we pretty much achieved what the 9/11 Commission was trying to accomplish, where we had basically a seamless integration of the Intelligence Committee authorizations bill reflected in the appropriations bill.

I also want to point out that this bill was flawed in much more than its failure to promise to fully implement the commission recommendations. As ranking member and former chairman of the Permanent Select Committee on Intelligence, I am concerned that parts of it have significant potential to impact our Nation's critical intelligence programs and capabilities. Even worse, these provisions were developed outside of regular order, without any participation from the relevant committees.

I want to briefly note my concerns with two of these provisions. Section 1433 of the bill would require the United States to ''develop a common coalition approach'' with respect to detainees. This proposal is much broader in scope and effect than the actual recommendation of the 9/11 Commission, and it is bad policy. I would hope that all Members of the House would be in agreement that the law should not require the United States of America to ask for the permission of other countries, even our partners, to gather intelligence from and deal effectively and appropriately with detainees and terrorists who threaten our national security.

In addition, this proposal would significantly implicate an already challenging area by requiring us to reconcile newly clarified detainee authority with the policies of some nations whose legal authorities protecting human rights are nowhere near as well developed as ours. In addition, this bill would reopen previously negotiated and resolved issues by making the Civil Liberties Board an independent body in granting its subpoena authority. Overall, it would complicate intelligence.

Mr. ACKERMAN. Mr. Speaker, I yield 1 minute to one of our newest Members, but very distinguished already, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, as many of the new Members ran on a promise of bringing change to Washington, one of the key areas of that new direction was the responsibility of securing this Nation. In July of 2004, the bipartisan 9/11 Commission issued a comprehensive series of recommendations and urged this body and the leaders of this country to take prompt action to implement those recommendations and make us safer.

Today, in just the second week of our majority, the Democratic House of Representatives will pass legislation that will address the 9/11 recommendations and make the American people safer and more secure.

Just yesterday, the 9/11 Commission Vice Chair, Lee Hamilton, a former Member of this body, stated the bottom line is that if this bill, H.R. 1, is enacted, funded and implemented, then the American people will be safer because it carries out the recommendations of the commission.

I am proud to be part of this effort to implement those recommendations, and I am proud because that was a promise made to the Members of our constituents last fall. Action on this critical issue of securing our Nation is long past due. The citizens of our great Nation are calling for change. In the area of national security, the time for change has arrived.

Mr. ACKERMAN. Mr. Speaker, I am doubly pleased to yield 1½ minutes to the final speaker, the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. On 9/11, many of us were here in the Capitol. As we saw smoke billowing from the Pentagon, we recognized the direct threat that faced our country. We stood together on the steps of this buildings, Republicans and Democrats together, and promised the American people that we would do our best to secure this Nation.

But we have failed the American people. The 9/11 Commission graded the administration in this Congress with five Fs, twelve Ds, and nine Cs; and we must accept no less than straight As. Our Nation responded with overwhelming support to the commission's recommendations, and that is why I urge all of you to join me today in voting for H.R. 1.

This bill will make us safer, but it is just a first step. A TV station in Houston recently uncovered serious security holes at the Port of Houston. I mean that literally, holes. As they walked along the perimeter, they found several holes in the fences. This security breach at one of the Nation's largest ports is unacceptable.

Today this threat, this hole in our Nation's security, is being patched. Our safety is nonnegotiable, and we can no longer shortchange our ports. A vote for this bill today demonstrates our dedication to securing our Nation. It is a first step towards truly securing the Nation from threats, not only in our backyard, but to threats half a world away.

When I go home this Friday and greet the hardworking men and women of the 22nd Congressional District as they leave their plants and port facilities where they work, I can thank them for the risk they take every day and look them in the eye and finally tell them they will be safe and so will our country.

Mr. Speaker, let us have no more smoke. Let us have no more holes. Let us do the right thing and pass H.R. 1.

On September 11, 2001 many of us were here in the Capitol. As we saw the smoke billowing from the Pentagon, we recognized the direct threat that faced our country. We stood together on the steps of this building, Republicans and Democrats together, and promised the American people that we would do our best to secure this nation. But for far too long we have failed the American people. In 2005 members of the 9/11 Commission graded both the Administration and Congress with 5 F's, 12 D's, 9 C's, and 2 Incompletes. We must accept no less than straight A's. Our nation responded with overwhelming support of the Commission's recommendations, and as their representatives, we should implement them. That's why I urge all of you to join me today in voting for H.R. 1. This bill will make us safer, but it's just the first step.

For too long we have ignored the threat and been unwilling to meet the challenge. This is a challenge that we ignore at our own peril. Our Nation's seaports handle over 95 percent of our foreign trade worth over $1 trillion a year. The 9/11 Commission report concluded that terrorists have the ''opportunity to do harm as great or greater in maritime and surface transportation'' than the 9/11 attacks. In 2003 the Coast Guard estimated that it would need $7.2 billion to fully implement the security requirements of the Maritime Transportation Security Act. Until recently, Congress had only provided $910 million for port security since the 9/11 attacks. We must fulfill our responsibility by fully funding these provisions, providing appropriate oversight and ensuring that these measures are implemented efficiently and effectively. Our safety is non-negotiable, and we can no longer short-change our ports.

In fact, a local TV station in Houston recently uncovered serious security holes at the Port of Houston, which borders the 22nd district. And I literally mean holes. As they

walked along the perimeter they found several holes in the fence. This is a fence that is meant to deter terrorists, yet there it is helping them gain access to these crucial facilities. This serious security breach at one of the nation's largest ports in one of the nation's largest cities is unacceptable. And today this threat, this hole in our nation's security and my constituents' peace of mind, is being patched. Our safety is non-negotiable, and we can no longer short-change our ports. A vote for this bill today demonstrates our dedication to securing our Nation. It even goes beyond the commission's recommendations—requiring 100 percent of U.S.-bound shipping containers to be scanned and sealed using the best available technology over the next five years, among other provisions.

This is the first step towards truly securing our Nation, from threats in our own backyard to threats half a world away. This bill will enable us to improve our own security while fostering improved relations across the globe. I urge all of you, my colleagues here in the people's House, and I implore our colleagues in the Senate, to vote for this important piece of legislation. And I urge the president to sign it into law. And when I go home this Friday, and greet the hardworking men and women of the 22nd Congressional District as they leave the plants and port facilities where they work, I can thank them for the risks they take everyday and look them in the eye and finally tell them they will be safe and so will our country.

Mr. ACKERMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi (Mr. THOMPSON), the honorable chairman of the Homeland Security Committee, and ask unanimous consent that he control the balance of our time.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi is recognized for 36 minutes.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I want to commend, in the beginning, Chairman THOMPSON and Ranking Member KING for the work of your staff, everybody chipped in; and I really want to commend the work that you have all done.

Mr. Speaker, it is about time. Three years ago, the commission put forward a comprehensive evaluation of our Nation's vulnerabilities and listed key recommendations toward making our Nation safer, more secure. We finally passed landmark legislation to close many of the dangerous security gaps, and we are going to do that today. We will address the weaknesses that continue to leave this Nation at risk, and I say it is about time.

More than a year ago, Hurricane Katrina and Hurricane Rita reminded us all again how unprepared we still are to deal with catastrophes, whether caused by nature or a terrorist attack. That is the politics. That is the charade. And that charade has been a deadly charade. The Congress will not wait another day to make the necessary improvements to our Homeland Security. This landmark legislation includes many long overdue steps.

Our ports and our critical infrastructure will be better protected. Our borders will be harder to enter. Terrorists will confront greater difficulty in obtaining nuclear materials, and our aviation will be better defended, just to name a few.

I am particularly pleased with two major provisions. First, this bill would substantially increase the share of homeland security grants that are provided to States based on risk. I fought for this, the chairman has fought for this, I think you fought for this, Mr. Ranking Member. We want 100 percent risk on these grants.

It is crucial that we ensure that Federal money designed to better equip and train our first responders actually reaches down to where it is needed most.

I have long said that the current system of distributing grant funding to local levels is fundamentally broken. In an era when information can be sent instantaneously any way, any place in the world, it is utterly nonsensical that our Nation's police, fire and EMS personnel cannot consistently communicate with each other. Not another day should pass without us addressing that. Anybody who says that we have addressed it, look at how the administration tried to zero out the interoperability part of the legislation. Tell the truth.

Mr. KING of New York. Mr. Speaker, I would just advise the gentleman from New Jersey, my good friend, that as far as the threat and risk funding, I was the prime cosponsor for that bill, and it did pass in the last Congress by a vote of 409–10 in a bipartisan way.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LEWIS), the ranking member and the past chairman of the Appropriations Committee.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Thank you very much, Mr. KING and Mr. Chairman.

Mr. Speaker, I might respond to the colleagues, this is the longest I have seen you, your presence on the floor in many a year, and your being in the podium. We will not let you get away as you would normally choose to do.

But having said that, Mr. Speaker, you know it is not my intention to speak on every authorizing bill that might come along. Indeed, we have enough work to do on our Appropriations Committee, enough to take up the time of our fine authorizers. But in the meantime, it is important for us to say early on, in these first 100 hours, that there are issues that will be brought to the floor that purport to reflect the interests of authorizers that have huge implications in so far as appropriations are concerned. So for this one time I would like to take just a moment to discuss a bit of that.

First, as a member of the Appropriations Committee, I must mention that this bill is full of new programs, policy directives, performance directives, all kinds of authorizing suggestions, without any indication as to where the money might really be coming from. It is one thing to say that we want to establish a policy. It is another thing to say that we are going to pay as we go. It is an entirely different thing to say exactly where the money will come from.

It is very important for the Members to know that throughout this package that purports to deal with the 9/11 Commission, and those recommendations, that we have here to a very significant degree, within the authorizing process, a statement of policy that is little more than a press release. There really are no serious suggestions here as to how we go about solving the problems that are implied by the presentation of this legislation.

The tens of billions of dollars that would be required to implement this general statement of policy should not be ignored. It is not good enough to suggest that we are going to balance the budget and pay as we go. The first bill before us provides an authorizing base that does exactly the reverse.

We are not in this to confront the Appropriations Committee with authorizers, but indeed it is about time that we begin to lay the foundation for policy and appropriations work that actually reflects the will of the House as well as the appropriations process.

□ 1515

Mr. Speaker, I know that you agree with all of that because of your appropriations background.

Mr. Speaker, I rise in opposition to this legislation before us today. This is a bill full of feel-good promises and sound bites but no realistic approach to becoming a reality. Let me provide just a few illustrations of my concern.

First, as a member of the Appropriations Committee, I must mention that this bill is full of new programs, policy directives and performance directives authorized at "such sums as necessary," the total of which is likely to reach into the tens of billions of dollars. It proposes carving out $250 million from passenger ticket security fees as a "one-time deposit" for research, development, and deployment of Explosive Detection System checkpoint technology. But, because there is no guarantee this amount can be covered by current collections, it will likely require a direct appropriation. In other words, it proposes a new cost, with no offset.

While some of these programs are worthwhile I am unsure how the new majority plans to actually fund them. This is a classic demonstration that the majority's pledge to offset any new increases in funding is, at this point, nothing more than an empty sound bite.

Absent new appropriations, there is little chance these programs, policy directives, and performance objectives will see the light of day. For example, this bill requires the inspection of 100 percent of the over 11 million U.S.-bound seaborne cargo containers within five years. While DHS currently inspects 100 percent of high-risk cargo, estimates to physically inspect 100 percent of sea-bound cargo, including those containers shipped by trusted

partners, run in the tens of billions of dollars not counting additional manpower and operational costs. Even the editorial section of this morning's Washington Post describes the majority's container security proposal as a "waste of money" with a "marginal benefit" and no "realistic cost estimate".

Additionally, estimates to physically inspect all cargo on passenger planes for a single year exceed $500 million and may require up to an additional 8,000 screeners at a cost of $400 million per year. And on top of these annual costs, there is an upfront investment of over a billion dollars for equipment installation and facility modifications. Still, this legislation casually calls for 100 percent inspection by the end of Fiscal Year 2009.

Mr. Speaker, throwing money at a problem is not the solution. In fact, since 9/11, Congress has made steady and substantial, yet realistic, progress in many of these areas. In Fiscal Year 2005, we called for the tripling of the percentage of cargo screened on passenger aircraft, required quarterly updates on meeting this goal, and directed the development of standards and technology to reduce manpower requirements.

We continue to target all high-risk cargo inbound for the United States. We also support expansion of our Container Security Initiative, which will place actual Customs and Border Protection employees at 58 of the world's largest ports, covering approximately 85 percent of the U.S.-bound shipping containers by the end of this fiscal year. Last year, the 109th Congress passed the SAFE Port Act, which, among other things, created pilot programs, each designed to test the possibility and viability of achieving 100 percent screening overseas. Through the Secure Freight Initiative, the Administration has set up 9 of these pilot programs.

While we appreciate the new majority's attempt, this bill is little more than a press release full of unfunded mandates that has little chance of becoming law. Real reform begins with committee and subcommittee hearings and mark-ups, and ends with a negotiated product that contains substantive yet realistic reform. This bill fails that, and many other, tests.

Mr. THOMPSON of Mississippi. Mr. Speaker, I now yield 1 minute to the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, it is no mere coincidence that this legislation, which will implement the recommendations of the bipartisan 9/11 Commission, is designated as House Resolution No. 1 in this new Congress. Our first and highest responsibility as Members of this Congress is to protect the American people, to defend our homeland, and to strengthen our national security. The fact is, our Nation today, 5½ years after the attacks of September 11th, is still not as safe as it should and must be.

As Tom Kean, the former Republican Governor of New Jersey and cochair of the 9/11 Commission observed just a few months ago, "We're not protecting our own people in this country. The government is not doing its job." That is the former Republican Governor of New Jersey, the cochair of the Commission.

Today, however, through this important legislation, this House will take a vital step forward in protecting our people and our Nation. We have taken steps, there is no doubt about that. We have taken steps together in a bipartisan way, but we have not taken all the steps we could take. And that is the point of the gentleman from Mississippi, and I support his contention.

This legislation among other things will substantially improve our homeland security by doing the following:

Significantly increasing the share of state homeland security grants provided on the basis of risk. I know that my good friend, the former chairman of the committee, agrees with that proposition. In fact, we passed it through this House; unfortunately, the Senate did not.

Creating a stand-alone grant program for interoperable communications for first responders. Curt Weldon and I have chaired for a long time the Fire Service Caucus. Interoperability is a critical issue for our country and for our security.

Phasing in the requirement of 100 percent inspection of air cargo over the next 3 years and 100 percent scanning of U.S.-bound shipping containers over the next 5 years. How can we have security in America if literally thousands of tons of cargo is being shipped in either by air or ship that we don't know its content?

Accelerating the installation of explosive detection systems for checked baggage. A critical step.

Furthermore, H.R. 1 will help us prevent terrorists from acquiring weapons of mass destruction. It will strengthen the cooperative threat reduction or Nunn-Lugar programs; create a coordinator for the prevention of weapons of mass destruction proliferation and terrorism; and strengthen efforts to eliminate a nuclear black market network. I would think all of us would want to see those objectives accomplished.

Additionally, Mr. Speaker, H.R. 1 seeks to reduce extremism by enhancing the International Arab and Muslim Youth Opportunity Fund and establishing a Middle East foundation that will promote economic opportunities, education reform, human rights and democracy in the Middle East, all of which was proposed by Governor Kean, Mr. Hamilton and unanimously the 9/11 Commission.

It also bears noting, Mr. Speaker, that this bill will strengthen the Privacy and Civil Liberties Board, removing the board from the executive office of the President and making it an independent agency and granting the board subpoena power.

I mention these provisions because I believe they demonstrate that we can improve our security without compromising the democratic principles upon which this great Nation was founded.

Let no one, however, be mistaken: This legislation alone, nor perhaps any legislation, can immunize our Nation from attack. However, it represents an important step forward for our national security. That is why we wanted to accomplish it in the first 100 hours of our deliberation.

As former Congressman Lee Hamilton, the other cochair of the 9/11 Commission noted, Mr. Speaker, just yesterday, "The bottom line is, if this bill, H.R. 1, is enacted, funded and implemented, then the American people will be safer."

That is our objective. I am confident that is the objective of every Member of this House, Democrat or Republican. That is our responsibility.

I urge my colleagues on both sides of the aisle, Mr. Speaker, to support this critically important piece of legislation.

Mr. KING of New York. Mr. Speaker, as a tribute to the enormous influence you wield over this House, you will notice that even though we are the authorizing committee, the first two speakers are members of your Appropriations Committee, and I yield 5½ minutes to the ranking member of the Homeland Security Subcommittee, Mr. ROGERS.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding and thank the Speaker, and I particularly want to thank the ranking member of the committee who yielded for all of his tremendous efforts over the past years to prevent terrorism and secure the country.

Mr. Speaker, there is not a more fundamental purpose of our government than to provide for the safety and security of our people. That was the guiding principle as we over the last several years have provided almost $250 billion toward Federal homeland security programs since 9/11. But, Mr. Speaker, the ideas and proposals contained within this bill are overly costly and Draconian even. It is an effort by the new Democrat majority to look aggressive on homeland security. This bill will waste billions and possibly harm homeland security by gumming up progress already under way.

Over the last 4 years, our Subcommittee on Homeland Security Appropriations provided a significant combination of aggressive oversight and vast resources to address our most critical homeland security needs.

First, with port, cargo, and container security. We not only have appropriated over $16 billion to fully support groundbreaking programs, such as the Container Security Initiative, the Domestic Nuclear Detection Office, we required DHS to double its inspection and radiation screening efforts; target 100 percent of incoming cargo, establish security standards for both land and sea cargo containers; maintain 100 percent manifest review and trusted shipper validation standards; and inspect 100 percent of all high-risk cargo. So rather than take the costly and Draconian approach included in this bill before us today, we put in place methodical, robust measures that balance our security needs with legitimate trade.

You need look no further than this morning's Washington Post editorial,

and I want to quote from it because I think it says it better than certainly I can. A quote from this Washington Post this morning:

''Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. That can be a tough job. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill, up for a vote in the House this week, that would require the Department of Homeland Security to ensure that every maritime cargo container bound for the U.S. is scanned before it departs for American shores.''

Continuing to quote from the Washington Post: ''Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo. The sensible posture is to await the results of those trials before buying port scanners, training the thousands who would be needed to operate them and gumming up international trade.''

Continuing to quote from the Washington Post this morning:

''The Democrats don't offer a realistic cost estimate for the mandate they will propose today, but the cost to the government and the economy is sure to be in the tens of billions and quite possibly hundreds of billions annually. The marginal benefit isn't close to being worth the price. Under recently expanded programs, all cargo coming into the country is assessed for risk and, when necessary, inspected, all without the cost of expensive scanning equipment, overseas staff and long waits at foreign ports. Perhaps that's why the September 11th Commission didn't recommend 100 percent cargo scanning.''

Quoting the Washington Post further:

''The newly installed House leadership will bring the bill, which contains a range of other homeland security proposals both deserving and undeserving, directly to the floor, bypassing the Homeland Security Committee.''

No hearings, just bring it on. That is the Washington Post, and I couldn't say it better than did the Post.

On the issue of aviation security, we took a strong stance towards the implementation of security technologies by providing almost $17.3 billion towards aviation security programs, including almost $2 billion for explosive detection systems.

On border security and immigration enforcement, we provided over $75 billion over the last 4 years and ended, yes ended, the practice of catch-and-release once and for all. We have made progress on grants to State and local first responders on issues surrounding intelligence.

In sum, Mr. Speaker, the bill before us today simply validates the funding and policy initiatives of the past two Congresses. I believe our record of accomplishments as well as the overwhelming bipartisan support of each and every one of the four appropriations bills speaks for itself. Now is the time to build upon the substantial work of the last 4 years and seriously debate our homeland security needs rather than recycle political ideas for political ends.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3½ minutes to the new chairman of the House Homeland Security Appropriations Subcommittee, 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 thank the gentleman for yielding, and I commend him for his management of this legislation, bringing this urgent matter to the floor, and expediting its consideration. I rise in support of H.R. 1, legislation Congress should have passed long ago to address the unfulfilled 9/11 Commission recommendations.

As the incoming chair of the Homeland Security Appropriations Subcommittee, I can tell you there is no time to waste in enacting and implementing this legislation.

Now, no one should suppose that this will be easy. This is an ambitious agenda for the Department, and based on the Department's performance to date, it is going to have to rise considerably to meet that challenge.

There will be challenges for us in Congress as well, as my friend the immediate past chairman of our Appropriations Subcommittee has just stressed. These are not going to be easy priorities to meet.

Many of the bill's programs are not currently funded, such as the Interoperable Communications Grant Program. This means that the Appropriations Committee and in particular our subcommittee will have to find additional resources.

Congress will also have to provide rigorous oversight of the Department's implementation of the bill. I look forward to working with Chairman THOMPSON and other colleagues to hold the Department accountable. The President must also do his part by requesting and supporting the funding to get the job done.

This bill provides significant discretion for determining risk to the Department of Homeland Security. Now, discretion is fine, but it must be used fairly and wisely, backed by tested assumptions and rigorous methodology and firm data. This is a critical area for stringent oversight by Congress.

As we move to a more risk-based approach, there are two important points to make: First, as we have funded new homeland security grant programs dedicated to helping State and local governments prepare for and respond to terrorism, the President and Congress have at the same time reduced funding for the broadly targeted programs our first responders have depended on.

Department of Justice programs that support police received a total of $1.5 billion in 2003, but by 2006, that was reduced to $559 million.

□ 1530

Fire grants received $745 million in 2003 but only $662 million for 2007.

For many State and local governments, this is simply robbing Peter to pay Paul, because their homeland security grant dollars have to be stretched to fill gaps left by the defunding of these other programs. It should not be an either/or proposition. We need healthy funding levels for both homeland security grants and for the more broadly based fire grants and COPS and Byrne and other Department of Justice grants.

The second important point is that homeland security means more than security from man-made disasters. No matter where a disaster occurs and whether it is natural or man-made, our local police and firefighters and EMTs will be the first on the scene to help the public. The Department's risk assessments should do more to take that into account.

In closing, Mr. Speaker, this bill is a critical first step in the process of making real security improvements, but there are many, many more steps we are going to have to take. I look forward to working with colleagues on both sides of the aisle as we travel down this critical path.

Mr. KING of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS), who did such an outstanding job in the past Congress as chairman of the Management, Integration and Oversight Subcommittee.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to associate myself with the remarks of the ranking member of the Appropriations Subcommittee on Homeland Security, Mr. ROGERS.

As the gentleman stated, homeland security is too important an issue not to have any oversight. And the 279-page bill we consider today is too encompassing not to have any jurisdiction consideration by the committees of jurisdiction.

On such an important issue as protecting our country from terrorist attacks, we should have the opportunity to offer and debate amendments on the specific provisions of this bill. For example, the bill contains provisions authorizing billions of dollars in spending for new programs that have not been approved by the Committee on Homeland Security. The bill misses the opportunity to continue our consolidation of committee jurisdiction started in the 109th Congress over DHS and called for by the 9/11 Commission.

The bill also contains revisions to many initiatives developed under the

Republican leadership. For example, Section 812 of the bill expands the authorities of the Privacy Officer of the Department of Homeland Security. This vital position was established by the Homeland Security Act of 2002, a Republican bill, signed by President Bush into law. This was the first statutory mandate for a Privacy Officer in the executive branch.

Another Republican bill which the President signed into law, the Intelligence Reform and Terrorism Prevention Act of 2004, elevated the position of the Privacy Officer authorizing its direct reporting to the Secretary.

Concerns have been raised that the pending bill would turn the Privacy Officer into an investigating officer. In fact, this proposal was specifically rejected last year during a markup in the Subcommittee on Management, Integration and Oversight, which I chaired. The DHS Inspector General stated that this provision would interfere with his role and would ''create duplicative investigations and overlapping demands for documents involved in investigations of privacy violations.''

And, Mr. Speaker, I will include this letter in the RECORD.

OFFICE OF INSPECTOR GENERAL,
DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, December 28, 2006.

Hon. MIKE D. ROGERS,
Chairman, Subcommittee on Management, Integration and Oversight,
Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROGERS: Thank you for the opportunity to comment on two proposed amendments to the authority of the U.S. Department of Homeland Security (DHS) Privacy Officer—H.R. 3041 and S. 2827, both titled as the ''Privacy Officer with Enhanced Rights Act'' or ''POWER Act.'' The Office of Inspector General (OIG) opposes these amendments because they would interfere with OIG's jurisdiction and create duplicative investigations and overlapping demands for documents involved in investigations of privacy violations. Therefore, should either proposal be considered for further review, OIG strongly recommends that specific language be included to clearly state that the DHS OIG has primary authority over investigations, audits, and other inquiries that might be conducted by the Privacy Officer.

As currently drafted, H.R. 3041 and S. 2827 would grant the DHS Privacy Officer authority to investigate; issue reports; administer or require oaths, affirmations or affidavits; issue subpoenas (except to Federal agencies); and access records and other materials related to programs and operations within the Chief Privacy Officer's jurisdiction. These authorities are, as stated above, duplicative. With respect to the proposed investigatory authority, the DHS Inspector General already has authority to investigate violations of law and regulations, including privacy-related violations relating to DHS programs and operations. Granting parallel authority to the Privacy Officer to investigate and issue subpoenas would unnecessarily and inefficiently duplicate and disrupt the established and working authority of the Inspector General to conduct such investigations and issue subpoenas as needed. In addition, the Privacy Officer can already make referrals on privacy-related violations to the DHS Inspector General for investigation and review. Therefore, there is no need to confer additional authority to the Privacy Officer.

Regarding the proposed subpoena authority for the Privacy Officer, each branch of the Federal government already has extensive subpoena authorities that are regularly exercised to obtain documents or testimony to investigate misconduct such as civil rights violations. In the event of a significant allegation concerning such a violation, there would already be overlapping and likely immediate demands for documents and testimony by the Executive Branch, by the Congress, and through the Courts. Adding a set of competing subpoenas from the DHS Privacy Officer would unnecessarily increase the burden on subpoenaed parties by requiring them to respond to multiple requests.

The OIG therefore strongly recommends that the following new subsection be added under section (b)(2) of both amendments:

(2) DHS OFFICE OF INSPECTOR GENERAL AUTHORITY—The exercise of authority by the senior official appointed under this section shall be subject to, and shall not interfere with, the authority of the DHS Office of Inspector General. Prior to initiating any investigation under this section, the senior official shall refer the allegation to be investigated to the Inspector General. If the Inspector General initiates an audit, investigation, or inspection relating to the allegation, the Inspector General may provide notice that it has initiated an inquiry. If the Inspector General issues such a notice, no other audit or investigation shall be initiated into the matter by the senior official appointed under this section, and any other audit, investigation, or other inquiry of the matter shall cease.

This provision will ensure the OIG's ability to perform its independent statutory responsibilities under the Inspector General Act.

Regarding variations between H.R. 3041 and S. 2827, the amendments differ in three respects:

H.R. 3041 includes a vaguely-worded provision, tying the Privacy Officer's authority to that of the Inspector General. The bill authorizes the Privacy Officer to: ''take any other action that may be taken by the Inspector General of the Department, as necessary to require employees of the Department to produce documents and answer questions relevant to performance of the functions of the senior official under this section.'' H.R. 3041(B)(1)(E). S. 2827 does not have a similar provision.

H.R. 3041 includes a five-year term limit for the Privacy Officer. S. 2827 has no such limit.

S. 2827 places the Privacy Officer under the general supervision of the Secretary and requires the Secretary to report to Congress ''promptly'' if the Officer is removed or transferred to another position. S. 2827 does not have a similar provision.

With respect to H.R. 3041's provision tying the Privacy Officer's authority to that of the DHS Inspector General, it is not clear what authority would be granted by this provision. It appears to be designed to incorporate certain Inspector General authorities into the Privacy Officer's statutory authorities. As drafted, it is not clear whether the scope of the Privacy Officer's authorities under this provision is limited to privacy issues and if it is so limited, how ''privacy issues'' are defined, and by whom.

Regarding the term of office provision included in H.R. 3041, but not in S. 2827, and placement under the Secretary's general supervision (included in H.R. 3041, but not in S. 2827), OIG does not believe these two variations significantly distinguish the proposed amendments.

In summary, OIG opposes the proposed amendments because they would create duplication in investigations and overlapping demands for documents involved in investigations of privacy violations. If either proposal be enacted, it should include an additional provision stating that any exercise of authority by the Privacy Officer should not interfere with, and should not be construed as limiting, the authority of the Inspector General.

Thank you for the opportunity to comment on this legislation. Questions regarding these comments may be addressed to Richard N. Reback, Counsel to the Inspector General, on (202) 254–4100.

Sincerely,

RICHARD L. SKINNER,
Inspector General.

The pending bill would also grant the Privacy Officer access to ''all records'' and other materials available to DHS. Such sweeping access could have a chilling effect on intelligence agencies sharing vital information with DHS.

The Inspector General has urged amendments to protect his independent responsibilities under the Inspector General Act. DHS has also requested amendments.

But we don't have that option. It is ironic that on the same day this bill is being considered in the House under a closed rule, the Senate is holding a hearing on the same topic. And Senators will have an opportunity later to offer amendments.

The bill before us today should be subject to the same bipartisanship and open process. The stakes are too high, and we need to get it right.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands, Dr. DONNA CHRISTENSEN.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, it is with great pride and a sense of hope for the future that I rise in strong support of H.R. 1, legislation which fulfills an important promise we Democrats made to fully implement the 9/11 Commission's recommendations.

Before continuing, I want to commend the Honorable BENNIE THOMPSON on his ascension to the chairmanship of the House Committee on Homeland Security. Congressman THOMPSON served as a first-rate ranking member of the committee during the last Congress, and I look forward to working with him and our now Ranking Member KING to further strengthen our Nation's security.

Mr. Speaker, it has been a matter of great consternation that today, 5-plus years after 9/11, our first responders still do not have the capacity to communicate consistently with each other during emergencies. It was one of the tragic failures in Katrina as late as 2005.

H.R. 1 will create a national Emergency Communication Plan and a stand-alone emergency communications grant program that will finally provide first responders with the kind of standards and equipment they need.

Another provision that has been long fought for is 100 percent inspection of cargo on passenger planes as well as 100

percent screening of containers bound for this country and improved explosive detection systems at passenger checkpoints at our Nation's airports. One of the ''F'' grades the administration and the last Congress received was failure to implement risk-based funding. The new formula is a great step forward and would provide more funding for States and territories that adjoin a body of water within North America that contains an international boundary line. This can assist the U.S. Virgin Islands in providing the additional border patrol needed to protect our residents and our country.

Lastly, in March of 2001, a member of the Hart Commission told a bipartisan group that the greatest threat to us was the growing animosity towards the United States. Today we are more hated than ever. Changing this and protecting privacy and civil liberties as provided in H.R. 1 is critical to making America not only safer but better.

Mr. Speaker, we owe H.R. 1 to those who died on 9/11 and their families. Its passage is critical to the future of our great Nation, and I urge my colleagues to support it.

Mr. Speaker, it is with great pride and a sense of hope for the future security of our Nation that I rise in strong support of H.R. 1—legislation which fulfills an important promise we Democrats made to the American people last fall—to pass legislation within the first 100 hours of our assuming the majority in the House of Representatives, to make the Nation safer by fully implementing the 9/11 Commission's recommendations.

Before continuing with my remarks in support of this bill, Mr. Speaker, I want to applaud you for the inspired principled and strong leadership which enabled you to become speaker of this great Body and to commend my Chairman, the Honorable BENNIE THOMPSON on his ascension as to the Chairmanship of the Homeland Security in the House.

BENNIE served as a first-rate ranking member of the Homeland Security Committee during the last Congress and I look forward to working with him to further strengthen the state of our homeland security and in fact to pass today many of the measures that he championed and Democrats supported in the preceding Congress but could not get passed.

Mr. Speaker and my colleagues, last year the bipartisan 9/11 Commissioners gave Congress and the administration a number of very poor grades including 5 Fs, 12 Ds and 2 incompletes on implementing their recommendations. These woeful grades were a call for action and today Democrats are answering that call.

Mr. Speaker, it has been a matter of great consternation that today, 5 plus years after 9/11, our first responders do not have the capacity to communicate consistently with each other during emergencies. It was one of the tragic failures in Katrina in 2005.

Among the long overdue steps included in H.R. 1 that will substantially improve homeland security is the creation of a stand-alone emergency communications grant program that will provide first responders with the standards and type of equipment they need.

I am sure that we have wasted not only time, but a lot of money in funding the purchasing of equipment that cannot talk to each other because we have not had standards or a plan. Most importantly, today with this legislation, we create a national Emergency Communication Plan that will guide the implementation of the grant program. I want to applaud my colleague Congresswoman LOWEY for her persistence on this issue.

Another group of provisions that have been long fought for and are now included in H.R. 1, will be the requirement that ED MARKEY of Massachusetts has championed for 100 percent inspection of cargo in passenger planes by 2009. This bill will also provide for 100 percent screening of containers bound for this country and improve explosive detection systems at passenger checkpoints at our Nation's airports such as we have seen already implemented in other countries such as Canada.

I cannot leave this floor without speaking about another issue that is very important to my constituents and that relates to our need for strengthened border security.

One of the F grades the administration and the last Congress received was on failure to implement risk-based funding. Over the past year we have seen increased border crossings using the USVI to enter the United States. The new formula would provide for a larger minimum for States—and that includes territories according to the definition—that adjoin a body of water within North America that contains an international boundary line which we do. This can assist us in providing the additional border patrol needed to protect not just our residents in the U.S. Virgin Islands but our entire Nation.

I don't have time to speak to all of the important provisions included in H.R. 1, but in closing let me mention one more that I believe gets to the heart of what is needed to protect the United States and all who live here—and that is the provisions that help to restore the moral authority and leadership of our country in the world.

I recall that a bipartisan retreat in March of 2001, a member of the Hart Commission told us that the Commission had determined that the greatest threat to us was the growing animosity toward the United States.

While some steps have been taken since that report and the terrible events that took place 7 months later to protect us from terrorist attacks, nothing has been done to improve our relationships with our global neighbors. In fact we are more hated now than ever.

H.R. 1 takes steps to begin to heal the rift that has been widening between the United States and Arab and Muslim communities and between us and the rest of the world.

It is also my hope that along with the provisions for stronger protections for privacy and civil liberties, we can also mitigate some of the unintended consequences of the broad brush approaches that have been taken thus far.

These are critical components of setting a new direction for our country and making America not only safer but better!

Mr. Speaker, implementing the 9/11 Commission's recommendations is supported by most Americans and by several bipartisan and nonpartisan groups and we owe H.R. 1 to those who died on 9/11 and their families and loved ones.

As a member of the House Homeland Security Committee, this is a proud day for me and for all Americans as we take this action to improve homeland security by preventing terrorists from acquiring WMD's, by improving our intelligence mechanisms and prevention and protection programs, and by developing strategies for preventing the growth and spread of terrorism, while safeguarding the rights of all and the integrity of our Constitution.

This is a bill that is critical to the future of our great Nation and I urge my colleagues to support it.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MCCAUL), the former chairman of the Investigation Subcommittee of the Homeland Security Committee.

Mr. MCCAUL of Texas. Mr. Speaker, I thank the ranking member of the Homeland Security Committee, on which I am proud to serve, for yielding.

Mr. Speaker, I rise today in support of H.R. 1, but I also rise to express my disappointment.

Despite the importance of a bipartisan approach to homeland security and promises made to the contrary, the new majority has chosen to prevent even their own rank and file members from participating in the debate over this bill. This stands in stark contrast to how Republicans implemented 39 of the 41 9/11 Commission recommendations when we were in the majority.

This bill raises several concerns. It proposes to require the Department of Homeland Security to screen 100 percent of maritime cargo containers bound for the United States. And while well intentioned, this is not possible with current technology. Under the SAFE Port Act passed in the last Congress, we started a pilot project to determine the feasibility of such a program. We should continue and await the results of this study.

This new unfunded mandate would cost the government and the economy billions of dollars per year and bring commerce to a crashing halt. And even the Washington Post today called this a ''bad investment.'' H.R. 1 also gives foreign port terminal operators a role in the screening of cargo containers bound for U.S. seaports.

Most disturbing of all, H.R. 1 proposes to hand over control of the Proliferation Security Initiative, a system which works to protect Americans against the proliferation of weapons of mass destruction, to the United Nations. This is the same United Nations of which Syria and Iran are members. As a former counter terrorism official in the U.S. Department of Justice, I know first hand the threat of terrorism. It is very much alive and well. And while I am overall supportive of this bill and the 9/11 Commission recommendations, Congress can and should do better.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as she may consume for the purpose of a colloquy to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank our distinguished chairman.

Mr. MURTHA, it is wonderful to see you in the chair.

I rise as a proud cosponsor of this legislation, which is really going to complete the outstanding work of the 9/11 Commission.

The issue that I want to focus my remarks on today is one that my colleagues and I have worked very hard on on a bipartisan basis on the Energy and Commerce Committee for many years, and that is how to guarantee real communication interoperability between first responders. This is a very, very important issue for all of our first responders and our communities. The fact is that interoperability can be solved today. Advanced technology developed across the United States and certainly in my district in the Silicon Valley can successfully enable first responders and others to communicate using disparate communication devices and networks. The problem up to this point has been a lack of resources and guidance from the Federal Government as to where and how local first responders should invest their scarce dollars to achieve this solution.

The bill before us addresses this problem by establishing a stand-alone grant program within the Department of Homeland Security devoted to establishing an interoperability framework that local authorities can work from. What is of utmost importance in creating this new grant program is the need to ensure technology neutrality so that the best available solution, whether it be radio, software or IP network-based, can be implemented as soon as possible.

So with this in mind, Mr. Speaker, I would like to at this time yield to my colleague, the chairman of the Homeland Security Committee, to ask if he agrees that the goal and the intent of this legislation is to guarantee that our efforts to fund interoperability solutions are indeed technology neutral. Specifically, the term ''equipment'' as used in the legislation should not be interpreted to exclude important technology such as software, middleware or network-based IP solutions.

Mr. THOMPSON of Mississippi. Mr. Speaker, I can assure the gentlewoman that the goal of this legislation is to be technologically neutral.

Ms. ESHOO. Mr. Speaker, I thank the chairman, and I encourage my colleagues to help promote full communications interoperability by supporting the bill before us.

Mr. KING of New York. Mr. Speaker, I am proud to yield 5 minutes to the Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank Mr. KING for yielding.

Mr. Speaker, I rise today, in fact, in support of most of the efforts that are in this bill because most of the efforts in this bill were things that the Republicans in control of the Congress worked to pass on the House side of the building just in the last 2 years.

The most important responsibility of the Federal Government is to protect the American people. House Republicans recognized that and moved to enact important recommendations from the 9/11 Commission during the 109th Congress. We enacted, I believe, 39 of those 41 recommendations. And I would suggest to my colleagues that there is probably a reason we didn't enact the other two, because we didn't think they were the right thing to do.

Despite the fact that we have already taken this action before in the House by overwhelming majorities, the bill on the floor today has bypassed the committee process. There has been no opportunity to offer amendments. And, in fact, I want to talk in a minute about one new and I think particularly bad idea. These ideas are proposed in a way that talks about putting risk-based funding in place when, in fact, every single Democrat failed to support an almost identical initiative in the 109th Congress. That initiative passed in the 109th Congress. And amazingly, this initiative starts when that one ended. I am puzzled by what was so wrong with that initiative in the 109th Congress, now in the 110th Congress. It is an initiative that just simply takes up where the bill we passed last year left off.

□ 1545

We can't prevent terror attacks in this country by adding other layers of bureaucracy. We can't prevent terror attacks by making public information about our intelligence budget and other budgets that shouldn't be made public. Homeland security is too important to play politics when American lives are at stake. As a body, both Democrats and Republicans, we need to be committed to that.

We have an enemy that has vowed to exploit every weakness, every piece of needless information we give them, every failure we have to understand the kind of fight that we are in, Mr. Speaker.

Also in this legislation today, there is a sense of Congress that the Proliferation Security Initiative initiated by the President in 2003 would need to be somehow authorized by the United Nations. I think that doesn't make sense for this Congress. I don't believe that will ever be in any legislation that makes it to the President's desk. I think it is a particularly bad idea to suggest that our initiatives for proliferation security would somehow now come under the auspices of the United Nations.

This has been a successful program. We have 14 direct partners in this program; over 70 countries have worked with us to follow-up on specific pieces of information that we needed to check into to be sure that proliferation was not a problem.

Mr. Speaker, I hope that the House votes later today to eliminate that sense of the Congress that the United Nations would authorize this program from this legislation. I look forward to bringing this issue to the floor as the majority has promised with debate in the future. We didn't have committee debate on this bill today. I hope that we quickly get to the promises of the majority to debate these bills in committee, bring them to the floor, and work together to do the right thing for the American people.

Mr. THOMPSON of Mississippi. Mr. Speaker, before yielding to the next speaker, I would like to make note of the fact that I submitted remarks related to jurisdictional interest by the gentleman from Michigan (Mr. CONYERS) on H.R. 1.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the bill, and I want to thank the chairman for your important work on this bill.

I am very pleased that one of the first acts of the Democratic Congress is to finally enact the long overdue recommendations of the 9/11 Commission.

This bill contains language I first proposed in the 108th Congress to create a dedicated grant program for emergency communications, which the Republican-controlled Congress rejected at least five times, including in stand-alone amendments.

Communications failures that forced first responders to use runners to relay messages on September 11 and following Hurricane Katrina more closely resemble the time of Paul Revere than the technology available in 2007. The post-September 11 world demands 21st-century preparedness.

Many of us have long recognized that we are not prepared to respond to the next emergency until our first responders can communicate with one another. The legislation addresses this massive gap in our Nation's communications capabilities and will improve safety for hundreds of thousands of first responders who protect our communities each day.

In addition to the interoperability provisions, I am very pleased that this bill includes my proposals to fix the flawed grant funding formula, improve airport screening by providing important rights for screeners, and overhauls the troubled National Asset Database.

I urge your support for this vital piece of legislation that includes long-overdue improvements for first responders. I thank the gentleman again for his leadership, and I look forward to working together with the people on the other side of the aisle to get this done.

Mr. KING of New York. Mr. Speaker, I am privileged to yield 2 minutes to the gentleman from California who played such a prominent leadership role in the last Congress, including port security legislation and chemical plant legislation, both of which passed the floor, Mr. DANIEL E. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the ranking member.

Mr. Speaker, I say this not in anger but in sadness about the missing bipartisanship here by the way this was

brought to the floor. If there was any committee in the last Congress that worked harder on bipartisanship than our committee, I don't know what it was. We worked very closely with the new chairman of the full committee on so many things. We were cosponsors together on the chemical security bill, the port security bill. We managed to have a 29–0 vote in committee after many, many different committee hearings, consultation with the Democratic side as well as the Republican side. And we passed it out 29–0 and passed it off the floor 421–2.

And in response to that, we have presented to us this bill which is basically take it or leave it. That's not the way to do these sorts of things.

They say we have already dealt with these things. By my count, over 12 percent of the membership of this House has never been here before. So maybe they don't count. Maybe they ought not to have the opportunity to consider these things. It doesn't seem to me that is the way we ought to be doing things.

Everybody is talking about the 9/11 Commission. What is the biggest thing that we haven't done with the 9/11 Commission which the commissioners have pointed out? We haven't consolidated jurisdiction in this House for homeland security.

Now, we started to on our side, and I admit we didn't do everything we ought to have done. When is the greatest opportunity, the golden opportunity you have to do it? When your party takes over, when you don't have any chairmen. Everybody is looking to be a chairperson for the first time. That is when you can do it. You have lost the golden opportunity to do what the 9/11 Commission said was the greatest thing we hadn't done in following their recommendations, and it isn't done.

And then we have in here 100 percent screening of ocean-going and aviation cargo. Instead of doing it smartly and instead of doing it efficiently, instead of doing it effectively, instead of doing it successfully, instead of using that which we have better than any place in the world, both intelligence gathering and the use of technology, and apply it with sophisticated algorithms, we say we want to cover everything.

Mr. THOMPSON of Mississippi. Mr. Speaker, I include for the RECORD three letters of support for this bill from the International Association of Chiefs of Police, the National Sheriffs' Association, and the National Association of Police Organizations.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.,
Washington, DC, January 8, 2007.

Hon. BENNIE THOMPSON,
Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the National Association of Police Organizations (NAPO) representing more than 238,000 law enforcement officers throughout the United States, I would like to thank you for introducing H.R. 1, the ''Implementing the 9/11 Commission Recommendations Act of 2007,'' and advise you of our support, particularly in regards to Subtitles A and B under Title VII of the legislation. If enacted, this bill will establish a Fusion and Law Enforcement Education and Teaming (FLEET) grant program, as well as a Border Intelligence Fusion Center program to assist state and local law enforcement in protecting our nation's borders from terrorist and related criminal activity.

This legislation recognizes the importance of consistent coordination and communication between the country's local, state, and federal law enforcement in preventing acts of terrorism within the United States. The creation of the FLEET and the Border Intelligence Fusion Center programs will help ensure that state and local law enforcement in border regions are properly supported, trained and informed in order to prevent terrorism before it occurs. Most importantly, these provisions will allow law enforcement agencies to maximize their participation in the fusion centers by providing funds to allow them to assign officers and intelligence analysts to the centers without having to reduce daily neighborhood crime protection.

NAPO believes that homeland security funding greatly assists local law enforcement. However, we also believe that the continuation and full funding of the Community Oriented Policing Services (COPS) program and Byrne-Justice Assistance Grant (JAG) program is imperative.

The ''Implementing the 9/11 Commission Recommendations Act of 2007'' ensures that state and local first responders along our nation's borders are properly supported, trained and equipped to prevent terrorism before it occurs. I thank you for your continued support of law enforcement. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Andrea Mournighan.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Alexandria, VA, January 8, 2007.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for the proposed Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program and the Border Intelligence Fusion Center Program that are contained in H.R. 1, Implementing the 9/11 Commission Recommendations Act of 2007. The IACP believes that the adoption of these two provisions would represent a major step forward in enabling the law enforcement community to better detect, disrupt, and prevent future acts of terrorism.

These provisions reflect the reality that while planning, conducting surveillance, or securing the resources necessary to mount their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we discovered in the aftermath of September 11th, several of the terrorists involved in those attacks had routine encounters with state and local law enforcement officials in the weeks and months before the attack. If state, tribal, and local law enforcement officers are adequately equipped and trained and fully integrated into an information and intelligence sharing network, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

These two provisions emphasize the vital role that state, local, and tribal law enforcement must play in the development and dissemination of critical intelligence in order to detect, prevent, prepare for, and respond to acts of terrorism. It is IACP's belief that they will also help ensure that law enforcement agencies at all levels of government are equal partners, and that the experience and capabilities of all parties are realized, by allowing state, local, and tribal law enforcement to participate more actively in the intelligence gathering and sharing process.

Thank you for continuing support of our nation's law enforcement community. The IACP stands ready to assist in any way possible.

Sincerely,

JOSEPH C. CARTER,
President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, Virginia, January 8, 2007.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: On behalf of the National Sheriffs' Association (NSA), I write to you to express our strong support for the provisions contained under Title VII of H.R. 1, ''Implementing the 9/11 Commission Recommendations Act of 2007,'' that would establish Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program and the Border Intelligence Fusion Center Program. NSA believes that the FLEET and Border Intelligence Fusion Center programs would provide the necessary resources and framework for integration to greatly enhance holistic and geographic approaches in homeland security intelligence and infonnation gathering and sharing between federal, state and local law enforcement agencies.

However, our position is contingent upon amending the definition of ''local law enforcement agency or department'' in Title VII, Subtitle A of the bill—to include all sheriffs' office across the country rather than just those ''sheriffs office in communities where there is no police department'' to ensure that sheriffs' offices where police department is present are not excluded from grant eligibility under the FLEET Grant Program. As you may be aware, a sheriff is the chief law enforcement officer in their respective county and have jurisdiction over all cities within that county. Thus, we respectfully request that the language of the bill be amended to appropriately reflect and recognize the proper authority of the office of sheriff.

As the voice of 3,087 elected sheriffs across the country and the largest association of law enforcement professionals in the nation, the communication and integration of federal homeland security efforts with state and local fusion centers is an important priority for NSA. Since the events of September 11, the significance of how local law enforcement information might protect national security and the importance of homeland security intelligence and information gathering and sharing have increased substantially. As recognized by your committee, homeland security intelligence and information pertains not only to terrorist intentions and capabilities to attack people and infrastructure within the United States but also to U.S. abilities to detect, prevent, prepare for and respond to potential terrorist attacks.

Sheriffs and their deputies play a critical role in homeland security intelligence and information efforts as the nation's counterterrorism ''eyes and ears.'' Local law enforcement personnel will almost always be the first to experience first hand suspicious activities and first to respond to any terrorist event. Clearly, there is a national intelligence role for state and local law enforcement in which they make contributions

to preventing attacks or other inimical acts directed against the United States. NSA believes that the proposed programs would facilitate change in the organizational culture barrier thereby establishing state and local law enforcement entities as equal partners in homeland security intelligence efforts. Moreover, these programs would help build an integrated intelligence capability to address threats to the homeland, consistent with U.S. laws and the protection of privacy and civil liberties.

Sheriffs across the nation share a common counterterrorism interest. The proliferation of intelligence and fusion centers across the country reflect the importance and the value to gathering and sharing information that assists local law enforcement agencies in preventing and responding to local manifestations of threats to their community. We want to thank you for your efforts in addressing this important issue and look forward to working with you to ensure the enactment of these provisions as well as other proposed initiatives in your ''LEAP: A Law Enforcement Assistance and Partnership Strategy'' report.

Sincerely,

SHERIFF TED KAMATCHUS,
President.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, on our side of the aisle the Democrats over the last 3 years have identified some gaping holes in our Nation's security, even in aviation where we have spent the most money. You can do it in two ways: you can have state-of-the-art equipment and not a lot of people, or a lot of people and not very good equipment, or a mix of the two.

The Republicans have chosen to do neither. They haven't been willing to buy the equipment we need: state-of-the-art explosives detection equipment at passenger checkpoints. They haven't been willing to invest in the inline screening for baggage, and they put a totally arbitrary cap on the number of screeners. There are gaping holes. We are going to plug those. A quarter of a billion dollars for explosives screening at passenger checkpoints, a known threat. A billion dollars for inline screening which the Republicans have refused to fund.

For 4 years, airports across America have begged for inline screening grants. None have been forthcoming from the Republicans. They are saying they have taken care of everything in such a great bipartisan way.

Now my friend from Florida got up and waxed poetic about San Francisco and said it was due to two things: private screeners and inline screening. Well, the inline equipment I agree with him, and we are going to fund it, unlike the majority. We will install it in every airport in America.

But I disagree on the privatized screening because actually it turns out now that the private screeners at San Francisco were tipped off before the inspectors came through. They don't do any better, and maybe would do worse without those tips, than our public employees. We are going to give them the tools they need.

On containers, Assistant Secretary Michael Jackson said they want to screen every container before they leave a U.S. port for the interior. Why? Because they might contain threats.

And we said, What does that make our ports, a sacrifice zone if they have a nuclear weapon contained in them?

We want to screen containers on the other side of the ocean. Now we hear people on that side get up and say hundreds of billions of dollars to screen these containers. Actually, it is 30 to $50 per container. There are 11 million containers. That is somewhere between 300 and $500 million a year, paid for by a modest fee on the shippers, not by the taxpayers of America.

We are going to make America more secure. We are going to plug the holes you left in our security and fix the problem.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. GILLIBRAND), a new Member of Congress.

Mrs. GILLIBRAND. Mr. Speaker, I thank Chairman THOMPSON for this opportunity to address this crucial issue.

I am proud that the 110th Congress has put homeland security as its highest priority and will ensure that our country will finally get the security investment it needs.

In 2004, the 9/11 Commission provided us with a nonpartisan assessment of our current state of readiness. And while a few of their recommendations have been enacted, this administration and the previous congressional leadership did not make these recommendations a funding priority.

The bill we will pass today addresses many of the concerns of the 9/11 Commission, including one of the biggest for New York State, which is port security. Two of the busiest ports in the world, both in Hong Kong, already scan 100 percent of their cargo containers. There is no reason that all ships destined for the United States shouldn't be held to the same standard.

The bill we are voting on today gives the largest ports in the world 3 years to implement a system to scan for radiation and density on all containers coming into this country. This impacts my district, in particular, because my district geographically surrounds the port of Albany. If a container with radioactive materials came up the Hudson River from New York City and was unloaded in Albany, it would devastate our entire region. Such a risk will be addressed by this legislation.

This bill is also important to me as a mother and to all parents in my district and in our Nation. Every time we travel by airplane and bring our children, we are concerned about safety. This bill will allow parents and grandparents to know that our children will be safer when we travel by plane by requiring 100 percent of air cargo to be scanned by the end of 2009, as well as providing funding for anti-bomb detection for bags and passengers.

I am also pleased that this bill reflects the fact that our first responders are indeed ''first preventers.'' As we all remember, on 9/11 many firemen and police officers gave up their lives because they couldn't communicate. Up until now, we have not yet invested sufficiently to improve such communication capabilities. This bill will do just that.

Finally, I am very pleased that this bill includes investments against terrorist attacks by securing nuclear materials from the former Soviet Union. If you ask any terrorist expert in the world, they will tell you this is their gravest concern. And, finally, I am extremely pleased this funding will be based on risk. For New York State, that means increased funding for my State, including my district.

The U.S. Congress must always make the safety of the American people its number one concern. I am confident this bill will do just that.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a member of the Homeland Security Committee.

Mr. MARKEY. Mr. Speaker, I thank the chairman very much.

In this bill there are two provisions which have been blocked for 4 years by the White House and by Republican leadership. They are going to be included in this bill and passed this afternoon.

One is to require that all cargo which is placed on passenger planes in the United States is screened so that there is no bomb, there is nothing that can lead to a catastrophic event in the air, does in fact pass through security. This is a huge change. Each of us has our bags screened, our shoes screened; but the cargo on that same plane placed next to our bags is not screened. This bill will make that possible. I have been working with Mr. SHAYS from Connecticut on this for the last 4 years. Today is a historic day.

Secondly, there is an amendment in this bill which will ensure the screening of all ships, all cargo overseas before it departs for the United States to determine whether or not there is a nuclear bomb on that plane. We know that is al Qaeda's highest objective: to obtain a nuclear weapon from the former Soviet Union or from some other rogue state, to then transport it to a port somewhere around the world, put it on a ship and bring it to a port in the United States. When it is in the port of New York or Boston or Long Beach, it is already too late.

□ 1600

The bomb will be detonated by remote on the ship, causing the catastrophic event, not as the cargo is being taken off. So this amendment requires the screening of all that cargo overseas. This is long overdue. It is al Qaeda's dream to have a nuclear explosion in a major American city, and now, finally, today we do this.

I want to compliment Mr. NADLER on all of his work over the years on this

issue, for his leadership. I thank the chairman, the ranking member, Mr. KING, for all of their courtesies over the last several years.

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

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to control the time on this side in the temporary absence of the ranking member, Mr. KING.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. REICHERT), a member of the committee.

Mr. REICHERT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, last year as chairman of the Homeland Security Subcommittee on Emergency Preparedness, I oversaw many of the committee's accomplishments in addressing recommendations of the 9/11 Commission. Among them were the successful passage of the 21st Century Emergency Communications Bill, the Faster, Smarter Funding Act, and comprehensive bipartisan FEMA reform legislation. My subcommittee, as well as the entire Homeland Security Committee, was successful last year because of our willingness and ability to work across the aisle to find solutions to problems. As a result, I am disappointed in the way that H.R. 1 is coming before the House today.

I remain a strong supporter of certain aspects of this legislation, such as the language that makes first responder funding risk-based. Unfortunately, I have many concerns about other language included in this bill and believe that H.R. 1 would be better public policy had the bill been considered in committee and a rule allowed for an open amendment process.

This legislation, Mr. Speaker, includes a new grant program that is intended to make grants to local law enforcement to pay personnel costs of officers serving in intelligence fusion centers. As a former sheriff of a major metropolitan county encompassing the City of Seattle, I certainly agree with and understand the need for this authority.

One of my major goals in Congress is to continue to fund local law enforcement as their responsibility grows and grows to protect this homeland. So I support the direction of the this bill. However, as it is written, the language in this bill is unclear as to whether or not it may not apply to all police agencies, all Sheriff's departments, across the country. This problem could have been resolved if we had a bipartisan bill, and I would have been glad to work with my friends across the aisle on this issue.

In addition, I have grave concerns for section 408, which includes the TSA personnel management provision. This provision removes the flexibility of TSA to move employees where they are needed most. This provision was not a 9/11 Commission recommendation and has no place in a bill that is described as enacting those recommendations. Including this provision without hearings or examining its potential impact is irresponsible.

Last summer, during the U.K. liquid explosives scare, the Department of Homeland Security was able to retrain and rapidly deploy TSA officers to address this new threat. Section 408 of this legislation would remove that authority. This provision warrants a full debate in committee and also on the House floor.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentlelady 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. MURTHA, thank you for your leadership. It is good to see you in the Speaker's Chair. Let me thank the chairman of the committee, Mr. THOMPSON, for his vision and his leadership.

Very quickly, let me remind my colleagues of the tragic incident where we saw the massive loss of life on September 11, 2001. Today we stand on the floor in 2007 finishing the work that was not done by this part Republican Congress since 2001. So I applaud the leadership of this committee for moving forward on responding to the tragedy that changed the lives of so many Americans and those who are still suffering because of the deaths of their loved ones.

This is an important step and an important day, and I quickly acknowledge the fact that we will now have 100 percent scanning of containers bound for the United States. We will have the effectiveness of making sure that the best technology will be used; and also we will tell America that all of the critical infrastructure will be updated and current so we will know those most vulnerable assets.

In addition, we will have for the first time a transportation security planning strategy, and I compliment the gentleman from Mississippi whose bill authored in the last session establishes the importance of having a strategy for transportation security.

Need I remind you of the recent incident with the Metro here in Washington, D.C. Although it was labeled as an accident, we know that the transportation system of America is enormously vulnerable.

I am grateful that we have now a Civil Liberties and Privacy Board that has been languishing in the White House, but now it is under the jurisdiction of the United States Congress. And, yes, the work I have done in the past on anti-smuggling legislation was reaffirmed by the restrictions on terrorists freely traveling without real protection against this danger.

This is a good bill. It is long overdue, and I ask my colleagues to support H.R. 1.

INTRODUCTION

Mr. Speaker, September 11, 2001, is a day that is indelibly etched in the psyche of every American and most of the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11, is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the Global War on Terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Just like my fellow Americans, I remember September 11 as vividly as if it was yesterday. In my mind's eye, I can still remember being mesmerized by the television as the two airliners crashed into the Twin Towers of the World Trade Center, and I remember the sense of terror we experienced when we realized that this was no accident, that we had been attacked, and that the world as we know it had changed forever. The moment in which the Twin Towers collapsed and the nearly 3,000 innocent Americans died haunts me until this day.

At this moment, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our Nation. Accordingly, I became then and continue to this day to be an active and engaged Member of the Committee on Homeland Security who considers our national security paramount.

Our Nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12, the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to honor the sacrifices and losses sustained by the countless victims of September 11. Let us honor their sacrifices by implementing the bipartisan recommendations of the 9/11 Commission in order to ensure that the tragedy of 9/11 is never repeated. Let us learn from the lessons offered by our history so that we are not destined to repeat them.

9/11 COMMISSION RECOMMENDATIONS

Madam Speaker, I wish to pay tribute to the distinguished chair of the Homeland Security Committee, the gentleman from Mississippi, BENNIE THOMPSON. Under Mr. THOMPSON's visionary leadership, the Democrats on the Committee have performed yeoman service in developing a framework needed to protect the homeland. Unlike the previous Republican leadership, we Democrats embrace wholeheartedly the recommendations of the 9/11 Commission, a body comprised of ten of the most distinguished citizens in this country.

Madam Speaker, I want to talk about several of the key provisions of H.R. 1, the bill implementing the bipartisan 9/11 Commission's recommendations.

IMPROVING HOMELAND SECURITY—RISK-BASED FUNDING

The importance of providing risk-based allocation of Homeland Security grants cannot be overemphasized. Last December, the 9/11 Commissioners gave an ''F'' grade to the Administration and Congress on providing risk-based homeland security funding. This bill would substantially increase the share of homeland security grants that are provided to States based on risk, rather than population. Under the bill, a Department of Homeland Security risk assessment would determine each state's funding and most states would be guaranteed a minimum of 0.25 percent. The bill would provide for a larger minimum (0.45 percent) for states that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line.

FIRST RESPONDERS—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

Last December, the 9/11 Commissioners also gave an ''F'' grade to the Administration and Congress on communications interoperability for first responders. This bill would improve the communications capabilities of first responders by establishing a stand-alone communications interoperability grant program at the Department of Homeland Security to provide first responders with the type of equipment that allows them to communicate with one another during emergencies.

AVIATION SECURITY—INSPECTING CARGO CARRIED ABOARD PASSENGER AIRCRAFT

The 9/11 Commissioners gave a ''D'' grade to the Administration and Congress for their efforts on enhancing air cargo screening. This bill directs the Department of Homeland Security (DHS) to establish a system for inspecting 100 percent of cargo carried on passenger aircraft over the next 3 years. The bill directs DHS to develop a phased-in approach so that by the end of FY 2007, 35 percent of this cargo is inspected; by the end of FY 2008, 65 percent is inspected; and by the end of FY 2009, 100 percent is inspected.

IMPROVING THE EXPLOSIVE SCREENING OF CHECKED BAGGAGE ON AIRCRAFT

The 9/11 Commissioners also gave a ''D'' grade to the Administration and Congress on improving the security of checked baggage. This bill continues the dedication of $250 million per year currently collected in airport security fees from the Aviation Security Capital Fund for the installation of in-line explosive detection systems for checked baggage at our Nation's airports for fiscal years 2008 through 2011.

IMPROVING THE EXPLOSIVE SCREENING OF AIRLINE PASSENGERS

The 9/11 Commissioners gave a ''C'' grade to the Administration and Congress on improving airline passenger screening checkpoints to detect explosives. This bill requires the Department of Homeland Security to issue a strategic plan for the deployment of explosive detection equipment at passenger checkpoints that is long overdue. The bill also provides new funding in order to make rapid improvements to security measures at passenger checkpoints.

PORT SECURITY—REQUIRING 100 PERCENT SCANNING OF CONTAINERS BOUND FOR THE U.S.

This bill goes beyond the 9/11 Commission's recommendations by including provisions that would phase in a requirement for 100 percent scanning of cargo containers bound for the United States. This provision would require that 100 percent of cargo containers be scanned and sealed using the best available technology before being loaded onto ships destined for the United States. The containers must be scanned by both X-ray machines and radiation detectors.

Large ports would be given 3 years to comply and smaller ports 5 years. (Two of the busiest port terminals in the world—in Hong Kong—already scan 100 percent of cargo containers). The Port of Houston represents a substantial source of vulnerability. The Port is the world's sixth largest seaport and the Nation's largest oil port; and for the past 8 years, it has led the Nation in the amount of foreign tonnage.

CRITICAL INFRASTRUCTURE SECURITY—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

The 9/11 Commissioners gave a ''D'' grade to the Administration and Congress for their efforts on critical infrastructure assessment. This bill requires the Department of Homeland Security to conduct an annual vulnerability assessment for all critical infrastructure sectors. It also requires DHS to annually update the National Asset Database to ensure that it is a current list of national assets and critical infrastructure.

OVERALL TRANSPORTATION SECURITY PLANNING—IMPROVING TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

The 9/11 Commissioners gave a ''C−'' grade to the Administration and Congress on the National Strategy for Transportation Security, arguing that it was too vague to be useful. This bill requires improvements in the National Strategy for Transportation Security, such as by requiring DHS to develop risk-based priorities for transportation security initiatives based on vulnerability assessments conducted by the Department. It also requires DHS to develop a Strategic Information Sharing Plan for transportation in order to significantly improve the sharing of security information with all transportation stakeholders.

I introduced the Security Plans and Training for Rail and Mass Transit Systems Amendment to H.R. 4439 on March 9, 2006. This amendment, which mandated security plans and training for rail and mass transit systems, was adopted by voice vote.

INFORMATION SHARING—STRENGTHENING INTELLIGENCE AND INFORMATION SHARING WITH LOCAL LAW ENFORCEMENT

The 9/11 Commissioners gave a ''D'' grade on government information sharing. This bill contains several provisions to strengthen intelligence and information sharing with local law enforcement. First, it strengthens state and local intelligence ''fusion'' centers, which have been established to gather, analyze and disseminate potentially homeland security-relevant information to appropriate state and local officials. Second, it strengthens the presence of federal agencies, such as the Border Patrol, at fusion centers in border states. Thirdly, it improves the Department of Homeland Security's Information Sharing Programs.

TERRORIST TRAVEL—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

The 9/11 Commissioners gave an ''Incomplete'' grade on preventing terrorist travel. This bill improves the capabilities of the Human Smuggling and Trafficking Center by authorizing additional funding to stem human smuggling, human trafficking, and terrorism travel, including requiring the hiring of experienced intelligence analysts in the field of human trafficking and terrorist travel.

During my tenure as the ranking member of the Immigration and Claims Subcommittee in the Judiciary Committee, I have stressed that alien smuggling will not stop until we establish an immigration policy that substantially reduces the need for illegal entry into the United States. In the meantime, our highest priority should be to do what we can to reduce the deaths from reckless, help in achieving that objective, the Commercial Alien Smuggling Elimination Act (The CASE Act). It would do this by establishing an informant program which has been designed to facilitate the investigation and prosecution, or disruption, of reckless commercial smuggling operations.

Finally, the CASE Act would require the Secretary of Homeland Security to develop and implement an outreach program to educate the public here and abroad about the penalties for smuggling aliens. It also would provide information about the financial rewards and the immigration benefits that would be available for assisting in the investigation, disruption, or prosecution of a commercial alien smuggling operation.

Furthermore, Republicans on the Homeland Security Committee defeated (11 to 16) my amendment (No. 16) to the Department of Homeland Security Authorization Act of Fiscal Year 2006. This amendment required the Secretary of Homeland Security to develop and implement a comprehensive strategy to secure the land borders, based on threat and vulnerability assessments of our ports-of-entry and the vast stretches of land between them.

My Rapid Response Border Protection Act:

Increases in CBP Inspectors, Funding for Essential Equipment, Foreign Language Training, and Incentives to Improve Morale (offered by Ms. JACKSON-LEE, H.R. 4312, Nov. 16, 2005).

The Committee on Homeland Security defeated (12 to 15) the Jackson- (1H) to H.R. 4312, the Border Security and Terrorism Prevention Act of 2005. This amendment provided:

Funding to hire and train an additional 2,000 inspectors and Border Patrol agents each year, beginning with $375 million for Fiscal Year 2006; $692 million in Fiscal Year 2007; $1.008 billion in Fiscal Year 2008; $1.324 billion in Fiscal Year 2009; and $1.641 billion in Fiscal Year 2010. These numbers are identical to those authorized in the 9/11 Act.

Funding to provide agents with radios, night-vision equipment, and weapons.

Enhanced foreign language training for border agents and inspectors.

Incentives to improve the morale of border inspectors, including new student loan payments and retirement incentives.

PREVENTING TERRORISTS FROM ACQUIRING WMD—PREVENTING THE PROLIFERATION OF WMD AND TERRORISM

The 9/11 Commissioners gave a ''D'' to the Administration and Congress on preventing the proliferation of WMD and terrorism. This bill includes numerous provisions to address this issue, including: strengthening DOD's Cooperative Threat Reduction (or ''Nunn-Lugar'') program that focuses on nuclear materials in the former Soviet Union; strengthening the Energy Department's Global Threat Reduction Initiative; providing for reforms, increased tools and greater oversight over the Proliferation Security Initiative, through which the United

States and participating countries interdict WMD; establishing a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism, who would serve as an advisor to the President on all WMD proliferation issues; and requiring the establishment of a blue-ribbon Commission on the Prevention of WMD Proliferation and Terrorism, consisting of experts appointed by both Congress and the President and mandated to develop a clear and comprehensive strategy on preventing WMD proliferation.

ENACTING ''THE NUCLEAR BLACK MARKET COUNTER-TERRORISM ACT''

The bill includes ''The Nuclear Black Market Counter-Terrorism Act,'' which requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to a non-nuclear weapons state or provides items that contribute to the development of a nuclear weapon by a non-nuclear weapons state or any foreign person. Sanctions include prohibiting foreign assistance to such person; prohibiting the export of defense articles, defense services, or dual use items; and prohibiting contracts. These provisions also provide that U.S. assistance should only be provided to countries that are not cooperating with countries or individuals who are engaged in, planning or assisting any terrorist group in the development of nuclear weapons; and to countries that are completely cooperating with the U.S. in its efforts to eliminate nuclear black-market networks. This title also includes enhanced oversight over U.S. efforts to break up nuclear black markets.

STRATEGIES FOR REDUCING THE APPEAL OF EXTREMISM—QUALITY EDUCATIONAL OPPORTUNITIES: PROMOTING QUALITY EDUCATIONAL OPPORTUNITIES IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

The 9/11 Commissioners gave a ''D'' grade regarding increasing secular educational opportunities in Muslim countries. This bill would significantly enhance the International Arab and Muslim Youth Opportunity Fund, which is designed to improve educational opportunities for these youth, by calling for greater funding and outlining specific purposes for the fund. Under the bill, the fund would be used for such purposes as enhancing modem educational programs; funding training and exchange programs for teachers, administrators, and students; and providing other types of assistance such as the translation of foreign books, newspapers and other reading materials into local languages.

DEMOCRACY AND DEVELOPMENT—PROMOTING DEMOCRACY AND DEVELOPMENT IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

This bill would authorize the Secretary of State to designate an appropriate private, nonprofit U.S. organization as the Middle East Foundation and to provide funding for the foundation through the Middle East Partnership Initiative. The purpose of this foundation would be to support, in the countries of the Middle East, the expansion of civil society; opportunities for political participation of all citizens; protections for internationally recognized human rights; reforms in education; independent media; policies that promote economic opportunities for all citizens; the rule of law; and democratic processes of government. It also requires the Secretary to develop 5-year strategies on fostering human rights and democracy in order to require a long- term approach to the promotion of democracy.

RESTORING U.S. MORAL LEADERSHIP—ADVANCING U.S. INTERESTS THROUGH PUBLIC DIPLOMACY

The 9/11 Commissioners gave a ''C'' grade for providing a clear U.S. message abroad. This bill calls for the U.S. to improve its communication of ideas and information to people in countries with significant Muslim populations, for U.S. public diplomacy to reaffirm U.S. commitment to democratic principles, and for a significant expansion of U.S. international broadcasting that is targeted to countries with significant Muslim populations. The measure also provides for ''surge'' authority to allow the Broadcasting Board of Governors to better address emerging situations and opportunities.

EXPANSION OF U.S. SCHOLARSHIP EXCHANGE AND LIBRARY PROGRAMS IN ARAB AND PREDOMINANTLY MUSLIM COUNTRIES

The 9/11 Commissioners gave a ''D'' grade regarding expanding U.S. scholarship, exchange and library programs in Muslim countries. This bill requires the Secretary of State to prepare a report on the 9/11 Commission's recommendations on these U.S. scholarship, exchange and library programs, including a certification by the Secretary that such recommendations have been implemented, or if a certification cannot be made, what steps have been taken to implement such recommendations. The bill also requires the GAG to review the government's efforts in this area.

DEVELOPING COMMON COALITION STANDARDS FOR TERRORIST DETENTION.

The 9/11 Commission recommended that the U.S. develop a common coalition approach on standards for terrorist detention. Last December, the 9/11 Commissioners then gave the Administration and Congress an ''F'' grade for failing to do so. This bill requires the Secretary of State, in consultation with the Secretary of Defense and the Attorney General, to submit to Congress a report on progress being made to develop such an approach.

U.S. RELATIONSHIP WITH SAUDI ARABIA, PAKISTAN, AND AFGHANISTAN—SUPPORTING REFORM IN SAUDI ARABIA

The 9/11 Commissioners gave a ''D'' grade to the Administration and Congress on promoting reform in Saudi Arabia. This bill calls for the U.S. to engage Saudi Arabia on openly confronting the issue of terrorism; to enhance counterterrorism cooperation with Saudi Arabia; and to support Saudi Arabia's efforts to make political, economic, and social reforms throughout the country. The measure also requires the President to report on whether the Administration's ''Strategic Dialogue'' with Saudi Arabia is meeting these objectives.

HELPING PAKISTAN HANDLE THE THREATS FROM EXTREMISTS

The 9/11 Commissioners gave a ''C+'' grade on supporting Pakistan against extremists. This bill requires the President to submit a report to Congress on the long-term U.S. strategy to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology; combating poverty and corruption; promoting democracy and the rule of law; and effectively dealing with Islamic extremism. The measure also requires a certification that Pakistan is addressing the continued presence of the Taliban and other violent extremist forces throughout the country as a condition of continued assistance. In addition, it extends the waiver of sanctions on Pakistan because of its military coup until after Pakistan's parliamentary elections.

MAINTAINING A LONG-TERM COMMITMENT TO AFGHANISTAN

This bill calls for the U.S. to maintain its long-term commitment to Afghanistan by increased assistance and the continued deployment of U.S. troops in Afghanistan. It also calls for the President to engage aggressively with the Government of Afghanistan and NATO to explore all options for addressing the narcotics crisis in Afghanistan. It also directs the President to make every effort to dramatically increase the numbers of U.S. and international police trainers, mentors and police personnel operating with Afghan civil security forces; and to address current short-term shortages of energy in Afghanistan, in order to ensure the delivery of electricity to Afghanis.

CONCLUSION

Madam Speaker, as I stand here today, my heart still grieves for those who perished on flights United Airlines 93, American Airlines 77, American Airlines 11, and United Airlines 175. When the sun rose on the morning of September 11, none of us knew that it would end in an inferno in the magnificent World Trade Center Towers in New York City, the Pentagon in Washington, D.C., and in the grassy fields of Shanksville, Pennsylvania. How I wish we could have hugged and kissed and held each of the victims one last time.

I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Madam Speaker, the best way to honor the memory of those lost in the inferno of 9/11, is to do all we can to ensure that it never happens again. The way to do that is to pass H.R. 1 and implement the 9/11 Commission's recommendations.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, section 621 of H.R. 1 requires the Department of Homeland Security to report to Congress how it plans to implement an automated biometric entry-and-exit data system.

A decade ago, Senator Alan Simpson and I authored the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 which required the Federal Government to develop such an automated entry-and-exit system. This would enable us to know who is entering the United States and when they leave.

Forty percent of all illegal immigrants come to the United States legally but overstay their temporary visas. We can never begin to solve the illegal immigration problem if we don't deal with overstays, and we can never deal with overstays until we have a functioning exit control system.

Instead of mandating completion of the exit component of a U.S. visit, this bill simply requires that the administration submit a report, a report already required by the Intelligence Reform and Terrorism Prevention Act of 2004. The failure to fully implement an

exit control system is more evidence that it will be a long time before our country has secure borders. Instead of helping to change that, this bill only requires a report.

Mr. Speaker, I am disappointed that we have missed an opportunity to better secure our homeland.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Mr. LORETTA SANCHEZ of California. Thank you, Mr. Chairman, and it feels great to call you Mr. Chairman.

I rise today in support of H.R. 1, the Implementing the 9/11 Recommendations Act of 2007, and as a Member who has been on the Homeland Security Committee since its inception and a ranking member on one of its major committees, I am really thrilled that we are bringing this legislation on the real first day of legislative business.

There are some really essential things in this. One major thing would be to achieve real security by implementing and distributing most homeland security grant funding on the basis of risk. After the Department of Homeland Security's completion of a comprehensive risk assessment, States with lower risks will be guaranteed 25 percent funding, or 45 percent if that State has an international land or sea border. This is important because, as we know, there are many States that need that money, and they need it now.

Another important provision of this will be the infrastructure database, one that I have been talking about for the last 4 years and trying to get together. Let's just get that done. These requirements would satisfy the 9/11 Commission recommendation for the development of a reliable and complete list of the Nation's critical infrastructure to be used so we can help to assess the threats and allocate the limited resources that we have.

Of course, I am particularly pleased we are going to have an Office of Appeals and Redress. This is something that I offered as an amendment in committee which is included in this legislation so that people who are on the terrorist list have some way to get off if they are innocent.

I rise today in support of H.R. 1, the Implementing the 9/11 Recommendations Act of 2007.

Over the last several Congresses, my work as the ranking member of the Economic Security, Infrastructure Security and Cyber Security Subcommittee of the Homeland Security Committee has focused on the threats to our Nation's security and how we can best protect ourselves from those threats.

This legislation is an essential step towards achieving real security by implementing outstanding 9/11 Commission recommendations.

One major security enhancement in this legislation is the move to distribute most homeland security grant funding on the basis of risk.

After the Department of Homeland Security's completion of comprehensive risk assessments, States with lower risk will be guaranteed 25 percent of all homeland security funding, or 45 percent if the State has an international land or sea border.

This provision strikes an appropriate balance between allocating most of the funding based on risk, while ensuring that every State will have the funding to maintain the necessary level of preparedness.

Another important provision in this legislation requires annual updates of the National Asset Database, and the creation of a subset, the National At-Risk Database which will list the infrastructure most at risk to terrorist attacks.

In addition, the provision requires the Department of Homeland Security to consult each State annually to discuss their assets, and confer with them before removing a State asset from the Database.

These requirements satisfy the 9/11 Commission recommendation for the development of a reliable and complete list of the Nation's critical infrastructure to be used to assess threats and allocate infrastructure protection grants.

I am also particularly pleased that a provision to establish an Office of Appeals and Redress that I offered as an amendment in Committee was included in this legislation.

I drafted this provision in response to my constituents' frustrations when they were held up because they had the same name as someone on the no-fly list, a frustration that I experienced personally several months ago.

The establishment of this DHS-wide office will ensure a timely and fair process for individuals that are wrongly identified, to seek redress, correct their records and reduce, or end, repeated delays and missed flights.

These are just a few of the important provisions in H.R. 1 that will improve our Nation's security. I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from New Mexico (Mr. PEARCE), a member of the committee.

Mr. PEARCE. Mr. Speaker, I appreciate our colleague's efforts to secure the Nation. We join in that effort. Protecting our homeland requires diligence, resolve and common sense, and I salute my colleagues who drafted the bill. However, since we had no process in committee to discuss or amend the bill, we are simply left with asking rhetorical questions here on the floor.

We were told earlier that for $30 to $40 per container we were going to secure America. I hold in front of me my passport. I am about to get that renewed. Every 10 years we do that, and it is going to cost $82. I will tell you that we had secure communications, secure briefings in homeland security, how they cannot secure even our passports for $82, yet we are going to secure containers that are coming from the Middle East full of oil; we are going to secure containers full of vegetables; and we are not going to interrupt commerce.

We cannot even count on some of our friends to protect the intellectual property rights on compact discs, and yet we are going to trust them to offer the security of this Nation.

These are the questions that should have come up in committee. These are the questions that should come up today. These are the questions that are being ignored, and we are being asked to look the other way and declare the Nation safer.

I join with my colleagues in saying it is awfully important for us to make the Nation safe. The way we do that is to prosecute the war on terror, to take the will away from those people who would strike this country, to ensure that intelligence will provide us with the resources and the application of the resources to the areas of greatest threat. We cannot secure containers for $30 apiece when we can't secure the passport for $82.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a member of the Homeland Security Committee.

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

Mr. LANGEVIN. Mr. Chairman, I want to thank you for yielding.

Mr. Speaker, I rise today to commend this body for getting us back on track to fully implementing all the recommendations made by the bipartisan 9/11 Commission. The 9/11 Commission provided an objective and eye-opening assessment of how terrorists were able to exploit our security vulnerabilities on September 11 and made 41 key recommendations to address these shortcomings. Unfortunately, 2½ years after the Commission's report, glaring threats still remain.

Just over a year ago, the 9/11 Discourse Project issued a report card that gave the administration Ds and Fs in some of the most critical areas. Today, we finally have an opportunity to ensure that the 9/11 Commission's tireless efforts were not in vain. H.R. 1 would shore up remaining vulnerabilities and implement recommendations that have been ignored completely or have been only partially addressed until now.

As the ranking member of the Subcommittee on the Prevention of Nuclear and Biological Attack in the 109th Congress, I am pleased that this bill makes it more difficult for terrorists to obtain nuclear materials. It strengthens our global nonproliferation programs, which have proven successful in securing the most dangerous nuclear material abroad.

To further protect our homeland from nuclear threats, H.R. 1 also requires 100 percent screening of cargo.

Finally, this legislation will help our first responders, who place their lives on the line each and every day, by funding State and local interoperable communications systems essential for emergency response. H.R. 1 also significantly improves information sharing, which is our first line of defense.

This is a good bill, and I urge passage.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield for the purpose of

unanimous consent to the gentlewoman from New York (Ms. CLARKE).

(Ms. CLARKE asked and was given permission to revise and extend her remarks.)

Ms. CLARKE. Mr. Speaker, I rise as a proud New Yorker and a new member of the Homeland Security Committee in enthusiastic support of H.R. 1.

Mr. Speaker, I rise in full support of H.R. 1, Implementing the 9/11 Commission's Recommendations. As a New Yorker and a member of the Homeland Security Committee, this bill will implement very important recommendations that will ensure countries' citizens are more secure.

During the attacks of September 11, the lives of nearly 400 persons from Brooklyn, New York, came to an abrupt end due to terrorists who used commercial airliners as guided missiles and crashed them into both of the World Trade Center Towers in lower Manhattan. In accordance with the attacks, more innocent lives were lost due to an adequately communication infrastructure. This bill will help to address this shortfall in our first responders' ability to coordinate future rescue efforts.

I cannot think of a better way of honoring the memories, sacrifice and dedication of New York City's first responders: Fire Department of New York—FDNY; Emergency Medical Service—EMS; New York Police Department—NYPD; and the Port Authority Police Department—PAPD.

Terrorism is not an Islamic issue or a Muslim issue, it is a human issue. No matter what form or by whom it is perpetrated, terrorism is a direct threat to our civil society. I believe that these recommendations will help restore civility in our world. We must continue to demonstrate that Americans are good people, and overall, we want to help each other. Our diplomatic efforts will become more robust, our presence will be more visible and our day to day activities with our neighbors around the world, more meaningful. The bill's provisions include requiring major improvements in aviation security, border security, and infrastructure security; providing first responders the equipment and training they need; beefing up efforts to prevent terrorists from acquiring weapons of mass destruction; and significantly expanding diplomatic, economic, educational, and other strategies designed to counter terrorism.

Overall, Mr. Speaker, I believe the recommendations will help make our nation safer and will limit the likelihood of a similar attack on our country. I fully support this legislation and encourage all of my colleagues to do the same.

Mr. KING of New York. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I heard all during the fall campaign from the Democratic side of the aisle, the new majority, how they were going to fully implement, fully implement, the recommendations of the 9/11 Commission and talk about how the then Republican majority failed miserably, and the 9/11 Commission gave the Republicans failing grades, failing grades for passing 39 out of 41 recommendations by the bipartisan commission.

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Now, when I do the math on that, that is 95 percent. I do not know about your school, Mr. Speaker, but at Georgia Tech, 95 percent was a solid A.

But the point I want to make is that in no way, shape, or form is the new majority coming forward with full implementation of the recommendations of the 9/11 Commission. And I hope the media and I hope the 9/11 families do not give you a pass on this.

When you look at those 41 recommendations, a couple that we were not able to pass, that we did not pass, and I think we probably should have, one of them was especially in regard to the House Permanent Select Committee on Intelligence, having that as a balanced committee, almost like the House Committee on Standards of Official Behavior, the ethics committee, where you have an equal balance between the two sides, the commission has called for a one-vote margin, a one-person margin for the majority. You have structured that committee with a 12–9 majority for the Democrats.

Also, the commission has called for open disclosure, Mr. Speaker, in regard to the funding for intelligence, that every Member of this body should have an opportunity to see what each of 15 agencies, not just the CIA but all those agencies embedded within the Department of Defense and under the control of the Deputy Secretary of Intelligence within the Department, we need to know what that spending is. So let us tell the truth and be honest with the American people.

Mr. Speaker, a little earlier, the distinguished majority leader, who I have great respect for, and I know you have great respect for Mr. HOYER, said that the Democratic co-Chair of the 9/11 Commission, Mr. Hamilton, said: ''If H.R. 1 is implemented and fully funded, the American people will be safer.'' No, duh. But at what cost?

And, Mr. Speaker, what the former Republican majority has done in regard to container security initiatives, we screen every container.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the former sheriff from southern Indiana, who is now a Member of Congress, Mr. ELLSWORTH.

Mr. ELLSWORTH. Mr. Speaker, I thank the gentleman for yielding.

When the 9/11 Commission completed their extensive investigation, they reported an inability of the public safety organizations at the local, State, and Federal levels to establish compatible and adequate communications. According to the report, a commitment had to be made to improve the interoperability of emergency communications and capabilities for first responders.

With nearly 25 years of law enforcement experience, I understand the essential need for effective emergency communications. When a devastating tornado ripped through my community in November of 2005, our local first responders were equipped to communicate with each other. However, the much-needed help we needed from other agencies was difficult during this time because they were unable to speak to us when they came on the scene.

For too long Congress has been decidedly ineffective in addressing our country's most pressing security needs. The 9/11 Commission gave Congress an F on ensuring communication interoperability for first responders. We need to rectify this. Congress and the Federal Government can and must do better, and that is why I stand in support and strongly endorse the implementation of the 9/11 Commission's recommendations.

Mr. KING of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, who has been on this issue for so many years, including before September 11, Mr. SHAYS.

Mr. SHAYS. I thank the gentleman for yielding, and I just want to say to PETER KING, as chairman you ran this committee in such a bipartisan way and worked well with the now-chairman, and I just hope and pray that this continues on a bipartisan basis.

I want to say as well that I am excited to be back for 2 years to wrestle with the people's business, and these are very important issues.

As co-chairman of the 9/11 Commission Caucus, I could tell you reasons why you might want to vote against the bill. It does not provide the total amount spent on intelligence. It does not address recommendations to shift covert operations from CIA to defense. It does not create a separate appropriation subcommittee on intelligence. It does not make a select permanent committee a full committee, nor does it address the jurisdictions of the Department of Homeland Security.

I could tell you those would be reasons why you could be disappointed. But why you should like this bill is that it deals with expanding risk-based funding, and it deals more with interoperability, which is a huge issue.

I am particularly concerned about screening all cargo on passenger planes within 3 years, and I am happy this bill does that. Cargo screening, I am not sure if it will screen 100 percent of cargo, but I do think it moves us towards doing what we need to do to identify radiation and potential nuclear weapons. I particularly like making the Privacy and Civil Liberties Board an independent agency and giving it subpoena power.

These are things that I think move the ball forward. I think Republicans did it in the last session, and I think this legislation is a good step forward. So we can find reasons why we may not like it; but I would hope, in the end, on a bipartisan basis, we can recognize that it does a lot more good and therefore deserves our support.

Again, I thank Mr. KING for his leadership as chairman, and I welcome our new chairman.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as he may

consume to the distinguished member of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, on behalf of Mr. DINGELL, who unfortunately is delayed at the White House, I want to enter into a colloquy with the gentleman from Mississippi.

I appreciate the gentleman's yielding to me to consider the aspects of H.R. 1 that are of jurisdictional interests to the Committee on Energy and Commerce. I regret that time will not allow for a full discussion on the floor of the areas where clarification and collaboration are warranted.

Earlier today, Mr. DINGELL sent a letter to you, Mr. Chairman, outlining areas where the Energy and Commerce Committee would like to work together with your committee in a meaningful manner as the bill moves forward. The response received was that you recognize the Committee on Energy and Commerce has jurisdictional interest in a number of aspects of the bill. Mr. DINGELL wishes to get assurances from you that you will work with us and members of the Energy and Commerce Committee as this legislation moves forward to ensure that the bill does not result in the private sector being subjected to conflicting or inconsistent rules or guidance. Does the gentleman from Mississippi agree?

Mr. THOMPSON of Mississippi. I agree we should avoid conflicting or inconsistent rules or guidance.

Mr. STUPAK. I thank the chairman, and I hereby submit both letters for the RECORD to ensure the record is complete on this matter.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, January 9, 2007.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN DINGELL: I appreciate your letter regarding certain aspects of H.R. 1, the ''Implementing the 9/11 Commission Recommendations Act of 2007.''

While it is important to note that I do not control the entire process, as there are other House Committees involved and the Senate will likely have its own positions on a variety of these issues, I would be glad to work with you as the legislation moves forward. I agree we should avoid conflicting or inconsistent rules and guidance. As for the specific areas of interest that you raise in your letter, I am pleased to respond to each issue, point by point, as raised in your letter.

First, I would say that it is the my intention that the Secretary of Homeland Security, in developing risk-based funding criteria for first responder programs, coordinate with the Secretary of Health and Human Services. Additionally, I am pleased to work with you to ensure that issues regarding the Department of Energy's Megaports program and the cargo scanning requirement contained in the bill are addressed.

Your letter also seeks clarification on the intended impact of the word ''except'' in section 901 of the bill and how it would relate to activities underway by the Environmental Protection Agency (EPA). In answer to your question, I do agree that the effect of the ''except'' clause is that there is no requirement that for the Department of Homeland Security to perform vulnerability assessments at drinking water utilities. However, I note that the Department of Homeland Security does use the drinking water vulnerability assessments conducted under the Safe Drinking Water Act for a number of purposes, and it works with the EPA on these issues. It is not the intention of this legislation to affect that relationship either. Additionally, it is not my intention that the voluntary program outlined in Title XI of the bill interfere with the mandatory Clean Air Act program. As for energy, I am pleased to work with you to clarify that the bill does not intend to conflict with respect to the types of energy-related regulatory or administrative regimes identified in your letter.

Finally, with respect to your questions on telecommunications and cybersecurity, I am pleased to work with you on the matters raised and agree that the bill does not attempt in any way to diminish or dilute any authority or resources of the Assistant Secretary for Cyber Security or of other Federal agencies engaged in efforts to secure cyber space. I would note that Rep. Zoe Lofgren, a Member of the Homeland Security Committee, was one of the original sponsors of H.R. 285, the bill to create the Assistant Secretary of Cyber Security, during the 109th Congress. I have been glad to work to create this position, and I agree that is not the intention of the bill to weaken that position. I also do not intend to weaken other federal cyber security efforts.

I appreciate the cooperation in this manner and look forward to working with you, as this bill moves through the legislative process.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to seek clarification on jurisdictional aspects of H.R 1, the ''Implementing the 9/11 Commission Recommendations Act of 2007''. The bill appears to concern many sectors of the United States economy. These include food safety, chemical safety, energy, electric reliability, nuclear energy, public health and health care, biological threats, telecommunications, the Internet, pipeline safety, safe drinking water, and hydroelectric facilities.

As the Committee on Energy and Commerce has jurisdiction on statutes that concern these economic sectors and has relevant expertise to offer, I would like assurances that you will continue to work with me in a meaningful manner on these issues as the bill moves forward. I believe that such collaboration will help ensure that the bill does not result in the private sector being subjected to conflicting or inconsistent rules or guidance.

I would like to give a few examples of portions of the bill where clarification would be helpful. First, with respect to first responders in emergency situations, Section 101 of the bill requires the Secretary of Homeland Security to establish risk-based evaluation and prioritization criteria for Department of Homeland Security grants to first responders. The new Section 2004(a) of the Homeland Security Act created by Section 101 of this bill requires the Secretary, ''in establishing criteria for evaluating and prioritizing applications for covered grants,'' to ''coordinate'' with ''other Department officials as determined by the Secretary.'' In developing the criteria, do you intend for the Secretary of Homeland Security to coordinate with the Secretary of Health and Human Services, among other Federal agencies?

As to the scanning of containers at foreign ports, there is a provision in Title V of the bill to require the scanning of 100 percent of containers before they leave foreign ports bound for the United States. The Department of Energy has a ''Megaports Initiative'' to secure containers at foreign ports. As the scanning requirement contained in the bill may raise a number of issues involving the Department of Energy's Megaports program, will you work with me to ensure that these issues are addressed?

As to environmental matters, Section 901 requires the Secretary of Homeland Security to prepare a vulnerability assessment of critical infrastructure ''Except where a vulnerability assessment is required under another provision of law.'' The Safe Drinking Water Act requires drinking water utilities to conduct vulnerability assessments and provide them to the Environmental Protection Agency (EPA) for review. Do you agree that the effect of the ''except'' clause is that there is no requirement for Homeland Security officials to perform vulnerability assessments at drinking water utilities?

Continuing with environmental matters, Title XI of the bill directs the Secretary of Homeland Security to develop and implement a program to enhance private sector emergency preparedness through the promotion and use of voluntary standards. Section 112(r) of the Clean Air Act establishes a regulatory program that concerns accidental releases of hazardous chemicals, and the program requires covered facilities to prepare an emergency response plan. That plan must inform the public and local agencies as to accidental releases, emergency health care, and employee training measures. Am I correct that you do not intend for the bill's voluntary program to interfere with the mandatory Clean Air Act program?

Turning to energy, I want to work with you to clarify the bill's effect with respect to independent regulatory commissions in the field, such as the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC), as well as the Department of Energy (DOE), which issues health and safety regulations for protection of the public, workers, and the environment. The areas of concern regarding energy include the following:

(1) The bill's effects on the Energy Reliability Organization recently approved by FERC pursuant to the Energy Policy Act of 2005.

(2) The bill's effects on conditions established by the NRC on construction and operation licenses required of the Nation's nuclear power plants to ensure their safety and reliability, including their ability to withstand natural disasters such as hurricanes and earthquakes and also potential hostile threats.

(3) The bill's effects on rules established by the DOE (in concert with other regulatory agencies such as the Environmental Protection Agency (EPA)) with respect to radiological hazards at the Nation's nuclear waste and weapons facilities, including rules relating to worker safety and the protection of public health and the environment.

Will you work with me to clarify these matters?

Another area of concern relates to various telecommunication issues. One is improving communications interoperability. The National Telecommunications and Information Administration (NTIA), one of the Executive Branch agencies with communications expertise, administers, in consultation with the Department of Homeland Security's, a billion dollar program to improve interoperable emergency communications. Will you

work with me on these telecommunications issues?

Finally, there is the issue of cyber security. For example, several Federal agencies have ongoing efforts to improve cyber security. Similarly, the expert on cyber-security within the Department of Homeland Security is the Assistant Secretary for Cyber Security and Telecommunications, as set out in section 242 of the Department of Homeland Security Appropriations Act for Fiscal Year 2007. Do you agree that this bill does not attempt in any way to diminish or dilute any authority or resources of the Assistant Secretary for Cyber Security or of other Federal agencies engaged in efforts to secure cyber space?

I appreciate your cooperation. In closing, I note that additional issues may be identified that would benefit from our cooperative efforts. Thank you in advance for considering my concerns and providing the necessary clarification on these matters.

Sincerely,

JOHN D. DINGELL,
Chairman,
Committee on Energy and Commerce.

Mr. THOMPSON of Mississippi. I yield 1 minute to the gentleman from Michigan (Mr. STUPAK) for his statement.

Mr. STUPAK. I thank the gentleman for yielding to me as I rise in support of the H.R. 1 legislation to implement the 9/11 Commission recommendations.

For far too long, police officers have not been able to communicate directly with firefighters, EMT, and other emergency personnel. This is called interoperability. This lack of the ability to communicate with each other resulted in the deaths of 121 firefighters on September 11 because no one could tell these firefighters to get out of the building before the World Trade Center fell upon them.

The 9/11 Commission concluded that the inability to communicate was a critical element in the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites. Federal funding of such interagency communication units should be given a high priority, so said the 9/11 Commission.

I have been down to this floor repeatedly since then trying to increase money for interoperability so we could communicate with each other. Last year, I actually introduced an amendment which asked for $5.8 billion of the $18 billion estimated for this interoperability program, and, unfortunately, my Republican colleagues defeated the amendment on a tie vote.

Mr. Speaker, at a minimum, we owe our first responders the tools they need to do the jobs they need to do so that they may protect the American people.

Mr. Speaker, I rise in support of H.R. 1, legislation to implement the 9–11 Commission's recommendation.

For far too long, police officers have not been able to communicate directly with firefighters or EMT in their own city or just across jurisdictional lines. This lack of the ability to communicate is called interoperability. The lack of interoperability resulted in the deaths of 121 firefighters on September 11th because no one could tell these firefighters that the World Trade Center was about to cave in on them.

The 9–11 Commissioners concluded:

The inability to communicate was a critical element of the World Trade Center, Pentagon, and Somerset County, Pennsylvania, crash sites . . . Federal funding of such (interagency communication) units should be given high priority—9–11 COMMISSION REPORT

In 2005, the 9–11 Commission gave Congress and the Administration an "F" for failing to address our nation's interoperability problem.

H.R. 1 would establish a grant program within the Department of Homeland Security dedicated to interoperable communications and require greater accountability at DHS.

In the past, I have offered an amendment to apply $5.8 billion dollars to the new grant program, but my Republican colleagues defeated my amendment on a tie vote.

Republicans defeated similar Democratic efforts in the Homeland Security Committee. Time and time again, the Republican-led House blocked more funding for interoperable communications.

Mr. Speaker, at minimum, we owe our first responders the tools they need to do their jobs to make America safe—our first responders must be able to communicate. Today, Congress is taking steps to provide those tools and ensure we never repeat the mistakes of 9–11.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, it has been almost 3 years since the train bombing in Madrid, almost 2 years since the transit bombing in London, and nearly a year since the commuter rail bombings in Bombay, India; yet the Bush administration has done nothing to protect the Nation's freight and transit rail systems and its millions of passengers.

We cannot keep treating our rail infrastructure as second-class citizens. We have dedicated billions of dollars to repair the rail system in Iraq but have done little to invest in the security upgrades needed right here in America.

Another perfect example of falling down on the job is the administration repeatedly zeroing out the Port Security Grant program, which is one of the few sources for a port to improve anti-terrorist measures in their facilities.

Passing this bill will be the first step in a long road to protecting the people of this Nation and making sure our communities, our first responders, and our transportation workers are safe.

In December 2005, the 9/11 Commission gave the administration and Congress five Fs and 12 Ds. An example of one of these F grades is in providing a risk-based allocation of homeland security.

I encourage all the Members to vote for this bill.

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

The SPEAKER pro tempore. Pursuant to section 507 of House Resolution 6, further proceedings on the bill will be postponed.

SELECT INTELLIGENCE OVERSIGHT PANEL

Mr. HASTINGS of Florida. Madam Speaker, pursuant to section 506 of House Resolution 6, I call up the resolution (H. Res. 35) to enhance intelligence oversight authority, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 35

Resolved, That in clause 4(a) of rule X of the Rules of the House of Representatives, add the following new paragraph at the end:

"(5)(A) There is established a Select Intelligence Oversight Panel of the Committee on Appropriations (hereinafter in this paragraph referred to as the 'select panel'). The select panel shall be composed of not more than 13 Members, Delegates, or the Resident Commissioner appointed by the Speaker, of whom not more than eight may be from the same political party. The select panel shall include the chairman and ranking minority member of the Committee on Appropriations, the chairman and ranking minority member of its Subcommittee on Defense, six additional members of the Committee on Appropriations, and three members of the Permanent Select Committee on Intelligence.

"(B) The Speaker shall designate one member of the select panel as its chairman and one member as its ranking minority member.

"(C) Each member on the select panel shall be treated as though a member of the Committee on Appropriations for purposes of the select panel.

"(D) The select panel shall review and study on a continuing basis budget requests for and execution of intelligence activities; make recommendations to relevant subcommittees of the Committee on Appropriations; and, on an annual basis, prepare a report to the Defense Subcommittee of the Committee on Appropriations containing budgetary and oversight observations and recommendations for use by such subcommittee in preparation of the classified annex to the bill making appropriations for the Department of Defense.

"(E) Rule XI shall apply to the select panel in the same manner as a subcommittee (except for clause 2(m)(1)(B) of that rule).

"(F) A subpoena of the Committee on Appropriations or its Subcommittee on Defense may specify terms of return to the select panel.".

PARLIAMENTARY INQUIRY

Mr. DREIER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). State your inquiry.

Mr. DREIER. Under what authority are we considering this resolution, Madam Speaker?

The SPEAKER pro tempore. House Resolution 6 provides for its consideration.

Mr. DREIER. Further parliamentary inquiry, Madam Speaker. Did the order of the House which is allowing for consideration of this resolution specify a specific resolution by number in that order?

The SPEAKER pro tempore. It described the resolution by title.

Mr. DREIER. Further parliamentary inquiry. Are there other resolutions

that have been introduced with the title ''To enhance intelligence oversight authority''?

The SPEAKER pro tempore. The Chair does not have cognizance of that.

Mr. DREIER. I am sorry?

The SPEAKER pro tempore. The Chair is not aware of that.

Mr. DREIER. Well, further parliamentary inquiry, Madam Speaker. I, with authority, can say that there in fact is a resolution that has been introduced, House Resolution 38, that has the exact same title, which is, ''to enhance intelligence oversight authority.''

And my question that I would propound to the Chair is whether or not the Chair would have been able to recognize me if I had, in fact, based on the structure of this order of the House, H. Res. 6, I had called up House Resolution 38.

The SPEAKER pro tempore. The gentleman's question is hypothetical, as the gentleman from Florida has already called up the resolution, so the Chair will not speculate whether anybody else could have been recognized.

Mr. DREIER. Thank you very much, Madam Speaker. The only thing that I would say, if I could just engage in a further parliamentary inquiry, is would there in fact have been an opportunity for those of us in the minority had we been recognized by the Chair to call up the resolution other than the one that is called up.

And I know we are going through a transition period, and I want to do everything I possibly can to help the majority to pursue their goals here and try to move this legislation.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. DREIER. I would just like to let those members of the majority know that.

The SPEAKER pro tempore. Pursuant to section 506 of House Resolution 6, the gentleman from Florida (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the final report of the National Commission on Terrorist Attacks upon the United States, better known as the 9/11 Commission, made several recommendations on steps that the government could take in order to prevent and prepare for future terrorist attacks.

□ 1630

In particular, the Commission said, and I quote, ''Congressional oversight for intelligence and counter terrorism is dysfunctional. Congress should address this problem. We have considered various alternatives: A joint committee on the old model of the Joint Committee on Atomic Energy is one. A single committee, in each House of Congress, combining authorizing and appropriating authorities is another.'' End of quote.

Subsequent to the report, commissioners also suggested creating a new appropriations subcommittee dealing only with intelligence matters. It is my pleasure today to see the House implement this recommendation from the 9/11 Commission.

This House rules change, by creating a Select Intelligence Oversight Panel within the House Appropriations Committee, responds to the commission's recommendation by creating a new panel that is made up of members of both the Appropriations Committee and the Intelligence Committee.

The Select Intelligence Oversight Panel will strengthen the oversight process by providing a mechanism for considering intelligence funding and the way appropriated funds are spent on intelligence activities from the combined perspectives of the Appropriations and Intelligence committees. The Select Intelligence Oversight Panel will be primarily responsible for reviewing and studying, including through the hearings process, the President's budget submission for intelligence and the execution of intelligence activities.

The committee will also be tasked with making recommendations to the Defense Appropriations Subcommittee and to other Appropriations subcommittees on intelligence programs, projects, and activities. Moreover, this new panel will, on an annual basis, prepare a report to the Defense Appropriations Subcommittee containing budgetary and oversight observations and recommendations for use by the subcommittee in preparation of the classified annex to the Defense Appropriations Bill.

I see that the Republican members of the Rules Committee, in a letter to the chair lady of that committee, are complaining that we are not allowing the committee process to work its will, and that it is unfair to the Republican side. I would say, to paraphrase Shakespeare, ''They do protest too much, methinks.''

The 9/11 Commission report was published more than 2½ years ago. Aside from sitting on their collective thumbs, what did the Republicans do on this specific recommendation? Nothing, much like what they did on the rest of the 9/11 report.

Okay. Fine. The President now claims the right to open every citizen's mail without judicial approval. The President says he can listen to every citizen's phone calls without judicial approval. Oh, and read everyone's e-mails too, without judicial approval. But I don't remember those being recommendations of the 9/11 Commission.

Madam Speaker, we are doing this for the security of our Nation and our people. As I said at the outset, this was in large part a recommendation of the 9/11 Commission.

Now, I see my friend from California, and he is my friend, about ready to speak. And I would simply say to the ranking member, maybe you should ask the families of the 9/11 victims if they think Congress should spend another 2 years debating action and then taking none, or whether we should take action and move forward on behalf of the families affected by those terrorist attacks of 9/11 and the rest of the country that is looking for results, not rancor.

No more rancor, Madam Speaker. No rhetoric, Madam Speaker. Results. That is what the American people have asked for, and that is what we will deliver.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

Let me begin by saying that I really am somewhat surprised at the remarks of my very good friend. First of all, if you look at the fact that we focused very enthusiastically on the recommendations of the 9/11 Commission and implemented 39 of the 41, we had a challenge in dealing with the issue of jurisdiction. And I have got to say, Madam Speaker, that if you look at the question of jurisdiction and making very important changes in jurisdiction, it is one of the single most difficult things that is to be done.

And I will tell you, I see my friend from Wisconsin (Mr. OBEY) here, the distinguished chairman of the Committee on Appropriations; 13 years ago, he and I had the opportunity to serve on what was known as the Joint Committee on the Organization of Congress. And we had a tough time looking at the issue of jurisdiction.

And you know what, Madam Speaker? After the work of that commission, and unfortunately, when the new majority was in power back then, none of the recommendations of that commission were put into place. None of the brilliant ideas that Mr. OBEY propounded were put into place at that time.

But when we came to majority in 1994, Madam Speaker, I still have scars on my back to show how difficult it was to bring about major jurisdictional reform. And I have to say that it is a very, very difficult thing to do, but essential. At that time, we consolidated, basically eliminated three standing committees. I had Members on both sides of the aisle at that time come to me and say that the future of the Republic was jeopardized if we did not keep the Post Office and Civil Service Committee, the District of Columbia Committee, and the Merchant Marine and Fisheries committee. My God, if we didn't keep that in the place, we as a Nation were going right down the tubes.

But guess what? We eliminated those committee. We reduced by 20 percent the number of subcommittees, and it was very tough. We were going through a transition, as we had Members who

were looking forward to taking on the gavels.

And then something that was equally difficult was dealing with the post-9/11 situation, the Department of Homeland Security. We had to put into place a committee structure here that allowed us to establish this committee on Homeland Security that we have today, taking jurisdiction from other committees.

Similarly, we had a very tough time when it came to the Energy and Commerce Committee and what was then called the Banking Committee, trying to bring that together. It is very tough work. And it saddens me that this great opportunity that is here, like the one we faced in 1994, is slipping away with the measure that we are considering right here.

For that reason, Madam Speaker, I rise in strong opposition to H. Res. 35, this resolution that provides for simply a new oversight committee for national intelligence.

Madam Speaker, as we all know, the five most important words in the middle of the preamble of U.S. Constitution are ''provide for the common defense.'' Part and parcel of that responsibility is effective oversight of the Intelligence community, both to ensure its success and to protect our liberties.

Now, the 9/11 Commission correctly identified significant deficiencies in our national intelligence apparatus and, yes, our oversight of those agencies. The 9/11 Commission, as I said, made 41 separate recommendations. Through enactment of the USA PATRIOT Act, the Homeland Security Act, the 9/11 Recommendation Implementation Act, and I was proud to serve as a conferee in that effort, our majority took affirmative steps to implement nearly all of the 9/11 Commission recommendations.

Is there more that remains to be done? Of course there is. We all acknowledge that. As long as America has enemies, Madam Speaker, we will need to re-evaluate and improve our Nation's defenses.

Does the resolution before us do that? Absolutely not. Unfortunately, it doesn't.

The 9/11 Commission recommended two options for intelligence oversight. First, a joint committee based on the model of the old Joint Committee on Atomic Energy, and second, a single committee in each House of Congress combining authorizing and appropriating authorities. The proposal in front of us today does neither of those things that were recommended by the 9/11 Commission. In fact, it goes in completely the opposite direction, Madam Speaker. Rather than consolidating oversight authority into a single committee that has both authorizing and appropriating authority, it just creates a new committee that has neither, doesn't have either of those powers. So while the 9/11 Commission recommended one committee, we will have three committees dealing with this very important issue.

Further, I am unsure as to what authority this committee actually will have. Having been in the midst of jurisdictional struggles, as I said, for the last decade and a half, I know what it means. As far as I can tell the only authority that this committee has is to write a report to the same people who serve on the committee. They could write a report and give it to themselves.

And the 9/11 Commission was very specific about who should serve on the committee. And I quote from the 9/11 Commission report, Madam Speaker, they said, ''Four of the Members appointed to this committee or committees should be a Member who also serves on each of the following additional committees, the Armed Services Committee, the Judiciary Committee, the Foreign Affairs Committee and the Defense Appropriations Subcommittee.''

Now, Madam Speaker, where are the members of the Armed Services Committee, Judiciary Committee or the Foreign Affairs Committee?

Apparently, those aspects of our intelligence activities weren't important enough for the promised improved oversight.

Now, did the Republicans enact, as I said, every 9/11 Commission recommendation exactly as they wrote it? No, we didn't. But, we didn't promise to, and I quote from Speaker PELOSI, ''to make our Nation safer by implementing all of the recommendations of the independent bipartisan 9/11 Commission.''

Now, Madam Speaker, Republicans made sure that there was good communication between the administration, our authorizing committees and Appropriations Committee on intelligence matters. That has made a difference over the last few years. We all know that very, very well. The fact that we haven't had an attack on our soil is, to me, evidence of the success of this administration and the role that this Congress played.

I don't believe that creating committees with both authorizing and appropriating authority, and we have the distinguished former chairman, my always chairman of the Appropriations Committee, my good friend from California (Mr. LEWIS), here, and I know he would share my concern about this merger. But it is something that is worth considering.

Frankly, that notion concentrates a lot of power and erodes some of the very important checks and balances that exist in the committee system. But, frankly, it is very important to note that this resolution does away with even the pretense of bipartisanship.

I applauded enthusiastically when Speaker PELOSI talked about her quest for civility and bipartisanship. And it has been said time and time again, unlike our resolution in the 109th Congress establishing the bipartisan Katrina panel, I remember very well when we put that together, established it, and it did great work. Unfortunately, this resolution, the resolution on Katrina gave the minority the right to appoint its members. This resolution authorizes the Speaker, the Democratic Speaker, to appoint the Republican members of the committee, without any consultation with the Republicans at all.

The tradition in this House is that each party caucus is responsible for its own appointments. And this resolution, for the first time ever, does away with that precedent.

Now, Madam Speaker, unfortunately, I never got a chance to make those arguments where I should have made those arguments, with my very good friend from Fort Lauderdale (Mr. HASTINGS) where? Right upstairs in the Rules Committee.

As I argued here at the end of last week when we had this measure before us, we had, for the first time in the history of this institution, the first time ever, five closed rules brought up in the opening day rules package of the House. Unfortunately, the Rules Committee has been thrown completely out the window when it comes to this.

And last week, when we debated this, we had a total of 5 minutes to debate the opening day rules package and five closed rules, without bills being introduced, without committee hearings, without the process whatsoever and without even giving us, the struggling minority, upstairs in the Rules Committee the opportunity to have our amendments denied. We didn't even have the chance to have our amendments denied upstairs in the Rules Committee.

All I am saying, listen, I am loving my role here in the minority, Madam Speaker. It is really a great opportunity to be able to represent the people of California here. But I will tell you, Democrats and Republicans alike all across this country have been treated very poorly in an unprecedented way.

Now, I believe that many of the Commission's recommendations were right. That is why we implemented so many of them. But this resolution that we have before us is wrong when it comes to this opportunity that we unfortunately are allowing to slip through our fingers. We are not being given the chance to put into place the very, very important jurisdictional reforms that are needed to deal with this issue.

Madam Speaker, I reserve the balance of my time.

□ 1645

Mr. HASTINGS of Florida. Madam Speaker, I would remind my good friend from San Dimas that you had 2½ years to introduce these measures, and you did nothing.

The Members of the 9/11 Commission support this change. I saw one of them this morning, Lee Hamilton; and all of them are on board with the change that they recommended.

But perhaps since we have had so much rhetoric, and we need some guidance for results, we can ask the author of the legislation if he would give us information on this measure.

Madam Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished chairman of the Appropriations Committee.

Mr. OBEY. I very much thank the gentleman for the time.

Madam Speaker, I observed that the minority is complaining about the fact that this approach has not been sufficiently bipartisan. As I recall, during the 10 years that the Democrats were in the minority, or more, I asked the Rules Committee almost 100 times to make specific proposals in order. The last time I checked, the record demonstrated that they had made them in order exactly two times.

Mr. DREIER. Would the gentleman yield on that point? At least it was not when I was upstairs in the Rules Committee.

Mr. OBEY. I didn't hear what you said, but I don't have the time to yield anyway, I am sorry.

The fact is that the 9/11 Commission recognized two problems that in their words rendered congressional oversight of intelligence ''dysfunctional''. The first was that the intelligence authorizing committee was routinely ignored by the administration and the intelligence community because they didn't provide the money. In this town, people follow the money.

Secondly, the Appropriations Committee, frankly, was negligent in its responsibilities for oversight. Example: When Secretary of Defense Rumsfeld established an independent intelligence operation outside of the purview of his own agency's intelligence shop, I tried to find out what was going on. I requested that the Appropriations Committee do a thorough Surveys And Investigations study of what was going on. My efforts were blocked by that same committee.

The third problem we faced is that there was grossly insufficient staff on the part of the Appropriations Committee to have decent congressional oversight. Example: The Democratic minority had exactly one staffer to deal not only with all intelligence issues but also with the entire defense budget. How much do you think you can get done with one person?

The other problem was that there was not sufficient emphasis on intelligence matters by the Defense Appropriations Subcommittee because they had a lot of other things to do dealing with ''little'' problems like the Army, the Navy, and the Air Force.

So the 9/11 Commission suggested one way to correct that problem. They suggested that we merge the authorizers with the appropriators, and that the authorizing committee, in fact, do the appropriating.

We concluded that there was a better way to accomplish the same goal. We felt that the problem with the initial recommendation was that it doesn't make much sense to consider intelligence funding requests standing alone, because in the real world those requests have to compete with other national security imperatives, again, funding the Army, the Air Force, and the other agencies.

Instead, we chose to follow a different model, that of the Joint Committee on Taxation. That committee conducts an annual review of the strategic plans and the budget of the IRS.

This bill follows, with some variation, that pattern. It creates a hybrid committee composed of members from the Intelligence Committee and the Appropriations Committee. They are all appointed by the Speaker because, in technical terms, whenever task forces are created around here, it is the Speaker who does the appointing. Speaker PELOSI has already made crystal clear that she intends to appoint whatever Republicans are suggested by the minority leader.

But there was another reason that the Speaker is listed as appointing all of these people, because we want to make clear to the intelligence community that if they try to ignore what this task force is trying to do, that they are not just messing around with individual Members of Congress; they are messing around with the leader of an independent branch of government who has the authority to inflict consequences if they don't provide information the Congress is entitled to have.

This task force will be given the obligation to prepare an annual assessment of all intelligence activities and to make budget recommendations, which will serve as the basis for the preparation of the intelligence budget, the classified annex to the defense appropriation bill.

The reason the subcommittee needs to have at least the ability in theory to change some of those recommendations is because it has a job which that panel doesn't have. It has the job of measuring the needs of intelligence against other national security needs, and it needs to have that flexibility.

But this bill would also lead to a beefed-up staff for this task force, and that task force will be buttressed by the subpoena power of the Appropriations Committee.

That means that at long last we will have at least one panel which the intelligence community cannot ignore. We will have one panel which even the Republican members of the commission, like John Lehman, have indicated is a great step forward. I would just suggest that if the gentleman had preferred a different approach, it would have been nice if he had produced one in the 2½ years he had the chance.

I urge support for this proposal.

Mr. DREIER. Madam Speaker, at this time I yield 3 minutes to the distinguished ranking member, our former chairman and future chairman of the Committee on Appropriations, my friend from Highland, California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, it is a pleasure to be with you. On this occasion, we are addressing one more time a recommendation of the 9/11 Commission. I must say that while it is very important that we get the House to seriously review those matters and see what next steps we should be taking, I feel pretty strongly that it is important that the two sides of the aisle work very closely together regarding this. This resolution would create a new panel of the Appropriations Committee that would, in part, duplicate work already performed by the Intelligence Committee.

Unfortunately, this substantive change in committee jurisdiction is being proposed without benefit of the kind of bipartisan input that I personally appreciate and think causes the place to work an awful lot better. The present structure in intelligence oversight was developed following the recommendations of the Pike and Church committees in the 1970s. It took years to develop and execute a quality congressional restructure for intelligence oversight.

Something of this importance and sensitivity requires more than just an hour's consideration on the floor. It deserves a thorough review by the committees of the House and all of us who are concerned, from various jurisdictions, about these matters.

I recognize that this is an oversight bill; and with tongue in cheek, I congratulate the new majority for that kind of oversight, drafting legislation without any input from the Republicans of the House.

While I am grateful to Mr. OBEY for his efforts to reach out to me personally, I am deeply concerned that no substantive consultation occurred between the majority and the minority, particularly at a leadership level.

Further, I am very concerned that we not jettison the oversight regime that is in place without knowing for certain that we are going to replace it with something that goes beyond just simply getting in the way of the oversight process. I am afraid that what we are doing here is talking about oversight. Instead, on the other hand, we are defusing effective oversight.

It is important that we recognize that one more time we are putting out press releases and producing very little in terms of substantive results.

Madam Speaker, as I said, it is a delight to be with you, and I appreciate the time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1½ minutes to the distinguished gentleman from Virginia (Mr. MORAN), a member of the Appropriations Committee.

Mr. MORAN of Virginia. I thank the gentleman from Florida.

Madam Speaker, the Select Intelligence Oversight Panel will bridge the current divide between the oversight

and the funding of our Nation's intelligence community, and it will make a significant long-term contribution to the safety of the American people.

The robust and lawful collection, analysis, and integration of intelligence on our enemy's activities is one of the most powerful tools in the battle against terrorism. But over the last several years, this Congress has been reluctant to ensure that this powerful tool is, in fact, used to its fullest capability.

It is time for Congress to fulfill its oversight responsibility by undertaking hard-nosed assessments of the intelligence community's operations. This oversight panel will be in the position to make these tough and needed assessments, and based on these conclusions, to make recommendations that will enable the intelligence community to deliver the highest level of performance. For example, our human intelligence assets must be able to infiltrate developing global terrorist networks. The exodus of long-serving professional agents from the intelligence community must be reversed, and a new generation of analysts must be recruited.

The Inspector General within the Directorate of National Intelligence must be empowered to identify waste, fraud, and abuse whenever it occurs throughout the intelligence community.

Madam Speaker, Speaker PELOSI's proposed panel will, in fact, improve the operations of the Nation's intelligence community and, in so doing, will advance the security of the American people. That is why this proposal should be passed overwhelmingly by the Congress.

Mr. DREIER. Madam Speaker, at this time I yield 2 minutes to the very distinguished and hardworking former chairman of the committee from Holland, Michigan (Mr. HOEKSTRA).

Every single argument that I heard from Mr. OBEY, Madam Speaker, was, in fact, in support of the argument from the House Select Committee on Intelligence.

Mr. HOEKSTRA. Madam Speaker, the conduct of oversight of our Nation's intelligence community is one of the most sensitive and complex duties that we have as a Congress. Our committee and other committees took a very close look at recommendations from the 9/11 Commission. We implemented many of them. Some of them we did not implement.

We recognized the need to coordinate the strategies of the authorizing committee and the Appropriations Committee. We recognized the need for additional oversight. As a matter of fact, in the last Congress we created subcommittees specifically focused on oversight and increased the number of committee staff that were dedicated to the work of oversight.

We also recognized the importance of coordinating between authorizers and appropriators. In the last Congress, the appropriations bill closely mirrored the authorization bill that this House passed. We worked hand-in-glove because we recognized the importance of putting that together and recognized the importance of what the 9/11 Commission recommended.

This resolution today goes in exactly the wrong direction. The objective of the 9/11 Commission that was identified was to give the authorizing committee greater, if not sole, influence and control over appropriations, authorizations, and oversight.

This resolution creates an additional committee between the authorizers and the appropriators that will add confusion. One of the things that we hear so often from the homeland security folks, from the intelligence folks, is we report to all of these different committees on the Hill, and there is a lack of clarity. It is exactly what is going to happen now. We are adding more confusion to the process, rather than adding and keeping clarity in this process.

If you go back to when the committee was first established under the Church committee, there was one issue that was very important: there had to be clarity as to what committee was going to conduct oversight.

□ 1700

Mr. HASTINGS of Florida. Madam Speaker, would you be so kind as to tell each side how much time remains.

The SPEAKER pro tempore. The gentleman from Florida has 17 minutes; the gentleman from California has 16 minutes.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 4 minutes to the distinguished gentleman from Texas, the chairman of the Select Committee on Intelligence, my good friend SILVESTRE REYES.

Mr. REYES. Madam Speaker, I thank the gentleman for yielding.

A few weeks ago I had a conversation with my good friend and colleague, the former chairman, who is now our ranking member. At the time, he was supportive of this panel. I recognize we all have the right to change our minds, but part of this process is starting to build a bridge that gives us an opportunity on the authorizing side to be able to do a better job for this country.

Madam Speaker, today I rise in strong support of H. Res. 35, which would implement a core recommendation of the 9/11 Commission.

Madam Speaker, 2½ years ago, the bipartisan 9/11 Commission, five Democrats and five Republicans, unanimously made 45 recommendations to prevent another attack on United States soil. Tragically, the President and previous Congress earned dismal grades for failing to enact these recommendations. One of these recommendations, indeed the one the commission called the most difficult and the most important, was to reform the way Congress oversees the intelligence activities of the United States.

Intelligence is the tip of the spear in the war against violent extremists and in the efforts to counter weapons of mass destruction. Yet despite the importance of this mission, congressional oversight of intelligence has largely been dysfunctional.

Most significantly, the committee responsible for overseeing the intelligence community, the House Intelligence Committee, has had little role in deciding how the Nation's intelligence budget is spent. H. Res. 35 is a critical starting point for fixing our broken oversight system. Today, we are creating a special panel within the Appropriations Committee to recommend funding levels for intelligence activities. This panel will be comprised of appropriators and authorizers, both Democrats and Republicans, with its own dedicated staff to review intelligence community activities.

As the chairman of the authorizing committee, the House Intelligence Committee, I welcome this change because it gives authorizers, those of us who review the intelligence programs and set overall funding levels, a real seat at the table in deciding how the money is being spent. In the past, our committee has had no real voice in the appropriations process. Today, with the passage of H. Res. 35, those who control the policy and those who control the purse will become unified.

Oversight promotes greater accountability; and accountability results in better intelligence, greater diversity among intelligence officers to penetrate the hardest targets, more sophisticated analysts, and a deeper understanding of the longer term threats that are facing this country. One need only look at the situation in Iraq to understand the perils of faulty intelligence. The best way for Congress to ensure that those days are over is to enact a meaningful reform of the way we oversee the intelligence budget.

Madam Speaker, the threats facing our country are real. We have some of the best and brightest on the front lines, often undercover and frequently under fire, trying to gather the intelligence to keep America safe. We owe it to them and to their families to provide the strongest intelligence community that we can support and we can field. H. Res. 35 is an important start to achieving that goal, so today I proudly urge all my colleagues to support the resolution.

Mr. DREIER. Madam Speaker, I am very proud at this time to yield 3 minutes to a hardworking member of the Committee on Intelligence, the gentlewoman from Albuquerque, New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Madam Speaker, I have some sympathy with those on the Democrat side of the aisle tonight because you made a promise. You said you were going to implement the 9/11 Commission recommendations, and now you have to at least appear to make good on that promise even if it doesn't make any sense. So you have come up with a way to do so that really doesn't implement or address the real

concerns of the 9/11 Commission, but is actually going to make things a whole lot worse around here in terms of intelligence oversight.

The 9/11 Commission recommended streamlining and combining oversight functions and budgeting functions and giving a single committee the power of the purse and the power to oversee our intelligence community.

Now, the 9/11 Commission, in my view, had some good ideas and we implemented them, particularly in the Intelligence Reform and Terrorism Protection Act of 2005, which was the most comprehensive reorganization of the intelligence community since the creation of the CIA in 1948.

But they also came up with some ideas, as commissions do, that weren't such great ideas. They recommended putting the Director of National Intelligence inside the political ring of the White House. I think that is a terrible idea for independence of intelligence and keeping intelligence from being influenced by political considerations. They recommended that we reveal the size of the intelligence budget, which has always been secret. Both of those were bad ideas.

I think there is also a danger in eliminating the checks and balances that are inherent in the fact that we separate appropriations from authorizing, particularly in a realm where almost everything is done in secret. The existence of those checks and balances within this institution is actually healthy with respect to oversight of the intelligence community.

But they came up with a solution in this resolution that doesn't even do what the 9/11 Commission decided was the real problem. We have two boxes on the chart overseeing the intelligence community, so the resolution creates three. How does that streamline anything? And by adding these, when we add these boxes to the organization chart, we don't even in this resolution clarify who is responsible for what. So if you are interested in a particular program, its challenges, its prospects, its importance, who do I go to? The chairman of the intel community? The chairman of defense approps? The chairman of this new community that doesn't seem to have much authority at all?

We have now divided it and made it even more confusing and messed up than the 9/11 Commission said it was in the first place. At least my colleague from Wisconsin was honest enough to admit this isn't what the 9/11 Commission recommended. In fact, they are probably rolling their eyes as we speak.

We have tied the intelligence oversight in knots with this proposal; and I would urge my colleagues if they can't stomach rejecting it now, at least fix it later when nobody else is looking.

GENERAL LEAVE

Mr. HASTINGS of Florida. Madam Speaker, before yielding to the next speaker, I would like to ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on H. Res. 35.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, before yielding again, I would just remind my colleagues my good friend from New Mexico says that we shouldn't merge this committee. My good friend from San Dimas, California, says that we should merge this committee, which kind of demonstrates that the Republicans are capable of falling off the same horse from both sides, all things considered.

Mr. DREIER. I never said that.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey, a member of the Committee on Intelligence, my good friend, RUSH HOLT.

Mr. HOLT. Madam Speaker, I thank the gentleman.

I am pleased we are considering this bill today because it moves us closer to dealing with an issue identified by the 9/11 Commission as a problem. Not that we needed the commission to tell us this; we know it is a problem. I think we would all agree that congressional oversight of intelligence programs should be improved. This bill would do that by creating a standing body in which both the authorizing committee and the relevant Appropriations Committee come together to examine the requests and performance of the intelligence community's many agencies. This has never been done before, and I certainly believe it is a significant step in the right direction.

The panel is charged to look at whether the current programs that we support make sense in the world we live in today, how they perform, how they spend money, and whether they make us safer. The 9/11 Commission stated on page 420 that any congressional reform in this area should produce an entity that allows ''a relatively small group of Members of Congress, given time and reason to master the subject and the agencies, to conduct oversight of the intelligence establishment and be clearly accountable for their work.'' This bill does that.

The gentlewoman from New Mexico said the 9/11 commissioners surely don't approve. Well, Commissioner Roemer, a former member of this body who understands how things work here, said yesterday: ''They,'' meaning these recommendations, ''do one of the most important things for congressional reform, that is, strengthen the oversight process.'' He goes on to say: ''Empowering both committees will significantly improve our oversight.'' He strongly endorses this, as do the other members of the 9/11 Commission.

Money spent in inappropriate collection systems, questionable covert activities, or dubious intelligence community reorganization schemes is money wasted; and it shortchanges our ability to protect our troops and our people here at home.

Those who will serve on this panel truly will have their work cut out for them. Many intelligence programs have not received the type of scrutiny that they should have, and the success of this new panel is not guaranteed. But I can assure you, Madam Speaker and my colleagues, that we need for this committee, this panel to succeed. I applaud the leadership of the House for moving this bill, and I look forward to voting for it and urge my colleagues to do the same.

Mr. DREIER. Madam Speaker, I yield myself 10 seconds to say in response to my good friends, Mr. HASTINGS and Mr. REYES, that I never in my prepared remarks at the outset said that I was supportive of this notion of merging the authorizing and the appropriating process. I simply said that that was the recommendation of the 9/11 Commission, and I stated that I was concerned about that prospect.

Madam Speaker, I yield 3 minutes to my good friend from Savannah, Georgia, a hardworking member of the Appropriations Committee, Mr. KINGSTON.

Mr. KINGSTON. Madam Speaker, I wanted to raise one premise that no one has talked about, and that is this blind belief in everything the 9/11 committee says, and apparently individual Members as well.

The 9/11 Commission was a bipartisan group of good people, some who served in the House. They are intelligent people who have been involved in public policy, but I am not aware that they were top-notch CIA or FBI or intelligence community members. I don't know of them having risen up through the ranks of the intelligence circles or the antiterrorism circles that makes them absolutely experts on everything on what is now a 2½-year-old report.

I wanted to bring that up because I think it is important when you consider that when the 9/11 Commission came out, this Congress on a bipartisan basis implemented 39 out of the 41 recommendations. We did not implement all the recommendations, but we had hearings on them and they were bipartisan and there was a lot of discussion, unlike what we have here today. What we have here today is a recommendation, a recommendation not made by the 9/11 Commission but, from what I am hearing, one Member wandering around the Hall said, Yeah, this is a good idea. Now, that is hardly the way to make a major step in the way we approach intelligence in the House. It doesn't make sense at all.

This bill today has not had a hearing. The Rules Committee did not hear of any amendments that could or would be offered or debated. I think, frankly, the thing that is ironic, and I have got to say as I see over there many of my very good friends, many institutionalists, people who have great respect for the institution, you know that on intelligence we have generally been bipartisan here in the Capitol. Certainly there are times when intelligence like everything else devolves into partisanship, but generally speaking we have

conducted this body in the wake of 9/11 itself in a bipartisan manner, and yet today we don't have that. We do not have those amendments which people could come together on.

So I just wanted to raise that because, as I sit as an Appropriations Committee member on the Defense Subcommittee, and I sit there and I listen to so many people like Mr. OBEY, Mr. MURTHA, Mr. LEWIS, and Mr. YOUNG, the folks I would consider the sage folks in the back room who at the end of the day do the pragmatic thing and put the best interests of the Nation forward, in this particular case that has not been allowed to happen. So I find myself a little perplexed by this because it has not been thoroughly vetted, and I am going to vote ''no'' on it because of the process itself.

Now, there are a lot of other issues that are important, and it is important to me that the ranking member of the Appropriations Committee, the ranking member of the Armed Services Committee, the Homeland Security, of the Rules Committee, of the Intelligence Committee, and the Foreign Affairs Committee, and the Judiciary Committee are all resoundingly against this.

Madam Speaker, I have in my hand a ''Dear Colleague'' letter which I have read and reviewed, and I submit for inclusion into the RECORD that has been written by them, and I think the points that they have raised are very, very important.

110TH CONGRESS
OF THE UNITED STATES,
Washington, DC, January 9, 2007.

DEAR REPUBLICAN COLLEAGUE: Today the House is scheduled to consider House Resolution 35, a resolution purporting to enhance intelligence oversight authority. We are writing to you to outline our strong concerns with the current version of the resolution and to ask you to join us in opposing this resolution.

As a response to the 9/11 Commission recommendation to streamline intelligence oversight, Speaker Pelosi proposed the select panel on Intelligence oversight within the Appropriations Committee to consolidate intelligence oversight. Unfortunately, we believe this proposal is wholly inconsistent with any notion of a more streamlined and rigorous intelligence oversight process. In fact, we believe the proposal will make oversight more complex and less effective.

The 9/11 Commission recommended creating a single committee with both authorizing and appropriating authority. The House of Representatives did not agree with this recommendation, and instead worked to ensure proper oversight by creating a new oversight subcommittee within the House Permanent Select Committee on Intelligence and by improving coordination and cooperation between the authorization committees and the House Appropriation Committee. The new proposal undermines these efforts by adding a duplicative and seemingly powerless panel to the process. Instead of consolidating our oversight responsibilities, we will be diffusing them, making three entities within the House for oversight of the intelligence community instead of the current two.

It is also apparent that the oversight parameters and responsibilities are not clearly defined. If this panel is supposed to be conducting oversight, it is unclear whether the panel will get into intelligence operations. We have worked hard to limit the unauthorized dissemination of highly classified and sensitive programs, and we are concerned about the practical implementation of the panel.

Finally, if the proposed oversight panel is charged with reviewing and studying the entire intelligence community, why are the Armed Services, Foreign Affairs, Homeland Security, and Judiciary Committees not represented on the panel? The 9/11 Commission specifically recommended members from the Armed Services, Foreign Affairs, and Judiciary Committees also serve on the joint authorization appropriations committee. The purpose of the recommendation is to ensure adequate input and review by the appropriate authorization committees. If the purpose of the panel is too afford more aggressive oversight, why were these equities and jurisdictions overlooked?

If this proposal had gone through the normal committee process, which House Rules Ranking Member Dreier requested, we would have had an opportunity to address these serious concerns through regular order.

Given these serious concerns, we do not agree this would be a responsible revision of the current intelligence oversight structure. We respectfully request you join us in voting ''no'' on H. Res, 35.

Sincerely,

Rep. Jerry Lewis, Ranking Member, Appropriations Committee; Rep. Duncan Hunter, Ranking Member, Armed Services Committee; Rep. Peter King, Ranking Member, Homeland Security Committee; Rep. David Dreier, Ranking Member, Rules Committee; Rep. Peter Hoekstra, Ranking Member, Intelligence Committee; Rep. Ileana Ros-Lehtinen, Ranking Member, Foreign Affairs Committee; Rep. Lamar Smith, Ranking Member, Judiciary Committee.

□ 1715

But I have to say, this is just not the right step in terms of addressing the national security needs of our Nation.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself 10 seconds before yielding to the distinguished gentlewoman from New York.

My colleague, the ranking member, just said he did not say he supported combining these functions, and yet here is his signature on his legislation that does just that. That is what I was talking about when I said that is disingenuous.

Madam Speaker, at this time I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY), my friend and classmate.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding.

The 9/11 Commission report identified the failure in the intelligence system of this country as a major cause of 9/11. They called for many reforms, some of which we have implemented. And as co-chair of the 9/11 Commission Caucus, I am extremely pleased today with the formation of this new Select Intelligence Oversight panel, which mirrors the recommendation of the 9/11 Commission. It is supported by many of the members of the 9/11 Commission. It is supported by the 9/11 families that have tracked the provisions to make this country safer probably closer and harder than Members of this Congress, and they are in the gallery today. And this new oversight panel will strengthen the oversight process by combining the perspectives and expertise of both the Appropriations and Intelligence Committees and the insights of the authorizers likewise. And this new panel, we can be assured that these experts from both of these areas will be included in the oversight and funding decisions for our intelligence community.

I congratulate the leadership of this Congress, the new Democratic leadership, Speaker PELOSI and Chairman OBEY, for including in the first 100 hours this major reform, that they have repeatedly said in all of their hearings and they continue to speak out on it, they gave this Congress an ''F'' in intelligence oversight. Today we are getting an ''A'' by creating a committee with experts to oversee it. And with a focus on the security and the intelligence, it will make this country safer. I applaud our leadership, the new Democratic leadership.

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

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 2 minutes to my classmate and very good friend, a member of the Select Committee on Intelligence that I have served with, my good friend from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank my distinguished colleague. And, Madam Speaker, it is wonderful to see you in the chair.

I rise in support of H. Res. 35. And I believe that for all of us on both sides of the aisle that this is a moment of high responsibility.

If there is anything that we became painfully aware of, it was that we did not have a seamless operation, intelligence operation, to help protect our country. So what we are debating and discussing here are not a handful of sentences. What we are doing is we are blending, for a very important reason, the power of the purse and the power of the policy. They can no longer stand as independent smokestacks, number one.

Number two, I ask all of my colleagues of the House, could the abuse and corruption that was done unto the budget survive the scrutiny of what we are proposing here, where a member of the Intelligence Committee committed those crimes?

So this is a moment of really high responsibility. I welcome ideas from both sides of the aisle. They are always important. But I think the overriding principles here are really what have been stated by so many, including the comments that I am making. As a member of the House Intelligence Committee, I welcome, I welcome more oversight. The problem with intelligence relative to the Congress is there has been undersight or no sight, and that is dangerous for our country.

So I support these reforms. I think that they are very important. It is a

moment of high responsibility for the Congress, and I salute the Speaker as well as the chairman of the committees of jurisdiction for bringing this much-needed legislation before the House, and I urge all of my colleagues to support it.

Mr. DREIER. Madam Speaker, at this time, I am happy to yield 2 minutes to our very hardworking colleague from Wilmington, Delaware (Mr. CASTLE).

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to H. Res. 35, a resolution to create a Select Intelligence Oversight Panel to advise the House Appropriations Committee.

As a former member of the House Select Committee on Intelligence, I strongly believe that we must enact all of the 9/11 Commission's intelligence recommendations, even those that apply to our own congressional committees.

In its final report, outlining steps Congress should take to combat the problems which plagued our Nation in the lead up to September 11, the 9/11 Commission stated that ''Congress should pass a separate appropriations act for intelligence, defending the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work.''

In the wake of the terrorist attacks of 2001, Congress acted quickly to enact a large majority of the commission's recommendations. Today the House will likely pass some of the remaining recommendations, impacting various agencies and levels of government. However, as it turns out, it has been those recommendations that apply directly to the tangled rules of procedures here in the United States Congress, which have been left unfinished.

Specifically, I am disappointed that the resolution before us today fails to implement the 9/11 Commission's very specific recommendation that Congress enact a separate appropriations bill for our intelligence community. Currently, intelligence funding is concealed in the classified section of the Pentagon's budget and thus is subject to very little accountability. As currently drafted, I have serious concerns that the proposed Intelligence Oversight Panel will have very little control over the actual funding decisions and will only succeed in confusing the process and adding to its complex bureaucracy.

As a former member of the House Intelligence Committee, I believe strongly in the 9/11 Commission's recommendations. For that reason, I will introduce legislation immediately to create an empowered and independent intelligence appropriations subcommittee to oversee the intelligence community funding and to keep our Nation safe from those seeking to destroy our way of life.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1½ minutes to the distinguished gentleman from Maryland (Mr. RUPPERSBERGER), with whom I have served on the Select Committee on Intelligence as well.

Mr. RUPPERSBERGER. Madam Speaker, I rise in strong support of H. Res. 35.

The 9/11 Commission recommended that we change the way Congress oversees the intelligence activities. I am very familiar with those activities as a member of the Committee on Intelligence and also representing constituents who work for the National Security Agency. NSA is in my district.

At a time when we have reformed our intelligence agencies and required them to communicate and cooperate and unified their management through the new Director of National Intelligence, it is only right that we unify our oversight of the intelligence community.

H. Res. 35 does just that. It will allow us to make more informed and more effective funding decisions. It will enhance the ongoing work of the Intelligence and Appropriations Committees.

Our job on national security should be to do what is best to put the safety and the security of our Nation first, above all. We can't get bogged down with our own individual complaints about jurisdiction and power. We have to do what is best for America.

I will be proud to vote for H. Res. 35.

Mr. DREIER. Madam Speaker, at this time I am very happy to yield 2 minutes to my good friend from Peoria, Illinois (Mr. LAHOOD).

Mr. LAHOOD. Madam Speaker, I thank Mr. DREIER for yielding to me.

I find it a little puzzling that the author of this legislation has continued to refer to it during his remarks as a ''task force.'' I see no language in the legislation that was authored by the distinguished chairman of the Appropriations Committee that calls for a task force.

I think it is also puzzling, too, that that term has been entered into the RECORD, which can be found nowhere in the legislation. I also think it is peculiar that the gentleman from Florida, who has served with me now for 8 years on the Intelligence Committee, would be willing to create more bureaucracy.

The gentleman knows full well we need no more bureaucracy to bog down the intelligence community. We have sat there time after time and listened to people from the intelligence community come to our committee. We need no more bureaucracy.

And you know as well as I do, it takes 4 to 5 years for people on the committee to understand the terms and the agencies. And now you are going to create another level that has to educate all of these people to get up to speed? Come on, Mr. HASTINGS. You know better. And to have this committee or task force, I don't know which, appointed by only the Speaker of the House is unprecedented. It means that our leader has no say in who is appointed to this task force or committee. Unprecedented. You would never stand for that. Mr. OBEY and Mr. HASTINGS, you would be up here screaming bloody murder if we tried to pull that stunt on you.

This is not fair. It is not right. Our side should have our say. This is an insult to the gentleman sitting on that side of the Chamber, Mr. MURTHA, and the gentleman sitting on that side of the Chamber, Mr. YOUNG, who have overseen as representatives as the once chairman and now chairman of the Defense Appropriations Subcommittee. You don't have faith in them? You don't think they can look over the intelligence budget? I do not know about you, Mr. MURTHA, but I suspect you have some doubts. I know Mr. YOUNG does. This is an insult to both of you and to the Appropriations Committee and to the Defense Subcommittee. Do these gentlemen need oversight? No, they don't.

Vote against this lousy bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ZOE LOFGREN of California). The Chair would ask Members to address their remarks to the Chair.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished chairman of the Appropriations Committee.

Mr. OBEY. Madam Speaker, if the gentleman from Illinois, my good friend, wants to hyperventilate over the fact that I simply verbally referred to this as a ''task force'' rather than a ''panel,'' be my guest. I guess his threshold of excitement has been considerably lowered these days.

Let me simply say, the gentleman says this is an insult to Mr. MURTHA and to Mr. YOUNG. No, it is not. He asked, does the Defense Appropriations Committee need oversight? It certainly did the last year, and let me tell you why.

When Mr. Rumsfeld set up his separate stovepiping operation for intelligence, I went to Mr. MURTHA, asked him to sign a letter instituting a surveys and investigations study because, under our rules, under our practices, we needed the support of the full chairman, the full ranking member and the subcommittee chairman and the subcommittee ranking member. I went to Mr. MURTHA. He signed on to the letter calling for the investigation. I went to Mr. YOUNG. He signed on to the letter calling for the investigation. But I was blocked by the full committee chairman.

So if you are asking me, does the Appropriations Committee, based on its record of the last 2 years, need some additional oversight on this issue? You bet it does, because as a result of that refusal to proceed, we never did learn what Rumsfeld was doing until we read it in the press. That is not the way it is supposed to work.

This is the first time that we have created any kind of a panel that will

force the Appropriations Committee and the authorizing committee to work together like adults rather than worrying about dunghill jurisdictional issues. And the security of this country is a whole lot more important than the feelings of any one committee.

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

Let me at the outset say to my good friend from Fort Lauderdale (Mr. HASTINGS), one of my staff members encouraged me to have his words taken down when he accused me just a few minutes ago of being disingenuous when it came to the introduction of House Resolution 38. That resolution, as the gentleman knows from the parliamentary inquiry that I engaged in, was designed to simply point to the flaws and the way this measure was crafted. Now, that resolution in no way called for the merging of the authorizing and the appropriating process. I simply said at that point that that was a recommendation of the 9/11 Commission.

I would be happy to yield to my friend if he can, in fact, point to me where in the resolution I introduced, House Resolution 38, it states that there should be a merging of both the authorizing and the appropriating process. And I am very happy to yield to my good friend from Fort Lauderdale.

Mr. HASTINGS of Florida. Do you support the legislation that you filed?

Mr. DREIER. I introduced the H. Resolution 38, and I support it much more so than I do the resolution that we have here. The reason being that I believe very much that there should, in fact, be consultation in a bipartisan way rather than having unilateral decisions made by the Speaker of the House over the minority in this Chamber, as Mr. LAHOOD said so well, an unprecedented action that has been taken. And my point is, there is nothing in the resolution that I introduced that does what led the gentleman to call me disingenuous. I, in the spirit of comity as set forth by Speaker PELOSI in her opening remarks, am not going to have the words of my friend taken down. I do not engage in name calling on the floor of this House, and even if people want to continue that towards me, I refuse to respond.

Madam Speaker, let me close by making a couple of remarks about what it is that is before us here. About 6 months ago in July, my very distinguished colleague, the new chairman of the Homeland Security Subcommittee of Appropriations, and he also will be serving as the chairman of the very important House Democracy Assistance Commission, and I am looking forward to serving now as the co-chairman, the ranking Republican on that committee; last July we went on our mission to help build democracies, build the parliaments in these fledgling democracies around the world. And I am very proud, Madam Speaker, that we have been able to do this in 12 countries. Last July, we were in Nairobi, Kenya, meeting with members of the parliament. When we were there, we had an opportunity to go and visit the site of one of the greatest tragedies to take place in our Nation's history, and that was before September 11, 2001. In 1998, our colleagues will recall that the embassies of both Nairobi, Kenya, and Dar es Salaam, Tanzania, were brutally attacked by al Qaeda. We all know that that happened, and we know there was a response at that time. We finally got the news last night that we have been able to see, with regional support, support of the Ethiopians, support of the Kenyans, who very courageously have stepped up to the plate; we launched an air strike in southern Somalia against al Qaeda that was successful, successful in making sure that we make another blow against those who inflicted the worst attack in modern history against the United States of America.

Madam Speaker, I argue that that kind of success was not an accident. That kind of success in launching that strike against those who attacked the United States of America, both here on our soil and on our embassies in Dar es Salaam and Nairobi, was done because of our effective leadership in the United States of America in prosecuting this Global War on Terror.

□ 1730

Now, I believe that as we look at what it is that we are doing here, it is very admirable. We know, as Mrs. WILSON said earlier, a promise was made to implement all of the recommendations of the 9/11 Commission. We are very proud of the fact that 39 of the 41 recommendations that were made by that commission have been put into place.

What we have before us is something that is very ill founded, and it is an attempt to respond to that promise.

But one of the things that I have learned, Madam Speaker, when you do something simply for the sake of doing something, it is probably the wrong thing. Madam Speaker, I do believe very fervently this is the wrong thing.

Now, I have here a copy of the rules of the House, and as I look through the structure that put into place the committee on which Mr. LAHOOD has served so proudly, the Intelligence Committee, it calls for membership from the Committee on Appropriations, the Committee on Armed Services, the Committee on International Relations, the Committee on the Judiciary, and it makes the Speaker and the minority leader ex-officio members. And it in fact does call for the Speaker to make the appointments. It traditionally is done in with consultation with Members of the minority.

Madam Speaker, it is important to note that is what the Permanent Select Committee on Intelligence is all about. We have virtually the identical structure being put into place for little more than a feel-good measure. That is really what it is. It is to be able to say, yes, we have this committee.

I am going to say, as I did when I opened this debate, Madam Speaker, Mr. OBEY and I worked on that joint committee on the organization of Congress back in 1993. We had 37 hearings, and 243 witnesses during that 2-year period came before us. Those numbers have stuck with me because that was a great opportunity I had to serve, along with our colleague, Lee Hamilton, interestingly enough, who was the co-chair of the commission on the House side, and PETE DOMENICI and David Boren, the father of our colleague, DAN BOREN, co-chaired the committee on the other side.

We looked at a wide range of changes, many of which I am proud to say we implemented. We talked about the issue of jurisdiction, but we didn't come up with firm recommendations. But when we took over, before a single Republican Member got their hands on the gavel, we saw them put into place recommendations.

Madam Speaker, I urge a ''no'' vote on this resolution, and I urge a vote for my motion to recommit that I will be offering forthwith.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield myself the balance of my time.

I would first like to respond to my good friend and say to him that I am awfully glad you did not accept the recommendation of your staff member that my words be taken down with reference to the comments that you made. Let me repeat for you what I said. I said and I quote, ''Mr. Dreier just said he did not say that he supported combining these functions. And yet here is his signature on his legislation that does just that.''

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. DREIER. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. Does the gentleman from Florida yield for a parliamentary inquiry?

Mr. HASTINGS of Florida. No.

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. HASTINGS of Florida. Let me read from Mr. DREIER's House Resolution 30. You said there is established a select intelligence oversight panel of the Committee on Appropriations. The select panel shall be composed of not more than 14 Members, delegates or the resident commissioner appointed by the Speaker. The select panel shall include the chairman and ranking member of the Committee on Appropriations, the chairman and ranking member of the Committee on Defense, six additional members of the Committee on Appropriations, and four members on the Permanent Select Committee on Intelligence.

That is the exact same thing Mr. OBEY is doing with the exception of the constitution of the number on the committee.

The SPEAKER pro tempore. The gentleman from Florida has the time.

Mr. HASTINGS of Florida. I would be more than pleased to yield to my friend because I don't like the characterization that you put forward that I am being disingenuous by saying that you are disingenuous and that you were going to take my words down.

I need time to respond to Mr. LAHOOD as well. He commented on the nomenclature of the intelligence committee, and his comment was that I know better. And he knows that I know that the nomenclature is difficult because he and I were on that steep learning curve, he before me, and I had to learn as well.

But I can tell him that Mr. MURTHA and Mr. YOUNG know that nomenclature as well as you and I do, RAY, and you know that.

If I have time at the end, I will yield.

As I said before, this is a specific recommendation of the 9/11 Commission. I am proud that the House Democrats can again do more in 1 week than Republicans were able to do in the last 2½ years since the 9/11 Commission made their report. The gentleman that I have already referenced knows of what I speak.

With that, I yield to my friend.

Mr. DREIER. Madam Speaker, I appreciate my friend yielding. I will simply state once again that there is absolutely nothing in either Mr. OBEY's resolution or the resolution that I introduced that calls for the 9/11 Commission's recommendation of merging the authorization and the appropriations process. That is why it is very clear that it has not called for the merging.

Mr. HASTINGS of Florida. Madam Speaker, reclaiming my time, nobody said that, Mr. DREIER.

Mr. DREIER. If the gentleman would yield, that is what I was accused of having said. I never said anything of the kind.

Mr. HASTINGS of Florida. Reclaiming my time, as I said earlier to my friend, I enjoy our banter and I can suggest to him that being in the minority is going to be a very long 2 years for you.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 35, which establishes a Select Intelligence Oversight Panel of the Committee on Appropriations. Establishing a panel to oversee the expenditures of taxpayer monies on intelligence activities is imperative to ensure that our Intelligence community functions at the highest level to keep the citizens of this country safe and secure. This is a welcome, beneficial, and long overdue reform. For far too long there has not been any means for this body to measure the effectiveness of the usage of funds appropriated to ensure that the intelligence community is equipped to detect, detract and deter the many potentially detrimental and disastrous threats to the citizens of this country.

Madam Speaker, one of the advantages of establishing a select intelligence oversight panel with the Committee on Appropriations is that it will enable the House to hold hearings and conduct oversight regarding the appropriation and expenditure of funds for intelligence-related activities. The resulting openness in intelligence matters through this oversight panel enables this House to discharge its duty to the nation to ensure that our intelligence capabilities are the highest and best in the world and more than sufficient to prevent another 9/11. We cannot afford the costs of the tragic results of 9/11. In fact, the families of the victims of 9/11 as well as all of the citizens of this country still look to us for responsible action in the area of Intelligence.

The oversight panel will also serve the important role of removing barriers between the House Appropriations subcommittee that approves funds for intelligence and the intelligence committee that oversees operations. Of great importance, is the fact that the establishment of this panel will address a central commission finding that Congressional oversight of intelligence matters is dysfunctional and needs to be more centralized. This oversight panel will give Congress a much better chance to correct and avoid those major concerns which were highlighted by the 9/11 Commission. Those problems included: permeable borders; inconsistency in immigration policy; limited capacities to share intelligence information; permeable aviation security; an unprepared FAA and NORAD; ineffective communication and no clear chain of command; no unity for emergency responders; and Congress and Executive Branch that was too slow in responding to threats.

Madam Speaker, the creation of this select panel will allow the House to review intelligence spending requests, conduct hearings, make financing recommendations and assess how the money is spent. With this increased ability to monitor the budget as well as operations of the Intelligence community, we can better face and prepare for the security challenges confronting the United States and the international community as a whole.

I urge my colleagues to support this bill to establish a Select Intelligence Oversight Panel of the Committee on Appropriations.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 506 of House Resolution 6, the resolution is considered read and the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. DREIER

Mr. DREIER. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Dreier moves to recommit the resolution (H. Res. 35) to the Committee on Rules.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. DREIER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting H. Res. 35.

The vote was taken by electronic device, and there were—yeas 195, nays 232, not voting 8, as follows:

[Roll No. 12]

YEAS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—232

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro

Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Buyer
Culberson
Gillmor
Knollenberg
Marchant
Moran (KS)
Norwood
Ortiz

□ 1804

Mr. CAPUANO, Mr. CRAMER, Mrs. NAPOLITANO, and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Messrs. SAXTON, BROWN of South Carolina, ROGERS of Michigan, LATHAM, EHLERS, SOUDER, WELDON of Florida, and KIRK changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Ms. SLAUGHTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 188, not voting 8, as follows:

[Roll No. 13]

AYES—239

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Buyer
Gillmor
Hall (NY)
Knollenberg
Marchant
Moran (KS)
Norwood
Ortiz

□ 1818

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HALL of New York. Madam Speaker, on rollcall No. 13, had I been present, I would have voted ''aye.''

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to Section 507 of House Resolution 6, proceedings will now resume on the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

The Clerk read the title of the bill.

PARLIAMENTARY INQUIRIES

Mr. HENSARLING. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Mr. Speaker, pursuant to what order of the House are we considering this resolution, H.R. 1?

The SPEAKER pro tempore. The House is proceeding under House Resolution 6.

Proceedings will now resume on H.R. 1.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HENSARLING. Does that special order of the House waive all points of order against H.R. 1, including the newly enacted and much advertised pay-as-you-go point of order?

The SPEAKER pro tempore. All points of order are waived by House Resolution 6.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order provide for the consideration of any amendments?

The SPEAKER pro tempore. By way of a motion to recommit.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order treat the minority's right to offer a motion to recommit in the same manner as the bill itself by waiving all points of order again, including the much advertised new pay-as-you-go point of order against the motion to recommit?

The SPEAKER pro tempore. The motion to recommit is admissible. No waivers are provided for such motion.

When proceedings were postponed earlier today, 11 minutes of debate remained on the bill.

The gentleman from Mississippi (Mr. THOMPSON) had 6½ minutes remaining, and the gentleman from New York (Mr. KING) had 4½ minutes remaining.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Speaker, because her time was accidentally cut off earlier, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding and for his leadership.

Mr. Speaker, today belongs to the family members of the attacks of September 11 who have worked tirelessly to see these recommendations enacted. They spent today in Congress in meetings in support of this legislation.

The 9/11 Commission gave us a blueprint for better security which was not meant to be on a shelf gathering dust. With this legislation, Congress accomplishes more for security in less than a week than it previously could accomplish in more than 2 years.

Homeland security is a high priority of the first 100 hours agenda, and it includes many important and commonsense provisions. It requires Homeland Security grants to be based on risk, not politics. And the radios that did not work on 9/11 still do not work, and they did not work at Katrina. It establishes a grant program specifically for communications equipment for first responders.

It establishes an independent privacy and civil liberties board with subpoena power, and it includes the prevention and helps to prevent the proliferation of weapons of mass destruction and terrorism. The bill expands the U.S. diplomatic outreach in the Middle East.

In short, the bill will make our citizens and our country safer. It is an important bill, and the 9/11 families thank the leadership of this Congress. The responders thank the leadership of this Congress. And I am deeply grateful that H.R. 1 is among the first bills in the first Democratic Congress to pass. It will make us safer in this country. I congratulate the new leadership on their hard work at making this happen.

Mr. KING of New York. Mr. Speaker, may I inquire of the gentleman from Mississippi as to how many speakers he has?

Mr. THOMPSON of Mississippi. Mr. Speaker, I have one speaker, and I will be prepared to close after that.

Mr. KING of New York. Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, for the last 4 years I have worked to ensure that no shipping container should be put on a ship bound for the United States until it is scanned for radiation and density, and sealed with a tamper-proof seal. The 9/11 Commission insisted on better port security measures.

Last year, along with Mr. OBERSTAR, I introduced the Sail Only if Scanned Act. We tried to insert into the SAFE Port Act, but the Republican leadership opposed this provision with near party-line votes in committee and on the floor.

But now, Title V of this bill will implement the Sail Only if Scanned Act, and require that every container be scanned and sealed with a tamper-proof seal before being placed on a ship bound for the U.S. We phase in the requirement, within 3 years for large ports, 5 years for small. But it must be done.

We must be serious about protecting ourselves against the terrorists. Studies are not enough. This bill finally takes the threat seriously.

The cost to scan each container is only about $6.50. The startup cost to purchase and install the scanning equipment world wide is about $1.5 billion. Foreign ports can recover the cost by charging about $20 per container. Given the fact that it costs about $4,000 to ship a container from Asia to the United States and a container might hold $50,000 or $100,000 worth of goods, that is a drop in the bucket.

This bill also includes critical provisions to strengthen aviation security, to distribute homeland security grants based on risk, and it will strengthen the Cooperative Threat Reduction Program to secure nuclear materials in the former Soviet Union. For years, some of us have been pushing to accelerate counter-proliferation programs. This bill will go a long way toward securing loose nuclear materials around the world.

I congratulate the new leadership of this House for pressing this bill. I urge all my colleagues to vote for this and finally implement the key recommendations of the 9/11 Commission and make this country safer.

Madam. Speaker, for the last four years, I have worked to insure that no shipping container should be put on a ship bound for the U.S. until it is scanned for radiation and density, and sealed with a tamper-proof seal. The 9/11 Commission insisted on better port security measures.

Last year, along with Chairman OBERSTAR, I introduced the Sail Only if Scanned (SOS) Act. We then tried to insert it into the SAFE Port Act. Unfortunately, the Republican leadership opposed this provision, with near party-line votes in committee and on the floor.

But now, Title V of this bill will implement the Sail Only if Scanned Act, and require that every container be scanned and sealed with a tamper-proof seal before being placed on a ship bound for the U.S. We phase in the requirement—within three years for large ports, five years for small. But it must be done.

We know our port security system is vulnerable. The 9/11 Commission said the opportunities to do harm are as great, or greater, in maritime transportation than in our aviation system.

Luckily, the Democratic Leadership is willing to follow through on our promise to scan 100 percent of shipping containers so that we can prevent nuclear weapons from being smuggled into the United States through our ports. We recognize that it is time for Congress to catch up to the rest of the World. In Hong Kong, the Integrated Container Inspection System (ICIS) pilot program has successfully achieved 100 percent scanning, proving that the technology works without slowing down commerce. Many other ports are already starting to purchase this equipment, and many in the shipping industry realize that it is in their best interest to secure their cargo before, G–d forbid, someone uses our ports to cause harm, and the system has to be completely shut down.

We must be serious about protecting ourselves against the terrorists. Studies are not enough. This bill, finally takes the threat seriously.

The cost to institute this system is minimal. It could be folded into the cost of doing business and the consumer would never even notice. The cost to scan each container is only about $6.50. The startup cost to purchase and install the scanning equipment worldwide is about $1.5 billion. Foreign ports can recover the cost by charging about $20 per container. This is a drop in the bucket given that it costs about $4,000 to ship a container from Asia to the United States, and that container might hold $50,000–$100,000 or more worth of goods. We waste billions of dollars in Iraq and on other Defense Programs, such as "Star Wars," but we can protect ourselves against this very real threat to our port security system with virtually no cost to the U.S. Government.

We must not wait to impose security measures until containers reach the United States.

If there is a bomb inside a container, and it is detected in Newark, or Miami, or Los Angeles, it may be too late. Reading the cargo manifest is not enough. Trusting the shippers is not enough. We must verify the contents of the containers at the point of origin, before they are loaded onto a ship destined for America. This bill will do just that.

This bill also includes critical provisions to strengthen aviation security, to distribute homeland security grants based on risk, and it will strengthen the Cooperative Threat Reduction Program to secure nuclear materials in the former Soviet Union. For years, I have been pushing to accelerate counter proliferation programs, and this bill will go a long way toward securing loose nuclear materials around the world.

I urge all my colleagues to vote for H.R. 1 and finally implement all of the recommendations of the 9/11 Commission.

Mr. KING of New York. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as I said at the outset of the debate, I commend the gentleman from Mississippi (Mr. THOMPSON) on his elevation to the position of chairman. He is an outstanding Member of this House, and I look forward to working with him in a bipartisan manner throughout the next 2 years.

I must say, however, that I am deeply disappointed in the manner in which this bill was brought to the floor today and, indeed, with many of the provisions that are in this bill. I say that as someone who lost more than 150 friends, neighbors and constituents on September 11th, who has a number of staff members working for me who lost relatives on September 11th, so no issue is more important to me than getting homeland security right and making it work.

But during the previous 2 years, certainly during the 15 months that I was chairman of the Homeland Security Committee, it was bipartisan. Every bill that came to the floor went through subcommittee and went through the full committee. Port security legislation, FEMA restructuring, chemical plant security bill, all went through the subcommittee, full committee and were adopted by this House and were signed into law.

In addition to that, we had the risk-based funding bill which went through the committee and again passed on the House floor. It was blocked in the Senate. But the fact is, we got results, and we got them in a bipartisan basis. No bill came to the floor without full bipartisan cooperation from day one.

Now, unfortunately, for whatever reason, as part of the 100 hours show, the leadership refuses to allow any bipartisan input, no committee involvement at all, no subcommittee involvement and no amendments. And in doing that, it is not just a shot at us. We can survive that. We will be back in 2 years. But what I am concerned about is, what this does for the next 2 years and what it does to the Homeland Security Committee, because the 9/11 Commission specifically stated that a committee should be given primary jurisdiction. That should be the Homeland Security Committee.

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The Democrats could have taken care of that in their rules package. They refused to do it. So the most important recommendation of the 9/11 Commission is not being enacted today. It is not being done at all. In fact, they are weakening the committee by bypassing the committee process.

I will use as one example what happens when a bill is rushed to the floor without the proper deliberative process. We talk about 100 percent scanning of all cargo coming into our ports. The fact is in the port security bill, which passed the House, passed the Senate and was enacted into law, we set up pilot projects around the world to find a scanning process that works.

The fact is there is no current technology that works at 100 percent. We don't have it. We want to find what works the best. Nowhere in the 9/11 Commission report do they call for 100 percent scanning. All of us want to have it. The fact is we are not going to be able to scan 11 million containers coming into our shores.

Now, last year when this was first raised by the Democratic Party, the Washington Post said it is a terrible idea. It is a slogan, not a solution. We hope lawmakers resist the temptation to use it in the election season to come.

Now, the Washington Post is not exactly an advocate of the Republican Party. Today in their editorial, they talk about what a tough job it is to bring about homeland security. They say it will not be done by wasting money on the kind of political shenanigans written into the sprawling Democratic bill introduced on the House floor today.

The Democrats don't offer a realistic cost estimate for the mandate they will propose, but the cost to the government and the economy is sure to be in the tens of billions of dollars and quite possibly hundreds of billions annually.

Luckily, the Senate will give more thought to its homeland security bill, the Washington Post says, but House Democrats can figure those odds as well as anyone, but why not score some easy political points in your first 100 hours.

Well, the fact is you shouldn't be scoring political points on the issue of homeland security. That is too important an issue to be trivialized the way you are doing it here today. Now I will, in the end, I will vote for this bill despite its faults, because I want to send a bipartisan message that the House stands behind homeland security.

But I will hope that in the future, we will have a Homeland Security Committee which is empowered the way it should be by the Democratic leadership, that a Homeland Security Committee, which I know the chairman wants to do, will work in a bipartisan way so we can address the scourge of Islamic terrorism as Republicans and Democrats and Americans and not having something rammed through to score cheap political points in the 100-hour circus.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the remainder of the time.

First of all, I would like to set a couple of things straight for the record. For my ranking member, these 9/11 recommendations are not cheap political tricks; they are very serious and things that we all take very seriously because of that.

With respect to the 100 percent port cargo screening, it says take the lessons learned from the pilots and then implement what you learned from the pilots, not go forward, like you say.

You talk about not bringing bills before the committee. You brought a fence bill straight to the floor without going through a subcommittee or a committee.

So I might say to my colleague, I look forward to working with him over the next 2 years on making sure that we keep America safe from bad people, but also that we are able to respond to natural disasters and other things.

Mr. Speaker, it is fitting and proper that this bill, the first bill voted upon by the new Congress, gets the record straight on the 9/11 Commission's report. We finished the job. Yesterday, former Vice Chair Lee Hamilton of the 9/11 Commission made it very clear why we are here today.

He said in his view, ''The terrorists are plotting today on how best to strike the United States. They will not wait, and it has been a source of very considerable frustration to the members of the 9/11 Commission that so many of our recommendations, which really are commonsense recommendations, like the ability of the first responders to communicate with one another, the allocation of funds on the basis of risk and not politics, and many other recommendations, are simply common sense. It has puzzled us and frustrated us that they have not been enacted into law.''

Let us be very clear, Mr. Speaker, today's bill fixes these problems and fulfills many of the 9/11 Commission's recommendations. In short, as 9/11 Vice Chair Lee Hamilton said yesterday, if this bill is enacted, funded and implemented, the American people will be safer.

I urge support of the bill.

Mr. STARK. Mr. Speaker, I rise in support of an important bill that will make America safer and more secure.

Today's legislation ends years of gridlock by finally enacting recommendations made by the 9/11 Commission over two years ago. H.R. 1 will distribute homeland security grants based on risk, enhance nuclear non-proliferation, and improve education and economic development in Arab and Muslim countries.

Under the Republican regime, I was never one to jump on the homeland security bandwagon as Congress passed meaningless resolutions intended to frighten and divide the American people, repeatedly and falsely claimed progress was being made in Iraq, and conducted no oversight of the Department of Homeland Security. In contrast, the Democratic Congress is already taking meaningful action to improve American security. H.R. 1 is short on rhetoric and long on reforms and tough new security requirements.

The 9/11 Commission Recommendations Act contains common sense, bipartisan ideas. Opponents may argue that this bill is too ambitious, but they won't find a single provision inserted merely to instigate a political fight.

In the recent election, Democrats pledged to work across the aisle to pass substantive legislation that will affect the everyday lives of all Americans. This first bill meets that pledge. I urge my colleagues to heed the pleas of our constituents to stop posturing and start legislating by voting yes to make America more secure.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of H.R. 1, and I urge all my colleagues to join me in voting to pass this vitally important legislation to implement the recommendations of the bipartisan 9/11 Commission.

Keeping all Americans safe should be the top priority of the government. Congress cannot wait for another attack to take steps to protect our nation from terrorism. I have worked on the Homeland Security Committee to implement the 9/11 Commission's recommendations, and I hope that the rest of my colleagues will join me in supporting these critical reforms.

The bill includes a number of steps to improve homeland security, including:

Requiring major improvements in aviation security, border security, and infrastructure security;

Requiring 100 percent inspection of cargo at ports and on passenger aircraft;

Providing first responders the equipment and training they need including the critical issue of communications interoperability;

Increasing efforts to prevent terrorists from acquiring weapons of mass destruction;

Significantly expanding diplomatic, economic and educational strategies designed to counter Islamic terrorism;

Strengthening privacy and civil liberties protections; and

Restoring America's moral leaderships throughout the world.

As North Carolina's only Member of the Homeland Security Committee, I worked with my colleagues in the 109th session of Congress to implement many of the reforms included in today's legislation. In particular, I joined my colleagues on the committee in supporting legislation to screen 100 percent of all containers entering U.S. ports, and to provide first responders with interoperable communications equipment.

The bipartisan 9/11 Commission was created by Congress to provide recommendations on preventing another terrorist attack. The recommendations were released in 2004. Congress implemented several of the recommendations in December 2004, however the Republican-controlled Congress did not implement many, and only partially implemented others. In its final report card, the 9/11 Commissioners gave the Administration and Congress many poor grades on implementing the recommendations, and this legislation will make America safer by putting these new policies into place.

Mr. Speaker, the American people want bipartisan action to provide real solutions for a safe and secure country, and I urge my colleagues to join me in voting to pass H.R. 1.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.R. 1, a long awaited legislative package that will finally fulfill our duty to protect the people of our nation by fully implementing the recommendations of the 9/11 Commission.

After months of careful investigation into the security weakness that led to the 9/11 attacks, the bipartisan and independent 9/11 Commission proposed a series of reforms necessary to secure our country and prevent future terrorist attacks. These recommendations addressed a number of areas, including revamping the way we fund homeland security, preventing nuclear materials and WMD from falling in the worst hands, and targeting the root causes of terrorism. Yet, despite bipartisan public support for their work, 20 of the Commission's 41 recommendations—nearly half—have gone unfulfilled.

Over the past two years, the 9/11 Commission has rated Congress' implementation of their recommendations with failing grades. Protecting the American people is the primary responsibility of our government, and I am proud that one of the first bills considered by the new Congress is the implementation of all of the 9/11 recommendations. This bill meets our duty to protect the nation we serve by requiring the scanning of all air and maritime cargo, increasing resources that will enable our first responders to communicate with each other in times of crisis, and ensuring that we distribute our homeland security funding where it is needed the most.

I am particularly grateful that this bill increases our commitment to preventing the worst weapons from falling into the worst hands. During public forums on nuclear nonproliferation I have hosted in the past year at St. Joseph College and Trinity College, many of my constituents expressed their concerns about nuclear materials falling into the hands of terrorists. That threat to our nation is real, and this bill fulfills the 9/11 Commission recommendation to prevent terrorists from acquiring weapons of mass destruction and strengthen our nonproliferation programs around the world.

More than sixty Connecticut residents lost their lives on that tragic September day in 2001. Over five years later, we owe it to them and their families to finally implement these measures and ensure that such a day will never happen again.

Mr. LANGEVIN. Mr. Speaker, I rise today to commend this body for considering legislation which with finally get us back on track to fully implement all of the recommendations made by the bipartisan 9/11 Commission in 2004.

The 9/11 Commission provided our nation an objective and eye-opening assessment of how terrorists were able to exploit our security vulnerabilities on September 11th and made 41 key recommendations to address these shortcomings.

Unfortunately, two and a half years after the Commission's recommendations, there are still glaring threats that remain to be addressed. In fact, just over a year ago, the 9/11 Public Discourse Project issued a report card that gave the Administration D's and F's in some of the most critical areas.

Today, we finally have an opportunity to ensure that the 9/11 Commission's tireless efforts were not in vain. The legislation before us would shore up remaining vulnerabilities and implement recommendations that have been ignored completely or only partially addressed until now.

As the former Ranking Member of the Subcommittee on Prevention of Nuclear and Biological Attack, I am particularly pleased that this bill contains several provisions to make our nation more secure from the threat of a nuclear attack. H.R. 1 strengthens our most effective global non-proliferation programs, like Cooperative Threat Reduction and the Global Threat Reduction Initiative. These programs have proven successful in securing the most dangerous nuclear material abroad, before it can get into the hands of those who would do us harm.

Additionally, this measure gives the United States the power to sanction individuals involved in the illegal trade of nuclear material. It also builds upon the recently enacted SAFE Ports Act by requiring all cargo containers be scanned before leaving their port of origin and improves the quality of their inspections.

Today we are also taking a long-overdue, comprehensive approach to the vulnerabilities that remain in our aviation system. Under this measure, we will finally screen 100 percent of cargo on passenger planes and improve airline screening checkpoints to detect explosives. This measure will also create a redress process for passengers misidentified against the "No Fly" or "Selectee" watchlists who have been wrongfully delayed or prohibited from boarding a flight.

This measure provides significant support to first responders, who place their lives on the line each day, by funding state and local efforts to obtain the interoperable communication systems essential for emergency response. Additionally, our bill will considerably improve information sharing, which is one of our most effective forms of defense. H.R. 1 will strengthen fusion centers across the country, helping state and local law enforcement build relationships across every level and discipline of government and with the private sector to help ensure that criminal intelligence and other information is shared with those who can put it to the best use.

Finally, this legislation will protect the privacy and civil liberties of Americans, while effectively combating terrorism. Under this measure, the Privacy and Civil Liberties Oversight Board will be reestablished as an independent agency, which will greatly enhance the Board's oversight functions and help to ensure that we do not sacrifice freedom in the name of security.

The best way to honor those who died in the attacks of September 11th is to learn from the lessons of that tragic day, and this bill brings us much closer towards achieving this goal.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H.R. 1.

I am deeply disappointed that it has taken more than 5 years since the terrible events of September 11, 2001, to implement the recommendations of the 9/11 Commission.

However, by making legislation implementing these recommendations the first

measure brought to the floor, our Democratic leadership has affirmed what will be our unwavering commitment to homeland security throughout the 110th Congress.

I am also deeply heartened that this bill would exceed the 9/11 Commission's recommendations by finally requiring the examination of all shipping containers bound for the United States.

Only a small percentage of the 11 million containers delivered during the more than 62,000 port calls made annually at U.S. ports is physically inspected upon arrival. It is therefore critical that all possible measures be taken to interdict containers that could pose a threat to our Nation's security before they ever set sail for our shores.

I urge the passage of H.R. 1 and I commend Speaker PELOSI, Leader HOYER, and Chairman THOMPSON for their dedication to port security. I look forward to working with our distinguished Chair, Mr. OBERSTAR and the leadership to strengthen the security of every facet of our Nation's transportation network.

Mr. STEARNS. Mr. Speaker, H.R. 1, the ''Fully Implementing the 9/11 Commission Recommendations Act,'' does not achieve what it advertises. In fact, in many cases, it inhibits our Nation's ability to secure our citizens against attack. This bill neglects to address many recommendations, including classified oversight of the Homeland Security Department, declassification of the intelligence budget, and a shift of paramilitary operations from the CIA to the Defense Department. There are other provisions inserted in this bill, that do not appear anywhere in the 9/11 Commission Report, including unionization of Transportation Security Administration (TSA) employees, 100 percent screening of cargo containers, and several foreign policy initiatives, some of which have already been passed into law.

Incredibly, a provision in this bill would cede one of our Nation's most critical and effective national security initiatives to regulation by the United Nations. The Proliferation Security Initiative (PSI) is a 4-year-old program created and run by the United States to coordinate nonproliferation efforts by ourselves and our allies. This program's effectiveness was a key deterrent to Libya's nuclear program, and was directly responsible to uncovering the large Pakistani nuclear black market ring run by A.Q. Khan. Transferring this program to the United Nations would require participants in the program to seek the approval of these foreign governments prior to interdicting illicit WMD material, creating yet another hurdle that agencies would have to overcome prior to intercepting illegal WMD shipments.

This program relies heavily on shared intelligence, which is the primary reason it must not be handed over to the UN Security Council. This would jeopardize the intelligence, routes, methods and sources used by U.S. and allied forces to prevent proliferation of WMDs by rogue regimes and terrorist organizations. Allowing members of the United Nations Security Council, which in the past has counted Syria and Pakistan as members, will compromise operations, cripple the program's effectiveness and endanger our citizens.

In yet another disparity, the 9/11 Commission does not recommend 100 percent screening of cargo containers. However, the last Congress determined that greater security was a need, and therefore passed, with bipartisan support, the SAFE Ports Act. Under these expanded security measures, all cargo entering the country is assessed for risk long before it reaches our shores, and when designated as questionable, those shipments are thoroughly inspected. In fact, current best practices by the Customs and Border Patrol also includes random inspections both at dockside during loading and unloading, and of the trucks as they leave the port.

This 100 percent mandate is also incredibly burdensome financially. House Democrats expect industry, and possibly foreign governments, to cover the costs of ensuring 100 percent cargo screening of containers entering the United States by air or sea. The airlines would be expected to pay for air cargo inspections; while foreign port terminal operators would be expected to pay for scanning U.S. bound sea cargo. The bill does not estimate how much this will cost, but DHS is already spending $60 million a year to scan sea cargo at six foreign ports. According to DHS, there are more than 700 I seaports that ship to the U.S., raising estimates of the costs of this program into the tens of billions.

Funding for Homeland Security must be split to address a wide array of threats against the United States to minimize risk as best possible. To allocate funding on any program that has little likelihood of effectiveness is egregiously irresponsible. Container-screening technology is improving, but is not yet proficient enough to scan all of those containers in a useful, accurate, and speedy manner. That is why in the SAFE Ports Act, Congress included provisions to conduct feasibility studies of the 100% container-screening proposal and of emerging screening technology. The results of these studies have not even been reported, and yet the Democratic leadership insists on pushing through this incredibly ill advised mandate without the full information, without hearings and without mark-up sessions in committee. This illogical, ill-informed approach to our national security is being pursued with only one discernable purpose, political clout by achieving passage of the Democrats' ''100 hours agenda''.

There is also the extraordinarily troubling provision that would grant collective bargaining rights to TSA employees. On the surface, this may seem reasonable, but it poses a clear danger to our national security. Granting unionization rights to TSA employees would allow them to strike when negotiating their contracts. Imagine a strike of TSA screeners at airports across the nation at Thanksgiving, or the during the Fourth of July holiday. It would be a nightmare—airport operations would cease or the security of our flights would be threatened from lack of adequate passenger and luggage screening. That is one reason why federal employees in positions impacting National Security were purposely excluded from collective bargaining rights when Congress passed the Labor-Management Relations Act in 1947, and affirmed again when the TSA was re-established under the Department of Homeland Security in 2002.

DHS must have the flexibility to move and retrain employees at will in response to the changing nature of threats against the United States. Following last July's intelligence revelation that terrorists were plotting action against U.S. flights from the United Kingdom, one critical advantage that DHS cited was the ability to shift employees to respond to this new emerging threat. Should TSA employees unionize, DHS would no longer have this speed and flexibility, weakening our responses to terrorist threats.

This bill is touted by democrats to implement many of the recommendations of the 9/11 Commission, but not only does it not accomplish this, it fails to identify funding for the initiatives. In fact, only one provision in the entire bill contains a defined funding authorization: the checkpoint screening security fund, which would authorize $250 million for FY2008. Therefore, this legislation could end up only as an exercise in futility should appropriators not allocate funds for these programs. House Homeland Security Chairman BENNIE THOMPSON conceded that he may have included more authorization levels had there been more time, ''But, in the spirit of 'let's get it done,' we'll work it out.'' Ramming through legislation with the expectation that legitimate concerns and problems with legislation will be addressed at some later date is not the way to protect our citizens, and it is certainly a haphazard manner in which to pass laws.

National security is not an issue that should hinge on ''rough drafts'' of proposals awaiting future refinement. If there is a need to reform our nationals security procedures, which I believe there is, it is imperative that we thoroughly consider these issues in Committee with hearings and legislation mark-up sessions. We must always consider national security issues with due deference and the humbling knowledge that every initiative we pass here in Washington will directly impact the security of our constituents at home.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of H.R. 1. The 9/11 Commission made its recommendations over two and a half years ago, and I am pleased this legislation to implement those recommendations is a top priority in this Congress.

Among other things, this legislation will address the allocation of Homeland Security grants to ensure risk-based distribution of funds to provide the most vulnerable areas with the resources necessary to protect citizens and infrastructure. Section 2001 of this bill defines what critical sectors should be used to determine high risk areas, and representing a district that is home to many of these sectors, I have long supported these changes.

This bill will also improve information sharing among different levels of law enforcement, improve the interoperability of communications for first responders, and strengthen aviation and cargo security.

As the 9/11 Commission pointed out, these are all important steps toward securing our homeland. But I am concerned about how some of these objectives are accomplished and the jurisdictional implications in this bill.

In particular, this bill provides the Department of Homeland Security with broad authority over public health, electric transmission, site security, and communications. The agencies and departments that currently oversee these areas have expertise working with these issues and it is not clear that DHS is better prepared to regulate, advise or award grants in these areas.

I look forward to working with my colleagues to ensure these issues are worked out either in conference or through committee oversight.

Mr. HOLT. Mr. Speaker, after more than 2 years of needless delay, the House is finally taking action on the balance of the recommendations made by the 9/11 Commission.

This is a large bill that tackles a range of critical issues, but I want to comment on three areas in particular: risk-based funding for homeland security needs, making our first responder's communications truly interoperable, and measures we need to take overseas to stop the terrorist from getting here in the first place.

For the past several years, I've sponsored a series of homeland security grant writing workshops for first responder organizations in my district. These workshops are always well attended and I'm pleased that they've been of value in helping various fire, EMS, and police departments cross central New Jersey become competitive in applying for these grants. However, the one question I get most often from these professionals is "Why aren't these grants allocated on the basis of risk?" I know many of my colleagues were hearing the same thing from their first responders, which is why last year I joined a number of my colleagues in sending a letter to Secretary of Homeland Security Michael Chertoff asking him to make grant award decisions on the basis of risk. While DHS has made some progress in this area, it hasn't come far enough quickly enough. That's why I'm pleased that this bill requires DHS to use a risk-based funding formula when allocating these grants. New Jersey is at far greater risk of attack—and it has more infrastructure targets, like chemical plants—than more rural, less densely populated states. Our vulnerabilities require commensurately greater resources.

Another critical fix contained in this bill is a grant program dedicated to communications interoperability. As incredible as it may seem, 5 years after the 9/11 attacks, and one year after Hurricanes Katrina and Rita, the Department of Homeland Security still does not allocate funds specifically for the purpose of helping local first responders coordinate in an emergency. As a result, states and localities are forced to rob Peter to pay Paul by using large chunks of homeland security grant funding—in some instances 80 percent—to purchase communications equipment. As a result, fewer resources are spent securing bridges, ports, and buildings. This is a false choice being forced upon local officials. Today's legislation is a down payment on those needs.

Importantly, the federal grants can be used only for equipment, technology, and systems that have been determined by the Secretary of Homeland Security to meet emergency communications equipment and technology standards. Therefore, State and local governments will be protected from relying solely on the claims of vendors, and can use the grants to invest in emerging technologies, not the same dinosaur systems that first responders historically have been forced to rely on. Also, this bill also takes steps to ensure the completion of a National Emergency Communication Plan. Such a plan will help to ensure that Federal, State, and local governments are developing plans and systems to improve multi-jurisdictions communications in an emergency that is truly "National" in scope.

Finally, while this bill includes useful provisions for strengthening our outreach to the Islamic world, we have to recognize that defensive measures at home are necessary in part because of a failure of our policies abroad.

For decades, our government has had a devil's bargain with a number of corrupt, despotic regimes in the Middle East and South Asia: they help us maintain order in the region, and we help them maintain order at home. We don't like to talk about this hypocritical double standard, but it exists, and it is impossible to truly quantify how much damage that hypocrisy and our support for such dictatorial regimes has cost us.

This is another legacy of the Cold War, where any country—no matter how brutal its government—was a potential ally for us against the Soviets. The same misguided approach is now being applied in our relationships with various countries with corrupt, brutal governments that ruthlessly suppress dissent at home even as they proclaim their solidarity with us in the war against Al Qaeda and like-minded groups.

The reality is that by viciously obliterating the voices of moderation in their societies, these despotic regimes are paving the way for Al Qaeda. By eliminating those calling for a free press and free elections, these governments are driving ever-greater numbers of Muslims into bin Laden's ranks. So long as we stand by and let them repress or destroy the voices of moderation in these countries, will we be complicit in the creation of the next generation of people who reject democracy in favor of the Kalishnikov rifle or the car bomb.

Mr. Speaker, I'm pleased that the House will pass this bill today and I will gladly support it. But we must know that even if this bill becomes law, the work of protecting our citizens and restoring our country's standing in the world has only begun.

Ms. MATSUI. Mr. Speaker, the new Congress has begun and today we debate the first piece of our 100 hours agenda, H.R. 1—the implementation of some of the long-overdue bipartisan 9/11 Commission recommendations.

As I have stated on numerous occasions, national security is our highest priority. By passing these long-overdue 9/11 Commission recommendations today, we will be taking significant steps towards better protecting our country. This means scanning all air cargo loaded onto passenger planes and seaborne cargo containers shipped into the United States, as well as encouraging intelligence information sharing among federal, state and local agencies.

Further, it will increase the share of state homeland security grants provided to our communities, based on risk—an issue of particular concern to my home state of California. The current formula results in 40 percent of funding equally distributed to each state with the remainder allocated based on risk. With H.R. 1, each state is guaranteed a minimum of .25 percent of funding, while states that share an international border, or are connected to a body of water with an international border would receive at least .45 percent. This strikes a balance between risk-based allocations and ensuring a funding minimum for all states. Another result of this new distribution is that more funding will be directed towards essential programs such as the Urban Area Security Initiative, the State Homeland Security Grant program and the Law Enforcement Terrorism Prevention program.

Concerns have also been raised about the gaps in the Department of Homeland Security's critical infrastructure asset database. Over the past year, I have repeatedly highlighted overlooked infrastructure with DHS, which led to the Department making changes to the Urban Area Security Initiative Grant. This bill will begin to close this gap by requiring annual assessments of information regarding critical infrastructure and the creation of a regularly updated asset databases.

As I have repeatedly stated, the federal government needs to do its job of protecting the American people. Part of that is providing leadership by setting standards as incorporated in H.R. 1 and the other is to provide resources.

Mr. Speaker, Congress has had far too long to implement these critical reforms recommended by the bipartisan 9/11 Commission. I am pleased to be able to vote today in favor of H.R. 1. I know that these reforms will direct our limited federal funds toward areas facing higher threats, and ensure further safety standards for our transportation systems. Through H.R. 1 we will ensure that our country is better protected against and prepared for any future terrorist attack.

Mr. HERGER. Mr. Speaker, there are a number of provisions in this bill that I believe will improve our national security. For instance, I support increasing protections at our most important infrastructure facilities, like dams and power plants, and improving the Homeland Security grant allocation process so that it is truly risk-based. I also agree with the provisions in the bill that would strengthen sanctions on countries that participate in the proliferation of nuclear materials, equipment and weapons technology.

However, I do have concerns with the bill's cargo inspection provision. We need to arrive at a system that ensures that all cargo entering the U.S. is safe. I believe the best way to approach supply chain security is through a risk-based approach, as endorsed by the SAFE Ports Act, which became law last fall. In particular, the SAFE Ports Act establishes a pilot program to test a system of 100 percent scanning at three ports. Then, based on lessons learned from that program, we could deploy a broader functioning inspection system.

Although the goal of today's legislation is laudable, I am concerned that it imposes an arbitrary deadline for its new requirement for 100 percent scanning in all ports without first considering the effectiveness of such a proposal or our ability to carry it out. We must also consider who will pay for this new program—both inside and outside the United States.

Mr. Speaker, I remain committed to working with others in the House to see that the provisions of last year's SAFE Ports Act are implemented, and believe that the feasibility of any new measures and mandates should be demonstrated before they're passed into law.

Mr. SENSENBRENNER. Mr. Speaker, during this past campaign, Democrats pledged to move legislation through the regular committee process and to allow Republicans more latitude to offer amendments on the House floor. They broke this promise last week, again today, and they intend to do it next week as well. Today, as the House considers H.R. 1, the Implementing the 9/11 Commission Recommendations Act of 2007, Members are not allowed to offer any amendments. Formal committee process, rather than a closed rule and no committee consideration, would have identified the absurdity of providing an unelected board with an administrative subpoena authority that exceeds that of the FBI.

An administrative subpoena is an order from a government official to a third party, instructing the recipient to produce certain information. Congress has granted subpoena authority to many agencies that exercise regulatory powers. One problem with administrative subpoenas is that they are not reviewed by courts unless challenged or for enforcement reasons.

The 9/11 Commission's final report recommended that ''there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties.'' H.R. 1 makes the Privacy and Civil Liberties Oversight Board an independent agency within the executive branch.

I generally oppose administrative subpoenas within the executive branch, specifically those for law enforcement. I opposed granting the FBI administrative subpoena authority during consideration of the PATRIOT Act and I oppose it in this case.

During a Judiciary Committee markup of H.R. 10 in September 2004, I offered an amendment to establish a Privacy and Civil Liberties Oversight Board to provide advice and counsel on policy development and implementation as it pertains to privacy and civil liberties implications of executive branch actions, proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism. My amendment was a complete substitute for an amendment offered by Mr. WATT that would have provided for a similar board with broad administrative subpoena power and provided nearly unlimited authority to analyze all aspects of the Nation's war on terrorism.

While it is necessary to provide the proper tools and resources needed to fight and win the war on terror, giving an unelected board broad administrative subpoena authority is not the answer.

Mr. GARRETT of New Jersey. Mr. Speaker, I am greatly pleased that the first priority of this legislation is to continue the efforts of the 109th Congress to fundamentally change the way in which Homeland Security grants are dispersed. By current formulae, only 60 percent of grants are assigned on the basis of risk, meaning that we are spending hundreds of millions of dollars that should be protecting our most vulnerable citizens and infrastructure on political priorities.

Restructuring this grant program to better protect the regions at highest risk of terrorist threat has been amongst my highest priorities since coming to Congress. North Jersey, which I represent, lost many residents and family members in the 9/11 attacks and, in fact, sent many of its own first responders over the Hudson River to respond to those attacks. While those same brave New Jersey first responders have struggled to purchase the communications and safety equipment that are necessary to deal with any future attacks, operating with outdated air packs and obsolete radio equipment, other areas of the country with less risk of terrorist attack have had the luxury of using these funds for far less necessary purchases.

Three times the 109th Congress passed legislation to fix this gross oversight. I hope that the current leadership will stand strong and insist that their colleagues in the Senate take the appropriate steps to better prioritize our limited funds and make our people safer.

I am further concerned that this large and expensive bill has come to floor outside of any normal procedure. There are a number of new programs, panels, reports, and procedures contained in the bill that have never come before the Committee on Homeland Security. Some of these programs may be effective in enhancing our security, but without expert testimony or any comment from the department officials who will carry out these directives, we can have no confidence in their value.

In fact, there is no real way to even determine what all these provisions will cost since the bill fails to appropriate or authorize specific sums. Given the claims of our new leadership that they are retaking the mantle of fiscal responsibility, it is disturbing to see that their first piece of legislation, H.R. 1, comes to the floor without any plan for how much is to be spent and where all this new funding is supposed to come from.

Security for the American people should be our number one priority, but we absolve ourselves of our responsibility as legislators by writing a blank check. I hope that in the coming months we can work together to bring real solutions to the House floor and work with the Senate to send strong legislation to the President.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 1, the Implementing the 9/11 Commission Recommendations Act.

I am pleased that in the first 100 hours of the 110th Congress, the Democratic leadership is taking up legislation of enormous importance: how to make our Nation safe from future terrorist attacks.

As a Nation, we must work harder to close the security gaps that still exist. For example, we know that transportation systems are a frequent target of terrorist attacks. In fact, one third of the terrorist attacks that take place around the world's largest transportation systems.

As many have observed, our Nation's security is only as strong as our weakest link. This bill will help strengthen some of our weakest links, especially with respect to security at our ports.

Today only about 5 percent of the more than 11 million shipping containers destined for the United States are inspected or scanned. We cannot own or control the entire global trade network, but we can and should ensure the security of containers destined for this country.

Security experts agree that nuclear weapons, or bomb-making materials, could easily be smuggled into the country under the current regime.

Beyond the human toll, an attack on or through our ports would have a dramatic economic impact and could bring the flow of commerce to a dead stop. A terrorist attack on our ports—or an attack carried out through a cargo container system—would undermine our Nation's confidence in the hundreds of thousands of containers that crisscross our country every day.

I'm proud to represent one of the busiest commercial ports on the West Coast—the Port of Hueneme. The employees at the Port and the people that live and work around it appreciate that this bill will finally close this glaring security gap.

H.R. 1 ensures that every container is scanned using the best available technology before being loaded onto a ship destined for our country. And it mandates a gradual implementation to ensure that overseas ports have the time to purchase and install new scanning equipment. These measures will ensure that commerce will continue to flow as these important security measures are taken.

As you know, this legislation is modeled on the operations conducted at container terminals in Hong Kong, which scans 100 percent of cargo containers without impeding commerce. The cost of creating this security system is quite minimal. In fact, the estimated cost to scan a container is only $6.50—a drop in the bucket given it costs about $4,000 to ship a container from Asia to the United States.

All Congress needs to do is make 100 percent scanning the policy of the United States. And this legislation would do just that

To protect the security of our Nation, Congress must act to implement this recommendation of the 9/11 Commission, and the others included in this legislation, to further secure our homeland.

Mr. Speaker, we continue to confront grave threats, and there is no greater priority than ensuring the safety of our country.

I urge my colleagues to support this vital legislation.

Mr. BACA. Mr. Speaker, I rise in support of this important legislation to make Americans safer.

One of the most important functions of government is to protect people.

On September 11, 2001, our Nation suffered the devastating terrorist attacks on the World Trade Center in New York and at the Pentagon. Thousands of people were killed, many were injured, and all of us were scarred.

We vowed to do whatever was necessary to protect our homeland. We owe it to the victims and their families. We owe it to all Americans.

And we are taking a big step to make Americans safe.

Congress is now following the recommendations made by the bipartisan commission formed to report on the 9/11 failures.

This Commission had both Republicans and Democrats, men and women who have served our country well. They worked hard to produce a report that would help us understand what needed to be done.

The 9/11 Commission issued 41 recommendations to the Administration and Congress that were designed to improve homeland security, prevent terrorists from acquiring weapons of mass destruction, and develop strategies for preventing the spread of Islamic terrorism.

Many of these recommendations have only been partially implemented. Others have been ignored.

For more than 5 years after the September 11 attacks, Republican leaders refused to take action on many of the recommendations essential to the security of the American people.

The 9/11 Commissioners have routinely given the Bush Administration and Congress failing grades on implementing the recommendations and taking actions to protect Americans.

So it is important that we pass this legislation.

This bill includes many provisions to improve homeland security, including steps to prevent terrorist attacks by speeding up the installation of explosive detection systems to monitor passengers and baggage at airports, requiring 100 percent inspection of air cargo over the next 3 years and 100 percent scanning of U.S.-bound shipping containers over the next 5 years.

These steps are especially important to the people I represent in the Inland Empire of California because our region is an important transportation route for cargo arriving in the United States at the ports of Long Beach and Los Angeles and at LAX airport.

We must make sure that dangerous weapons or chemicals or other hazardous material are not brought into our country and then traveling on highways or railroad tracks or stored in warehouses in the San Bernardino area.

With this legislation, we are also creating a grant program to help first responders have the equipment they need and make sure they can communicate with one another in an emergency.

These are just some of the important and necessary ways we are making Americans safer by passing this legislation.

I am proud to support H.R. 1 to implement the recommendations of the 9/11 Commission.

Mr. DINGELL. Mr. Speaker, on July 22, 2004, the 9/11 Commission released its final report on the 2001 terrorist attacks. That was 2 ½ years ago. Since that time, we have had two elections and two Congresses. Yet only today are we beginning to enact most of the recommendations of the 9/11 Commission.

This is a long and complicated bill that is far from perfect. The scope of the bill's language must be addressed before it is finalized into law. This is, however, an important step forward.

The inaction of the previous Congress and the current administration has left America vulnerable, with the American people questioning its leadership. Cargo remains largely unscreened. Not all first responders can communicate effectively. International alliances against terrorism are in shambles. Civil protections have been weakened. Any bill that attempts to hold the administration accountable for this state of affairs is indeed welcome.

The legislation calls for vulnerability assessments of our Nation's infrastructure and seeks to prioritize threats. It establishes grant programs involving the private sector and public safety officials, for communications, intelligence, and border protection, and encourages a common set of criteria for private sector preparedness efforts.

Some of these functions already occur within Federal agencies that regulate sectors of our economy, including energy, public health, telecommunications, information technology, drinking water, chemical and transportation systems, as well as other commercial facilities. We must ensure the bill will not result in wasteful or duplicative efforts that may cause further confusion, or compromise our national security.

H.R. 1 establishes a new grant program at DHS to improve communications among public safety organizations during emergencies. But true interoperability requires more than just spectrum and technology. Stepped-up coordination and planning among public safety personnel, accompanied by greater funding, are critical.

Congress directed the Department of Commerce to use its spectrum and communications expertise to administer a $1 billion interoperable communications grant program, which is currently underway. Recognizing the value of such a grant program, this legislation now seeks to emulate this approach within DHS. I hope that doing so will properly focus DHS on ways to achieve widespread communications interoperability.

In addition, given the Government Accountability Office's cyber security concerns, I fully expect nothing in this bill will distract DHS or other Federal agencies from properly preparing for and reacting to cyber threats.

Additionally, my home State of Michigan has one of the busiest—and most peaceful—border crossings in the world. Businesses on both sides of the border are dependent on smooth and regular transit between the U.S. and Canada. We need to consider the costs to the economy of northern border States as we strike a balance between open borders and security.

In the weeks following 9/11, the delays at the Ambassador Bridge—Detroit's only crossing with Canada—cost Michigan billions and forced factories to suspend production. Hopefully this legislation can speed the technological enhancements and personnel expansion we desperately need.

I also appreciate the independence this legislation provides to the Privacy and Civil Liberties Oversight Board, whose membership will be confirmed by the Senate. This should go a long way toward ensuring that civil liberties of Americans are truly protected. Without independence, opportunities for chicanery will persist.

I look forward to working with my colleagues to improve upon this important first step. As this legislation moves into conference, members of the Committee on Energy and Commerce with extensive expertise on these matters including issues as diverse as nuclear energy, the reliability of our communications systems, and the safety of our food supply and drinking water, will enhance these policies for the betterment of the American people.

Mr. FOSSELLA. Mr. Speaker, at the outset let me just thank the majority for bringing this bill to the floor because I think that most Americans want Democrats and Republicans to work together to ensure that all America remains safe and secure and not to repeat another September 11.

And by and large there are some very good elements of the legislation, but let me right at the outset request that as we go forward there are some specific concerns that New York City has that I think need to be addressed. First is the issue that the city itself cannot apply directly for the interoperable communications grants, it must go through the State without any requirements that the State get the funds to the locality like New York City such as exists in the UASI process. We know by now that New York City has specific needs and therefore I believe this should be addressed.

The same would apply to what could be a duplicative process in relation to the new interoperability grant program under DHS speaking as someone who was involved with the establishment of the first interoperability grant program under the Department of Commerce where as we speak the NTIA is in the process of preparing guidelines. My concern is that we don't get in a situation where there are two different agencies getting into a bureaucratic trap which will prevent the flow of money.

Most importantly, however, is that we know that one size does not fit all and I speak specifically that under current law there could be, and I think will be a problem, with relation to section 3006 of Public Law 109–171. And that is, as much that over the last 10 years New York City has allocated a lot of money and in the last 5 years since 9/11 almost a billion dollars to upgrade its interoperability capacity to allow firefighters and police officers to talk to each other. So now under current law we are essentially saying that everyone must use the 700 MHz in the spectrum. New York City cannot, like I said, they have allocated a billion dollars, in the 400 and the 800 megahertz spectrum, Why? Because they found out that it is easier to use that to communicate into subways, into high rise buildings. The last thing I think this Congress wants to be on the record for is to essentially tie the hands of New York City. Undo much of the good work that has taken place over the last 5 years and allow New York City and other localities that have unique and specific needs to continue to deploy and build on the networks that they have put in place. I think it would be a big mistake, I encourage the majority to consider using this legislation as a vehicle to clarify congressional intent in current law as the process goes forward. I make no mistake, I make no hesitation that not acting will hurt and punish New York City and the millions, tens of millions of people who come there to visit the greatest city in the world.

Ms. HOOLEY. Mr. Speaker, I rise today to support H.R. 1, Implementing the 9/11 Commission Recommendations Act of 2007. With this legislation we finally have a real opportunity to address the unfulfilled recommendations of the bipartisan 9/11 Commission on improving homeland security, preventing terrorists from acquiring WMD, and developing strategies for preventing the spread of Islamic terrorism.

While I support H.R. 1, there is one area of concern that I believe we could do more to improve and that involves security improvements to our ports and incoming containers. Certainly, screening containers is important but it isn't enough. We have to start with the basics.

The idea of screening 100 percent of all cargo containers is a formidable task that is expensive and extremely time consuming. I believe we should strive to meet these goals, however, this could take many years and cost billions of dollars before we achieve that objective. In the meantime, there are many inexpensive basic steps that we can take to make our ports and containers more secure. Tampering of containers in route to the United States is a genuine threat. Today, containers are only protected by a simple bolt seal. All it takes to defeat our current container security is bolt cutter. Fortunately better technology is available. For over 3 years, the Department of Homeland Security and Customs and Border Patrol have been developing a Container Security Device or a CSD.

The job of a CSD is simple. It attaches to the inside of a cargo container, protected from the elements and anybody who might want to remove or disable it. It monitors and records door openings—authorized and unauthorized. The CSD can then report those breaches to port or customs authorities. It sounds simple and it is simple. These devices are currently being used by the private sector—companies like Starbucks—to safeguard their shipments worldwide. But unbelievably, despite extensive evaluation by DHS, CBP and commercial entities, it still has not been deployed in even a pilot program in the supply chain.

Today, we don't know where a container has been, whether someone has opened the

doors or who actually stuffed it. CSD technology that is available today can provide critical security information. It is also important to note that the CSD program is available at little cost to the Federal Government and to shippers. At less than $20 per shipment, we have a chance to make a real difference in port security. The administration should move to deploy CSD technology and do it at soon as possible.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 1, legislation to fully implement the remaining recommendations of the 9/11 Commission. I am pleased the new House leadership has made this one of the first major pieces of legislation debated in the 110th Congress.

In the 5 years since the appalling acts of September 11, our country has been fighting terrorism to protect America and our friends and allies. On July 22, 2004, the independent and bipartisan 9/11 Commission provided to Congress and the American public 41 recommendations to improve homeland security.

At the end of the 108th Congress, legislation was passed and signed into law that implemented some of the recommendations of the 9/11 Commission. I was disappointed that the bill did not implement all of the Commission's recommendations. That is why I am pleased to support the bill before us today which includes all of the remaining recommendations.

One of the most important subjects the bill addresses is how the U.S. Government interacts with the Arab and Muslim world. The United States must extend our preemptive strategy to include winning the hearts and minds in the developing world; I believe this can be achieved through education reform. H.R. 1 would significantly enhance the International Arab and Muslim Youth Opportunity Fund, which is designed to improve educational opportunities for these youth, by calling for greater funding and outlining specific purposes for the fund.

Education reform in the Arab and Muslim world is of great importance to me. In fact during the 109th Congress I introduced the Universal Education Act to reform education in the developing world. Despite strong evidence that education can make nations more prosperous, healthy, stable, and democratic, the total amount spent each year on foreign aid directed at education could not even build 20 American high schools. If one of our strategic goals is to defeat terrorism around the world, we need to drastically increase our foreign aid spending, and to help developing nations improve their education systems.

Additionally, the bill before us improves the capabilities of the Human Smuggling and Trafficking Center by authorizing additional funding and hiring intelligence analysts experienced in the fields of human trafficking and terrorist travel. Cutting off the ability for terrorist to leave their country of origin is a first good step to stopping another attack on U.S. soil.

Further, the legislation strengthens several Federal non-proliferation initiatives so that weapons of mass destruction, WMD, do not fall into the hands of terrorists. Moreover, H.R. 1 would enact the Nuclear Black Market Counter-Terrorism Act. This bill requires the President to impose sanctions on any foreign person who trades nuclear enrichment technology to a non-nuclear weapons state or provides items that contribute to the development of a nuclear weapon by a non-nuclear weapons state or any foreign person. This action sends a clear message to would be terrorists that if they do attempt to arm themselves there will be serious consequences.

I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use the report's recommendations to make certain such attacks never happen again.

Again, I would like to congratulate and thank the House leadership for making one of the first tasks of the 110th Congress implementing the wise reforms suggested by the 9/11 Commission. I urge my colleagues to vote ''yes'' on H.R. 1.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H.R. 1.

I am deeply disappointed that it has taken more than 5 years since the terrible events of September 11, 2001, to implement the recommendations of the 9/11 Commission.

However, by making legislation implementing these recommendations the first measure brought to the floor, our Democratic leadership has affirmed what will be our unwavering commitment to homeland security throughout the 110th Congress.

I am also deeply heartened that this bill would exceed the 9/11 Commission's recommendations by finally requiring the examination of all shipping containers bound for the U.S.

Only a small percentage of the 11 million containers delivered during the more than 62,000 port calls made annually at U.S. ports is physically inspected upon arrival. It is therefore critical that all possible measures be taken to interdict containers that could pose a threat to our Nation's security before they ever set sail for our shores.

I urge the passage of H.R. 1 and I commend Speaker PELOSI, Leader HOYER, and Chairman THOMPSON for their dedication to port security.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this long-overdue legislation to implement the recommendations of the 9/11 Commission.

The war on terror isn't just a military operation—it's also a battle to persuade people in Arab and Muslim countries that the universal values of freedom and democracy are far superior to radical ideologies that preach intolerance, hate and violence.

This bill includes several important provisions to help us succeed in that struggle.

Building on previous legislation, it establishes an enhanced International Arab and Muslim Youth Opportunity Fund to provide educational opportunities for young people.

The Fund will support teacher training, the development of modern curricula, and the translation of western publications to help ensure that students have alternatives to the radical Madrassas that nurtured the Taliban and al-Qaeda.

A related provision in the bill extends a program I authored with Mr. Knollenberg that provides scholarships for Arab and Muslim students to attend American-sponsored elementary and secondary schools in their home countries.

This can be a cost-effective means to ensure that needy students receive an American-style education and exposure to western ideas and values.

H.R. 1 also authorizes the designation of a Middle East Foundation to support democracy, human rights, civil society, independent media and the rule of law in countries throughout the greater Middle East.

Like the highly successful Asia Foundation, this non-profit, non-governmental institution will make it easier for the U.S. to support reform-minded organizations and individuals without arousing the suspicion and mistrust that often comes with direct government funding.

Consistent with the recommendation of the 9/11 Commission, this legislation also calls for a significant expansion of U.S. international broadcasting and other public diplomacy in Arab and Muslim countries, and provides new authority that will allow the Broadcasting Board of Governors to respond quickly to a crisis overseas.

As Congress takes these steps to improve our international broadcasting capabilities, I hope the President will appoint a new Chairman of the BBG to enhance the credibility and effectiveness of that important organization.

Finally, this bill also contains some very important provisions to combat the proliferation of weapons of mass destruction.

It repeals unnecessary restrictions on the Nunn-Lugar Cooperative Threat Reduction program, strengthens the Global Threat Reduction Initiative, and establishes a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism.

I urge all of my colleagues to vote ''aye'' on this important legislation.

Mr. BLUMENAUER. Mr. Speaker, I could not be more pleased that we start the hundred legislative hours dealing with the implementation of 9/11 commission recommendations.

On the first somber anniversary of 9/11, I asked myself whether we had done all we could have as a Congress to make America safe. Sadly I did not think so and my feelings were vindicated when the bipartisan independent 911 commission later reported that much more was left to be done. That was as unacceptable then as it is now.

The American public expects and deserves better. By moving forward with these recommendations today, we are keeping faith with that commitment and making long overdue progress. I understand that this is the beginning of that commitment rather than the end. There are other things that I would do much more quickly including giving the American public the budget numbers so they can begin to evaluate our stewardship, but I understand that these will take more time.

We are striking a balance between rapid action, broader consensus and bipartisan engagement. Today we're dealing with the lowest hanging fruit and setting the stage for more progress. I look forward to the committees' of jurisdiction in the House stepping up their efforts, and to the Senate joining us in what I hope will be a steady stream of further reform. Until that happens, launching the grant program for interoperability among first responders refocusing investments based on risks and not political power and providing a platform for the legislative leadership to coordinate in these critical oversight areas are very important first steps.

We'll continue to work for further streamlining the congressional intelligence and security oversight, but I am delighted that this will be done in an open legislative platform and

moving away from the backroom dealing that has shut out the minority.

This represents an important and long overdue step forward.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 1, which provides for the implementation of remaining recommendations by the bipartisan 9/11 Commission.

Implementation of the 9/11 Commission's recommendations is long overdue. In 2004, the 9/11 Commission submitted 41 recommendations to the Bush Administration and Congress to fill critical gaps in our nation's homeland security. More than two years later, many of these recommendations have only been partially implemented and others not at all. Troubling gaps in our homeland security still exist. As the Co-Chairmen of the Commission stated last August, ''we are not as safe as we should be.''

As just one example, the 9/11 Commission found that the inability of first responders to communicate with each other and their commanders resulted in a loss of life after the planes hit the World Trade Center towers five years ago. In an emergency situation, first responders in a unit—and across departments—must be able to talk to each other. In response, one of the Commission's recommendations stated that establishing and funding interoperable communications for first responders had to be given a high priority. This hasn't happened; indeed, after Hurricane Katrina slammed into New Orleans last year, the communications network in that city simply collapsed.

Securing funding for interoperable radios is the number one homeland security priority for my district, but the high cost of establishing the required infrastructure and acquiring the necessary equipment has greatly slowed this vital effort. For smaller communities, the tens of thousands of dollars needed to upgrade their systems is simply too great. The standalone interoperability grant program included in this legislation is a great step forward, and I look forward to working to secure appropriations for this critical effort in the future.

The Commission also criticized the current funding system for federal first responder funding—which guarantees States a large portion of baseline funding with some additional funding distributed on the basis of population—arguing that homeland security assistance should be based ''strictly on an assessment of risks and vulnerabilities.''

One result of the current funding formula is that States at low risk of terrorist attack receive far more money per capita than states at much higher risk from terrorism. For example, under the current formula, Wyoming received $18.06 per capita in Department of Homeland Security grants in 2006 while Michigan, whose border crossings are the busiest on the northern border and conduct about $450 million in trade every day, received $5.13 per capita.

The legislation before the House significantly increases that share of state homeland security grants provided on the basis of risk. Under the bill, most States would be guaranteed a minimum of 0.25 percent of Homeland Security grant money, down from 0.75 percent. Eighteen states that have international borders, including Michigan, would get a higher guaranteed amount of 0.45 percent of the total. The rest of the money would be distributed based on the Homeland Security Department's assessment of risk and need. I agree with this approach. We must focus our resources on high-threat areas where the risk from terrorist attack are greatest.

The most basic job of government is to be ready to respond in the event of a disaster, whether natural or man-made. We can't afford another response like the one following Hurricane Katrina. I urge all my colleagues to join me in voting for this important legislation.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 1, the 9/11 Commission Fulfillment Act of 2007. Specifically, I strongly support the provision in this bill that creates a new Checkpoint Screening Security Fund, with $250 million in dedicated funding for explosive detection technology at airport checkpoints. This provision is derived from H.R. 1818, the Airport Screener Technology Improvement Act of 2005, which Chairman OBERSTAR and I introduced last Congress.

Mr. Speaker, the single greatest security threat to aviation today is the suicide-bomber as evidenced by the 9/11 Commission specifically recommending that the Transportation Security Administration (TSA) and Congress ''give priority attention to improving the ability of screening checkpoints to detect explosives on passengers.''

Several months later, the Department of Homeland Security Inspector General (IG) reported that airport screeners were still having serious problems detecting threat items at checkpoints because they lacked the technology. Specifically, the IG found that:

> ''Despite the fact that the majority of screeners . . . were diligent in the performance of their duties . . . lack of improvement since our last audit indicates that significant improvement in performance may not be possible without greater use of technology . . . We encourage TSA to expedite its testing programs and give priority to technologies, such as backscatter x- ray, that will enable the screening workforce to better detect both weapons and explosives.''

In response to the IG's findings, the TSA concurred.

In September 2005, the 9/11 Commission reiterated its recommendation to strengthen passenger security screening declaring that ''minimal progress'' had been made. The Commission urged Congress to:

> ''. . . provide the funding for, and TSA needs to move as expeditiously as possible with, the installation of explosives detection trace—portals at more of the nation's 441 commercial airports, while both continue to support the development of more advanced screening technology.''

Mr. Speaker, the recommendations, findings and statements of the DHS IG, TSA, and the 9/11 Commission all suggest that technology is sorely needed to improve security at our airports. But, limited funding has prevented the wide-scale deployment of these technologies.

We know what needs to be done to improve screener performance, and we must take action now. If a U.S. airliner is destroyed by a suicide-bomber it will not be regarded as a ''failure of imagination''—it will be regarded simply as a failure of funding and a failure of political will to provide the resources that might have prevented it.

Mr. Speaker, I am extremely pleased that H.R. 1 provides dedicated funding to improve airport security checkpoints and I ask my colleagues to vote yes on this bill so we can work to deploy technologies that will help our screeners do their jobs and keep the American traveling public safe.

Mr. HASTERT. Mr. Speaker, our Government has no greater responsibility to the American people than national security. It is one of the few prescribed duties specifically outlined in both the preamble and body of the United States Constitution.

It has been over 5 years since the terrorist attacks of September 11 and America is safer and much more alert to the dangers that lurk in our world. Since 9/11, our military and our intelligence services have thwarted dozens of attacks. Their efforts have saved countless lives. These successes were possible because of the tools we armed them with through the passage of laws on the floor of this House.

Mere days after September 11, Republicans responded by approving the USA PATRIOT Act to address the ways in which American law enforcement agencies can combat terrorism. By making necessary changes such as modernizing wiretapping laws and allowing more information sharing between law enforcement agencies, we increased the likelihood of catching terrorists and punishing them accordingly. This law, which we recently reauthorized, has enabled the Federal Government to effectively deter and punish terrorist acts in the U.S. and around the world.

Following the release of the 9/11 Commission's report and recommendations. Members of the House and Senate met to discuss these issues. At times, our views differed significantly regarding the changes we believed were necessary, but, in the end, we were able to find common ground on many of these issues and did what was right for America.

This culminated in the passage of the Intelligence Reform and Terrorism Prevention Act. This legislation provided the largest overhaul in the structure of the U.S. intelligence community since the creation of the CIA and incorporated most of the recommendations offered by the 9/11 Commission. Furthermore, this legislation allowed the intelligence community to focus its efforts on 21st century threats and was a tremendous step to further protecting the safety of the American people.

As we learned, access to timely and accurate information is critical to defeating terrorists and protecting our Nation from other threats. As such, the bill created the Office of the National Intelligence Director who acts as the unifying central point bringing together U.S. intelligence efforts. In addition, the bill addressed the loop-holes that existed in our national security structure by making improvements to law enforcement, defense intelligence, emergency preparedness, and border and aviation security.

The Intelligence Reform Act also addressed the issue of communications interoperability for first responders. The act required the Secretary of Homeland Security to establish a national strategy for public safety interoperability communications, and required the Secretary to establish two pilot projects to serve as national models. In addition, we passed subsequent legislation to establish an Office of Emergency Communications within the Department of Homeland Security.

Furthermore, we included provisions in the Deficit Reduction Act to plan for the release of radio frequency spectrum, and create a fund to receive spectrum auction proceeds. Among other things, the fund establishes a grant program of up to $1 billion for public safety agencies to deploy interoperable systems.

Nonetheless, we still had important border security and immigration provisions to be addressed. To that end, the House passed the REAL ID Act of 2005. A key 9/11 Commission recommendation, the REAL ID Act federally standardizes the requirements for applying and issuing State identification cards. According to the 9/11 Commission, the 19 hijackers responsible for the 9/11 terrorist attacks carried between them 13 valid drivers' licenses and 21 State-issued ID cards. The Commission recommended Congress establish Federal standards for sources of identification in order to target terrorist travel and better prevent another terrorist attack on American soil. This legislation addressed that.

And that's not all—over the past 5 years, this House has passed legislation to address maritime and port security, aviation security, and research and development of biomedical countermeasures to potential biological attacks.

As President John F. Kennedy once said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger." This is a responsibility we have never shied away from. America must continue to be vigilant and prepared for terrorist threats and attacks. And we will continue to work together to that end.

Mr. ORTIZ. Mr. Speaker, I rise in support of the long-awaited legislation this nation has desperately needed since the 9/11 attacks on our democracy . . . yet which was pushed to the back burner by the previous Congress.

I'm proud that—within the first 100 legislative hours of this Congress—we are considering this bill to make our Nation safer by implementing the 9/11 Commission's recommendations left out of the Intelligence Reform bill in 2004. The bill also goes beyond the Commission's recommendations by requiring, within five years, 100 percent scanning of U.S.-bound shipping containers.

I represent two major ports in South Texas—the Port of Brownsville and the Port of Corpus Christi, which also has a strategic sealift command—and the array of possibilities for terrorists to access our Nation through shipping containers is amazing and horrifying.

Implementing the Commission's recommendations will make us safer by enhancing homeland security, strengthening efforts to stop the proliferation of WMD, and promoting strategies to reduce the appeal of extremism, particularly in Muslim parts of the world.

Today, we are—at long last—making a number of substantial improvements to homeland security, including: distributing homeland security grants on the basis of risk alone; creating a stand-alone grant program for interoperable communications for first responders; requiring a 100 percent inspection of air cargo over the next 3 years; accelerating the installation of explosive detection systems for checked baggage; and mandating a strategic plan to deploy explosive detection equipment at passenger checkpoints.

Today's bill also offers provisions to prevent terrorists from acquiring WMD by creating a U.S. Coordinator for the Prevention of WMD Proliferation and Terrorism and a blue-ribbon commission to recommend further reforms. We also strengthen efforts to eliminate nuclear black-market networks, easily the greatest danger to the civilized nations of the world.

Through this bill we offer strategies to reduce the appeal of extremism by providing assistance for expanding modern educational programs for Arab and other Muslim youth around the world, as well as promoting economic opportunities, education reform, human rights, and democratic processes in the countries of the Middle East.

This is a good day for this nation . . . and when the president signs this bill into law, we will be a safer nation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to take the opportunity to make reference to the fact that H.R. 1 includes provisions in which the Judiciary Committee has a jurisdictional interest. Specifically, I am speaking of provisions that touch on the following aspects of the bill: the Human Smuggling and Trafficking Center, the Fusion and Law Enforcement Education and Teaming Grant Program, the Privacy and Civil Liberties Oversight Board, the Federal Advisory Committee Act, and the treatment of detainees.

I appreciate the assistance of my colleague from Michigan, Mr. CONYERS, in assuring the expedited consideration of this important legislation on the House floor, given his Committee's jurisdictional interest in the legislation. While it is important to note that I do not control the entire process, as there are other House Committees involved and the Senate will likely have its own positions on a variety of these issues, I am glad to work with the gentleman from Michigan and other Members of the Judiciary Committee as this legislation moves forward.

Mr. MCNERNEY. Mr. Speaker, the terrorist attacks of September 11, 2001 remain a dark day in our Nation's history, but the tragedy of 9/11 rallied Americans to the aid of their fellow citizens and showed the world our resilience.

Throughout the country, patriotic Americans responded to the attacks by volunteering to serve their country in the armed forces, and I am proud to count my son among those who signed up.

Since 9/11 we've known that we need to do more to expand security measures nationwide. The legislation we will be voting on today takes us a few steps closer to protecting Americans here at home by increasing security at our nation's ports and airports, improving communication, and providing funding for our first responders.

The 9/11 Commission created the blueprint for increasing security some time ago, and I'm pleased today that we are implementing these critical security recommendations to make America more safe.

I commend the House for taking up this legislation today, and I urge all of my colleagues to support its adoption.

Mr. SIRES. Mr. Speaker, I rise today in support of H.R. 1. My district in Northern New Jersey was greatly impacted by the terrorist attacks on September 11, 2001. It has been over 5 years since that terrible day and we are still mourning for those who were lost. I can think of no better way to honor the memories of those who were lost and to honor those who were injured than to pass H.R. 1 today.

Two and half years ago the bipartisan 9/11 Commission released their report and submitted 41 recommendations to Congress. As of today, many of those recommendations have not been implemented and therefore we have not done everything we can to help secure our nation.

One of the most important recommendations is to change the distribution of homeland security funding for high risk States and regions. My district has been named one of the areas in the country that is most susceptible to terrorist attacks. The risk that we live with every day should warrant more federal funding in order to help ensure security. The cities and towns in my district need to know that they can count on funding for overtime, equipment, and all of the other demands that are put on our communities due to these threats.

Mr. Speaker, this bill is long overdue. I strongly support H.R. 1 and I urge all of my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to section 507 of House Resolution 6, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. ROS-LEHTINEN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Ros-Lentinen moves to recommit the bill H.R. 1 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendments:

Page 191, after line 22, insert the following:

(a) STATEMENT OF POLICY.—The following shall be the policies of the United States:

(1) The responsibility for ensuring the security of the American people rests exclusively with the Government of the United States and may not be delegated in whole or in part to any international organization, agency, or tribunal or to the government of any other country.

(2) The freedom of the Government of the United States to act as it deems appropriate to ensure the security of the American people may not be limited by, or made dependent upon, the act or lack thereof, by any international organization, agency, or tribunal or by the government of any other country.

(3) The U.S. Constitution is the supreme law of the land and cannot be subordinated to, or superseded by, any act, or lack thereof, by any international organization, agency, or tribunal or by the government of any other country.

(4) In carrying out its responsibility for ensuring the security of the American people, the Government of the United States has sought and should continue to seek to enlist the cooperation and support of international organizations, agencies, and tribunals, including the United Nations and its affiliated organizations and agencies, as well as the governments of other countries; but no act taken by the Government of the United States regarding its responsibility to ensure the security of the American people may be deemed to require authorization, permission, or approval by any international organization, agency, or tribunal or by the government of any other country.

Page 191, line 23, redesignate subsection (a) as subsection (b).

Page 192, strike lines 10 through 12.

Page 192, line 13, redesignate paragraph (3) as paragraph (2).

Page 192, line 15, redesignate paragraph (4) as paragraph (3).

Page 193, strike lines 6 through 9.

Page 193, line 10, redesignate subsection (b) as subsection (c).

Page 193, line 14, redesignate subsection (c) as subsection (d).

Page 193, lines 23 to 24, strike ''paragraph (4) of subsection (a)'' and insert ''paragraph (3) of subsection (b)''.

Page 194, lines 2 to 3, strike ''paragraphs (1), (2), (3), and (5) of subsection (a)'' and insert ''paragraphs (1) and (2) of subsection (b)''.

Page 194, line 4, redesignate subsection (d) as subsection (e).

Page 194, line 9, strike ''(a)'' and insert ''(b)''.

Mr. THOMPSON of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Ms. ROS-LEHTINEN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 5 minutes in support of her motion to recommit.

Ms. ROS-LEHTINEN. Mr. Speaker, since its creation by this administration in the year 2002, the Proliferation Security Initiative, known as PSI, has quickly become one of this country's most valuable tools in helping to stop spread the weapons of mass destruction and preventing them falling into the hands of terrorist countries.

Our PSI partners, working at times with others, have stopped the transshipment of materials and equipment that have been bound for Iran's ballistic missiles programs and also has prevented Iran from procuring goods to support its WMD programs, including its nuclear program. Again, it was PSI cooperation between the United States, Britain and other European partners that began the demise of the Dr. A.Q. Khan network, an action that also contributed to the decision of the Libyan Government to stop and abandon its nuclear weapons and longer-range missile program.

However, despite this extraordinary record of success, some of our Democratic colleagues tell us, as noted in the Dear Colleague that they have circulated today, that securing United Nations authorization under international law would persuade countries that are not currently cooperating with us in the United States to prevent this illicit trade in items of proliferation concern to somehow cooperate with us.

They dismissed a coalition of the willing, on which the PSI is based as an ad hoc assembly. But the PSI has been a success precisely because it is a coalition of the willing.

Countries that might wish to slow or limit its activities have no means of doing so. The fact is that no country that genuinely wishes to cooperate with the United States, another PSI participant, is prevented from doing so. The idea that there is a need for the United Nations to provide legitimacy to the PSI under international law to permit countries to cooperate is nonsense.

I do not share the sentiments of my Democratic colleagues who have the surprising faith in the United Nations' desire to advance the interests of the United States. Whether it is Iran, Syria, terrorism, Middle East peace, the U.N. is rarely a help and more often than not a hindrance to the advancement of the goals of the United States. Rather, the desire for consensus, an agreement for agreement's sake, as a result, is a race to the bottom.

We have seen this with the so-called Human Rights Council, Mr. Speaker. If we allow the section cited in the motion to remain in the bill, a similar result is likely to happen with PSI. Some of my Democratic colleagues appear to regard U.N. authorization under international law as something upon which U.S. action must be predicated, that it is a higher authority to which we must turn in order to secure authorization for all our actions, a permission which may be granted or held as the U.N. sees fit.

We must reject that interpretation. I am certain that many of our constituents do reject it. What troubles me most are statements that begin with the phrase ''international law does not allow.''

□ 1845

We on this side of the aisle do not believe that international law controls what the U.S. can and cannot do, what it must do to protect the interests of the American people. That is why I have included language in this motion to recommit stating that simple truth.

Mr. Speaker, I would like to yield the remaining time to Mr. WOLF of Virginia, a man who understands the failures of the United Nations. And I strongly urge my colleagues to vote for this restatement of the fundamental principle upon which our Constitution and the foreign policy of our country is based.

Mr. WOLF. Why would you give the United Nations any impact when, in Rwanda, 700,000 people died, and the U.N. did nothing? In Srebrenica, the U.N. stood by as 700 Muslims were led to their death by the Serbs. In Darfur, where I have been, I led the first delegation, 450,000 people have died, and this House has called it genocide, and genocide continues today.

Why would you give the U.N. any authority when it couldn't stop genocide in Darfur, genocide in Srebrenica, and genocide in Darfur today? I strongly support the amendment.

Mr. LANTOS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LANTOS. Let me first say, I strongly agree with my good friend from Virginia in opposing genocide. Genocide has nothing to do with this legislation. Let's make that clear.

Mr. Speaker, my friends on the other side are misrepresenting provisions in H.R. 1 that strengthen and reform the Proliferation Security Initiative. They are attempting to exhume an old tactic: Scare the American people with the specter of the all-powerful, irresistible military machine that is the United Nations.

Of course, Mr. Speaker, this characterization is as absurd as ever and has about as much substance as Shakespeare's Banquo's Ghost. But it is part and parcel of the irrational opposition to all things multilateral even when multilateral and international institutions clearly benefit American interests.

In fact, Mr. Speaker, our bill seeks to use international law to our benefit. Our bill seeks to broaden the Proliferation Security Initiative's authorities under international law to help us convince more nations to support U.S. efforts to stop and prevent the illicit trade in dangerous items of proliferation concern. It does not relinquish any responsibility to the United Nations.

Current international law gives no basis for partners in the Proliferation Security Initiative to intercept shipments related to weapons of mass destruction. One cannot overcome this weakness by ad hoc assemblages of coalitions of the willing.

Even the White House has admitted that international law is weak in this regard and needs to be strengthened.

Mr. Speaker, the motion to recommit would in fact weaken U.S. counter proliferation efforts by undermining effective action at the United Nations to increase Proliferation Security Initiative's global legitimacy and authority.

Mr. Speaker, we will never allow any other government or international organization to control what actions we take to safeguard U.S. national security, but we will use international tools that are available to us in the real world to protect America regardless of the purely ideological preferences of some on the other side.

Mr. Speaker, I urge my colleagues to oppose the motion to recommit, and yield the balance of the time to my good friend from Missouri, the distinguished chairman of the committee on Armed Services, IKE SKELTON.

Mr. SKELTON. Mr. Speaker, as a fellow says back home: You can have your own opinion, but you can't have your own facts. As I said to my friend the gentlewoman from Florida a few moments ago: Read the language. It is not what folks on the other side are saying it is.

The Proliferation Security Initiative, as established by the President in 2003,

is among the newer elements of our many efforts to stop proliferation of weapons of mass destruction. The PSI is all about the interdiction of weapons of mass destruction and materials, and supports American and international security interests. It is a voluntary agreement that we propose, but we have actively encouraged other nations to participate.

It is really pretty simple: It is in American interests to stop ships carrying weapons of mass destruction. It is in our own security interests, if not other countries', to join this effort and take on more of this critical work. The oceans of this earth are vast, and sometimes we are not closest to the ship that must be stopped. We need states all over the world willing to step in.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. ROS-LEHTINEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 198, noes 230, not voting 7, as follows:

[Roll No. 14]

AYES—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Buyer
Gillmor
Knollenberg
Marchant
Moran (KS)
Norwood
Ortiz

□ 1909

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MARSHALL. Mr. Speaker, during rollcall vote No. 14 on H.R. 1, I mistakenly recorded my vote as "yes" when I should have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 299, noes 128, not voting 8, as follows:

[Roll No. 15]

AYES—299

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin

Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—128

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hastert
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
McCarthy (CA)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (KY)
Rohrabacher
Royce
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Buyer
Gillmor
Knollenberg
Marchant
Moran (KS)
Moran (VA)
Norwood
Ortiz

□ 1917

Mr. CARDOZA changed his vote from ''no'' to ''aye.''

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:

Mr. MORAN of Virginia. Madam Speaker, on rollcall No. 15, I missed the rollcall vote inadvertently. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLISON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

MOURNING THE PASSING OF PRESIDENT GERALD RUDOLPH FORD

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 15) mourning the passing of President Gerald Rudolph Ford and celebrating his leadership and service to the people of the United States, as amended.

The Clerk read as follows:

H. RES. 15

Whereas all American Presidents affect the history of the United States, but President Gerald Rudolph Ford leaves a legacy of leadership and service that will endure for years to come;

Whereas millions of men and women across America mourn the death of the 38th President of the United States;

Whereas Gerald R. Ford is the only person from the State of Michigan to have served as President of the United States;

Whereas Gerald R. Ford graduated from the University of Michigan with academic and athletic excellence;

Whereas Gerald R. Ford attended Yale University Law School and graduated in the top 25 percent of his class while also working as a football coach;

Whereas Gerald R. Ford joined the United States Navy Reserves in 1942 and served valiantly on the U.S.S. Monterrey in the Philippines during World War II;

Whereas the U.S.S. Monterrey earned 10 battle stars, awarded for participation in battle while Gerald R. Ford served on the ship;

Whereas Gerald R. Ford was released to inactive duty in 1946 with the rank of Lieutenant Commander;

Whereas in 1948, Gerald R. Ford was elected to the House of Representatives, where he served with integrity for 25 years;

Whereas Gerald R. Ford's contributions to the foreign operations and defense subcommittees of the Committee on Appropriations earned him a reputation as a ''congressman's congressman'';

Whereas in 1963, President Lyndon Johnson appointed Gerald R. Ford to the Warren Commission investigating the assassination of President John F. Kennedy;

Whereas from 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives;

Whereas from 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office at a dark hour in the history of the United States and returning the faith of the people of the United States in the Presidency through his wisdom, courage, and integrity;

Whereas the Presidency of Gerald R. Ford is remembered for restoring trust and openness to the Presidency;

Whereas President Gerald R. Ford followed a steady, sensible course to cope with the Nation's economic problems and during his Administration halted double-digit inflation and lowered unemployment;

Whereas President Gerald R. Ford worked to solidify President Nixon's accomplishments in China, bring representatives of Israel and Egypt to the conference table, and provide developmental assistance to poor countries;

Whereas in 1975, under Gerald R. Ford's leadership, the United States signed the Final Act of the Conference on Security and Cooperation in Europe, commonly known as the ''Helsinki Agreement'', which ratified post-World War II European borders and supported human rights;

Whereas Gerald R. Ford, together with Betty Ford, was awarded the Congressional Gold Metal in 1999 in recognition of dedicated public service and outstanding humanitarian contributions to the people of the United States;

Whereas in 1999, Gerald R. Ford received the Medal of Freedom, the Nation's highest civilian award, for his role in guiding the Nation through the turbulent times of Watergate, the resignation of President Nixon, and the end of the Vietnam War, and for restoring integrity and public trust to the Presidency;

Whereas since leaving the Presidency, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, and a strong supporter of the Gerald R. Ford School of Public Policy at the University of Michigan, which was named for the former President in 1999; and

Whereas Gerald R. Ford's life has been characterized by honesty, integrity, and dedication of purpose: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation for the profound public service of President Gerald Rudolph Ford;

(2) tenders its deep sympathy to Betty Ford; to Michael, Jack, Steven, and Susan; and to the rest of the family of the former President; and

(3) directs the Clerk of the House to transmit a copy of this resolution to the family of President Gerald Rudolph Ford.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the debate on the pending motion to suspend the rules be extended to 1 hour.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks on H. Res. 15.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thrust by President Nixon's resignation into an office he had never sought, former President Gerald Ford occupied the White House for just 896 days. They were, however, 896 extraordinary days that President Ford used to guide the Nation through and out of the dark days of the Watergate scandal.

When Ford took office on August 9, 1974, he declared: ''I assume the Presidency under extraordinary circumstances. This is an hour of history that troubles our minds and hurts our hearts.''

Ford got his first exposure to national politics at Yale University, working as a volunteer in Wendell Willkie's Republican campaign for President.

After World War II service with the Navy in the Pacific, he went back to practicing law in Grand Rapids and became active in Republican reform politics. The rest is history.

President Ford was elected to the House of Representatives in 1948 as a Republican. Ford's reputation for integrity and openness made him popular and well regarded among his peers during his 25 years in Congress.

In 1965, he was elected minority leader. Mr. Ford was a devoted public servant who led his country with grace and bipartisanship during challenging times. The country is grateful to him for his leadership and dedication.

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

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

It is a great pleasure once again to recognize the many accomplishments that President Ford had during his life, and I am pleased that we can spend more time this evening adding to the record we began early this afternoon.

Before I do that, I want to remind all Members to please take the time to go to the Cloakrooms and record their remembrances in the books that are displayed there. This will be very meaningful to Mrs. Ford and the family if we can do that, and I urge all Members to do that.

Mr. Speaker, before I proceed any further, I would like to yield to Mr. MCCOTTER from Michigan for such time as he may consume.

Mr. MCCOTTER. Mr. Speaker, I just wanted to go on record with the reminiscence of late President Ford.

As a young person growing up in Michigan, I remember Watergate. It is a very early political memory. And it would have been so easy at the time for that indelible memory to remain with a young person and sour them and make them cynical toward the public process and toward government in general.

But I was very lucky because the man who took the place of the disgraced Richard Nixon was a man from Michigan by the name of Gerald Ford. Living in Michigan at the time being a young person, to see someone from my home State filled me with pride and a sense of inspiration that one person could rise above it and help to heal the wounds of a Nation.

So in many ways today in paying respect to Gerald Ford, it is not my ability to thank him for his service to our country in general, but to thank him personally for the inspiration that he provided me, to see what one good and decent man could do for his fellow Americans.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as he may consume to one who knew President Ford well, the Dean of the House of Representatives, the Honorable JOHN DINGELL from the State of Michigan.

Mr. DINGELL. Mr. Speaker, I thank my dear friend for his kindness and for his yielding me this time. I express to him my gratitude not only for his managing this time, but for bringing this bill to the floor. You have done a good thing, and I say to you, sir, my thanks.

I also want to congratulate my dear friend from Michigan (Mr. EHLERS) for his part in bringing this matter before us.

We honor here a great American, a real patriot, a distinguished President, a man who served with distinction in the House, where he had no enemies and legions of friends. He was an honorable and decent man. He was a friendly man. He was uncomplicated. He was good. He was a fine family man, and he was a man with whom any Member of this House on either side of the aisle could work with affection and with respect. We will miss him. He was a great American, and he was a man who left a great tradition as a Member of this body and as a member of the Appropriations Committee where he served with distinction.

A curious event associated with him is that he always wanted to be Speaker, but never made the grade. By a curious set of circumstances, he was the only man who probably could have been confirmed as Vice President under the constitutional amendment. And by an even more curious circumstance, he was never elected either Vice President or President, and yet he served in both offices with real distinction.

I will be praying for the repose of his soul. My wife, Deborah, and I knew Gerald Ford and admired him greatly. We extend our condolences to his wonderful wife, Betty, who was his loyal friend, supporter, counselor, and who served his country and him and all of us with distinction and who brought luster not just to her name but also to the name of her distinguished husband.

We will pray to God He be good to Jerry Ford, and I thank my colleagues for bringing this resolution. It is well deserved by a great American.

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

Mr. Speaker, I would just like to give a few vignettes of Jerry Ford that illustrate the type of man that he was.

We heard this afternoon when we discussed this on the floor that he had been active in supporting the Civil Rights Act that passed this House and the Senate some years ago. But this was not an out-of-the-ordinary thing for him. When he was a football player at the University of Michigan, and a very fine one, I might add, undoubtedly the finest athlete to ever occupy the White House, he was the captain of the football team. They were scheduled to play Georgia Tech. There was one African American football player on the Michigan football team, and Georgia Tech said we cannot allow a black player to play on the field at Georgia Tech.

When Gerald Ford heard that, he said I will not play either. I am simply not going to play if they will not let my friend, Ward, play. That was the type of person he was. It was not until his African American friend begged him to play that he finally conceded that he would play.

Another vignette is when he was elevated to the Presidency, we had a big party for him back in Grand Rapids, Michigan, and 5,000 people turned out for our little party. Person after person got up to the microphone and related experiences in their life where Jerry Ford had helped them, whether it was a matter of housing, of veterans benefits, getting medals for veterans. The list went on and on and on.

That accords with another thing that was told me by one of my fellow legislators at the time. He had become a Member of Congress and he said, Sometimes I cursed Jerry Ford. Because of the high standard of constituent service he provided, he said, we worked endlessly in our office to do as well as Jerry Ford and his staff did in his office.

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Those are two examples. I have more, but I see that the majority leader has arrived, and I know he is anxious to speak on this issue.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield such time as he may consume to the majority leader, the gentleman from Maryland (Mr. HOYER), one who did know the President, but, as I observed a few minutes, not quite as long as Representative JOHN DINGELL.

Mr. HOYER. Mr. Speaker, I thank my very distinguished friend for yielding and thank him for his leadership in this Congress, in the great city that he represents and his State of Illinois. He does a wonderful job.

I am pleased to join the sponsor of this resolution, my good friend, VERN

EHLERS. VERN EHLERS represents the district, as some of you have already been told, I am sure, I just got to the floor, but I am sure you have been told he represents the district that Gerald Ford represented for a quarter of a century.

Jerry Ford was my friend. President Ford was someone who I got to know after he was President of the United States. As Mr. DAVIS observed, I was not in the Congress and did not serve with President Ford. He was, however, a distinguished leader of this body.

I would like to say just a few words, Mr. Speaker, about the contributions of a great American leader, a man who personified integrity, openness, civility and a sense of responsibility, and a man who helped restore public confidence in our institutions of government during a time of national crisis and grave doubt about our government, and that doubt existed here in this country and abroad.

President Jerry Ford, our Nation's 38th President, took office during a period of American history when deep skepticism was the norm and uncertainty ruled the day. The challenges he faced were not the product of his actions, but he effectively confronted them and helped our proud Nation rise above its ''long national nightmare,'' as he referred to it, and to begin dreaming again about the promise that has been ours since our founding.

President Ford, of course, never asked to be our Commander in Chief. The responsibilities and burdens of that office were thrust upon him when he chose to answer our Nation's highest calling. That calling came because of the respect that was accorded to him in this House, in the United States Senate and in our country.

He never put partisanship or ambition ahead of the needs of the American people, seeking instead to heal our national wounds. Where he saw division, he built bridges, and where he saw doubt, he nurtured trust.

I am proud to be able tonight to serve in the same Chamber where Gerald R. Ford served our Nation for such a long time. I have now served one year longer than Gerald Ford served in this House. He served for 25 years. I am in my 26th year. But no one brought more luster to their service, no one brought more integrity to this House, no one was a better example of what all of us ought to be as Members of this great institution, the People's House, than was Gerald R. Ford of Michigan.

He offered his talents for seeking compromise and building consensus. I would hope all of us would take a lesson from Gerald Ford as we move ahead over the next 2 years. Too often, the cycle that we enter is a cycle of confrontation rather than consensus creation. We need consensus. America wants consensus. America wants progress. America wants a Congress focused on its need, not a Congress focused on how we can make the other guy look bad.

Gerald Ford can be an example and should be an example for all of us to emulate. I am honored to have this opportunity to carry on President Ford's steadfast commitment to God, to country, to, obviously, his family, his beloved wife Betty and to the People's House.

It goes without saying that the thoughts and prayers of an indebted Nation are with the Ford family in their time of sorrow. I want to congratulate the Ford family, who conducted themselves with such great dignity and returned the caring of literally tens of thousands of people who came through our Rotunda to honor President Ford and his service and to thank him for that which he has done for our country. Jack and Susan in particular stood for hours greeting people and thanking them for being there, and the other children as well.

On December 26, 2006, we lost a great American, a great leader and a great friend. I was a member of the Appropriations Committee and had the honor of chairing the Treasury-Postal Committee. The Treasury-Postal Committee had under its aegis the retirement funds for our former Presidents, and in that capacity, I had an opportunity to talk to him from time to time, not about his own personal interests, which we did talk about, but that is not why we talked.

He talked about the institution. He talked about what we were doing to make this House run better. I can remember we were at a forum at Georgetown together over two decades ago at which we both spoke, and he spoke of the need for having more contested elections, as opposed to districts that were automatic for one party or the other. He said that would be good for democracy, good for discussion of issues and good for the creation of consensus.

Gerald Ford's indomitable spirit will live in these halls of power and service for generations to come, halls that will forever bear the mark of his influence and dedication to the people of the United States of America.

I want to extend my deepest sympathy to President Ford's beloved wife, Betty, his children and his family and loved ones, and in closing thank him; thank him for being an example to which all of us could repair for service in this body; thank him for being an example for the American people to look to for what a Member of Congress can and ought to be, a man of principle, a man of generosity, a man who cared about his country and its people.

Gerald Ford, we thank you for your service, and we miss you.

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

Mr. Speaker, I just want to add a few more comments, little vignettes. We have had a lot of discussion today about the wonderful attributes of President Ford as a President, as a Vice President and as a Member of the House of Representatives. Indeed, he was a most gracious person and also a most capable and hardworking person. I appreciate the comments that Majority Leader HOYER made which reflect very accurately what a wonderful person Mr. Ford was. But I want to add just a few examples from my hometown and my experience with him.

I, at one time, was the Chairman of the County Commission. This was at the time when we were erecting the Ford Museum in Grand Rapids. Of course, he was interested in that and came around regularly. He was retired from the Presidency at that time.

I recall walking down the street with Mr. Ford. I thought I knew quite a few people there, but walking down the street with him, even though he had not served in Congress for some 10 years at that time, people, of course, would greet him and say, ''Hi, Jerry, how are you doing?'' They all knew him. The amazing part to me was that he knew them, and he would say, ''Hi, Bob. Hi, Shirley. Hi, Jerry. How are you doing?''

Then another time we walked into the Amway Grand Plaza Hotel, which had been the Pantlind Hotel, and he had stayed there when he came back to Grand Rapids for visits and for meetings. We walked into the hotel lobby, and, of course, a number of people saw him and sort of mobbed him and kept talking to him.

I noticed a bellman standing off to the side, and it was clear to me that he wanted to speak to Mr. Ford but didn't dare to come up to this group of people. He just thought it wasn't proper. So I mentioned this to President Ford. I said, ''I think the bellman wants to talk to you.'' He said, ''Oh, good.'' So he marches over to him and says, ''Harry, how are you doing? It is good to see you again.'' I didn't know he had a personal relationship with him.

Then he said, ''By the way, I heard that your mother has cancer. Is that true? How is she doing?'' He then had a 10-minute conversation with this young man about his mother and her health and what had gone on. I am curious how many ex-Presidents would take the time to do that for a bellman that they had known in the past?

Similarly, the first time he went to the White House as President and a reporter I know was following him, and as he approached the White House, of course, the Marines stood erect, opened the doors and stood at attention. He came up and held out his hand and said, ''Hi, I am Jerry Ford. I am going to be living here. What is your name?'' The reporter talked to the Marines at the door after that and said, ''Have you ever had that before?'' One said, ''No, I have been here for several years, and the previous President has never even looked at me.'' But, again, that was characteristic of Mr. Ford.

One final little note. I first got acquainted with him, I am a nuclear scientist, as most of you know. I had moved from Berkley, California, where I got my Ph.D., and I was teaching at

Calvin College. I heard a speech at a national convention from a Congressman who said, ''It is terrible. We don't have any scientists in the Congress. We don't have any scientific advice.'' He said, ''I urge you to contact your Member of Congress to see if you can help them by giving scientific advice.''

So I took the gentleman at his word. I sent a letter to Congressman Ford and said, ''I am a scientist. I have heard there is not much scientific advice there. I would be happy to help you in any way I can.''

I dropped the letter in the mailbox, and my first thought was, I would get a nice response that said: Thank you for your comments. We will keep you in mind if we ever need you. But in fact, Mr. Ford was excited about it. The day they got the letter, his chief of staff called me and said, ''Jerry is very excited with this and would like to meet with you.''

So I met with him. I established a science advisory committee, and we met with him quarterly to advise him on scientific matters. What struck me was he was extremely interested in the meetings and in what we were saying, but also very, very quick on catching on to the scientific terms and issues we were discussing, much more so than the average lay person would be able to catch on. So it was a real pleasure for us.

But one day after a meeting, I said, ''Mr. Ford, I don't quite understand, because you come back to Grand Rapids, you spend all day in meetings, you spend an hour or hour and a half in a meeting with us just because we want you to know more about science,'' and I said, ''You really seem to enjoy it. Doesn't it get tiresome sometimes?''

He put his arm around my shoulder and he said, ''Vern, one thing you have to recognize: Everyone else I meet with is asking for something. You are the only group I meet with that is offering me something.''

I have never forgotten that, and it really gave a lot of meaning to me when I got here in Congress and found out that is true. Almost everyone that walks through our office doors comes in asking for something, not trying to help. So I now appreciate more fully why he appreciated our help.

These are just a few instances of what a wonderful human being President Ford was, how he related to the people around him, how he was concerned about the people around him and really sought to do what was best for them and what was best for this country. He was a terrific model for the rest of us and for me myself, and I have always tried to serve the people as well as he has.

With that, Mr. Speaker, I have no further speakers, and I have no further comments, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, as I close, let me just first of all commend and thank Representative EHLERS for introducing this resolution. I also want to thank all of those who have come down and taken the time to speak.

In summing up the life of President Gerald Ford, I am reminded of something that my mother used to tell us all the time, and that is that if a task is once begun, never leave until it is done; be the labor great or small, do it well or not at all.

President Gerald Ford, wherever he was, did his work well, whether it was on the football field, at the university, in the halls of Congress, as Vice President and ultimately as President of the United States of America, and our country is a better place because of it.

Mr. HOLT. Mr. Speaker, I rise today to join all Americans today in mourning the passing of President Gerald R. Ford and support.

Gerald Ford became President in the aftermath of Watergate, a scandal that shook to the core the confidence that Americans place in their government. His unquestioned integrity, good humor, and unimpeachable personal character carried this nation through one of the toughest periods of American history. Gerald Ford's legacy is one of steadiness in a time of crisis and of selfless service for his country.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of House Resolution 15, Mourning the passing of President Gerald R. Ford.

While we mourn President Ford, we also celebrate this great American's life and unique contributions to our country. I believe he will be remembered as a devoted and decent man of impeccable integrity who put service to his country before his own self interest. In public life, there can be no higher achievement.

In 1968 President Ford and his family first came to Colorado to ski. He was inspired by the beauty of the area and found a connection to the land and to the surrounding community and ended up buying home in Beaver Creek. When he became President, his vacations in Colorado helped introduce the world to the Town of Vail, and in fact, the family home was dubbed ''the Western White House.''

Coloradans, especially those in the Vail Valley, consider Jerry Ford to be the first President from Colorado because he was a great ambassador for the State who established long ties to the people of Colorado. He was known as the first skiing president, and because of this tireless promotion of Colorado's ski industry, he was inducted into the Colorado Ski Hall of Fame in 2001. He was a good neighbor, an avid golfer and a lover of the outdoors. So you can see why I like to claim the former president as a constituent.

Because of his work with charities in Colorado and his contributions to our great state, I've introduced a bill which would rename the Vail Post Office after President Ford, and I hope that the House will take up that bill soon and pass it in his honor.

President Ford will rightly be remembered for his personal warmth, his decency, his interest in bridging the many divisions in America during the 1970s. My father, Mo Udall, served in the Congress with him, and while they were often on different sides in political matters they were united by a common view that politics should unite people. I remember a story in 1974 President Ford invited Arizona's senators and representatives to ride on Air Force One for a meeting he was having with Mexico's president. At the time, Arizona had two Republican senators and three Republican congressmen. They all declined. The one Democratic congressman—my dad—accepted the invitation.

''All these other politicians don't want Ford to come into their district. Hell, I'm glad to see him in mine,'' my dad told a person in a crowd outside the place where Ford and the Mexican president were meeting. Mo then went into the crowd and put his arm around the president, telling him how proud Arizona was to have him. ''It's a great day for the state.''

They both were firm believers that in public life one could disagree without being disagreeable. This is a credo I try to live by and I draw inspiration from my father and from President Ford. They were both practitioners of civility long before the term came a popular term of political art.

As a dedicated public servant, President Ford served honorably in his years in Congress and in the White House. Most important, when America needed someone to reassure their trust in government after Watergate, he filled that leadership role with authenticity.

In short, Gerald Ford helped heal our nation during a time of crisis, provided steady leadership and restored people's faith in the presidency and in government. We need leaders like him today.

Mr. TERRY. Mr. Speaker, I rise today to honor the late President Gerald R. Ford, who was born in my hometown of Omaha, Nebraska. President Ford will forever be remembered for his great service to the people of the United States of America. He served the people at a complicated and divisive time in our history with honor and distinction. By helping our Nation heal from the political turmoil of Watergate, he helped move us forward.

President Ford was a man of selfless actions based in modest, Midwestern values. As a public servant, I am proud of his efforts; as a Nebraskan, I am proud of our President.

President Ford was a man who gave up a National Football League career in order to study law and ultimately serve the people in the highest office of public service. His love for our Nation and our American freedoms will live on through our work in Congress and his immortal words, spoken during his 1977 State of the Union Address when he said ''The Constitution is the bedrock of all our freedoms. Guard and cherish it, keep honor and order in your own house, and the republic will endure.''

He was a scholar, an athlete, an honorable President, and an even more honorable American. Our nation will truly miss his leadership, honestly and integrity.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to pay tribute to a great friend of this institution, President Gerald Ford. I speak for all of us when I say that our thoughts and our prayers go out to his wife, Betty, and their family.

Born Leslie Lynch King, Jr. in Omaha, Nebraska, President Ford embodied the values and spirit of Nebraska by putting the good of the nation ahead of personal, partisan politics. He was a valued colleague to two branches of our government, who loved and honored our traditions.

A great statesman, he will be hard—if not impossible—to replace. President Ford taught us lessons of unity we will do well to remember as we debate issues that may be divisive.

The flags hang at half-mast throughout our entire nation to remember a good and decent

man. Though I never met him, I am honored to pay my respects to this great.

God bless him and his family.

Mrs. MILLER of Michigan. Mr. Speaker, as a member from the Michigan Congressional Delegation I am proud to honor today one of our State's favorite sons, the 38th President of the United States Gerald R. Ford.

President Ford is the only person in the history of our Nation to ascend to presidency having never sought either the presidency or the vice presidency. And he did so at one of the most difficult moments in our Nation since the Civil War.

Upon assuming office he acknowledged that he had not been elected through the votes of the American people but simply asked for his confirmation through their prayers.

He was the right man, for the right office at the right time for our Nation.

He made policy decisions not based on political calculation, but on what he believed was in the " best interests of the Nation.

He was not afraid to reach across party lines to find solutions to the myriad of challenges which faced our Nation.

He was a man of unquestionable character.

Prior to coming to Congress I had the honor to serve as Michigan's Secretary of State and as such served as our State's official historian.

During my term in office I had the privilege to place a historic marker at the newly renovated boyhood home of President Ford.

On that day he spoke of the values instilled in him in that home, in his community and in our great State of Michigan.

These were values that served him well throughout his life and certainly when he assumed the presidency.

Values like honesty. Integrity. Treating every person with respect and dignity. Love of country and a commitment to freedom.

His commitment to these values was evident throughout his public service.

As a military officer in the Pacific in World War II.

As a member of this House of Representatives for nearly three decades.

As the leader of the Republican minority in the House where he proudly voted for and sought votes for landmark legislation like the Civil Rights Act and Voting Rights Act.

And as Vice President and President of the United States where he helped America recover from what he called our long National nightmare of Watergate and where he concluded the war in Vietnam.

Simply put, Gerald R. Ford was a great American worthy of our honor and respect.

Our condolences go out to his wonderful and courageous wife Betty and to the entire Ford Family.

A grateful Nation owes a debt of gratitude to President Ford for his lifetime of honorable service.

May he rest in peace.

Mr. DINGELL. Mr. Speaker, I rise today to honor and pay tribute to my dearly departed friend, Gerald R. Ford, the 38th President of the United States.

Gerald R. Ford rose to the Presidency at a time when the Nation was in crisis. Disillusioned by Watergate, nervous about an economy in recession, and anxious to get its soldiers out, of war, the country was yearning for a leader who could reestablish a sense of normalcy. So when Ford took over the White House after a short stint as Vice President, and a quarter century in the House of Representatives—even though we disagreed on some fundamental policy issues—I was relieved. I knew Jerry as an all-American hailing from Grand Rapids, Michigan, a fellow World War II Veteran, and above all, a man of extraordinary character. He was the right man at the right time to restore a divided Nation shaken to its Constitutional roots.

When Ford left for duty he was considered an "isolationist". When he came back, he was a committed internationalist. It was this change, which I think marks the type of person that my friend Gerald Ford was. Many of today's pundits will call him a "throwback" or a "dying breed". I say he simply possessed a remarkable sense of self, strong patriotism and astute common sense. He looked at the world, saw the conflicts, recognized the need for U.S. leadership, and changed his own opinion.

Too often today, men and women in public life who change their opinion are derided. Stubborn consstency in the face of rebutting evidence is now considered leadership. But this narrow definition of leadership was never the Ford model. He was a citizen legislator, a stalwart in a grand tradition that stretches back throughout democracy, from the complexities of the 21st century to the founding of Athens. He never sought leadership, it aways came to him.

During his 25 years in Congress, where we worked side-by-side in the Michigan delegation for 17 years, Ford worked hard for his party but also reached out and made many friends abross the aisle. His party elected him as minority leader in 1965, where he served as an effective leader and consensus builder until 1973, when he took over the Vice Presidency under Richard Nixon, replacing Spiro Agnew.

Not only did Ford take over the Presidency during one of the toughest times in American history, he did so as a leader whose political party differed from the congressional majority. Ford vetoed an unprecedented 66 bills during his Presidency. Nevertheless, the Congress passed some important laws with bipartisan support under the Ford Administrationl including the Community Development Block Grant, the Privacy Act, and the Federal Elections Campaign Act Amendments.

Ford and I worked particularly closely during his presidency on energy matters. Despite our differences, we were able to work together. During the Ford Administration we passed the Energy Policy and Conservation Act of 1975 (EPCA), which established the Nation's first fuel economy standards. Because of his self assuredness and his uncanny ability to think for himself, policy disputes did not deter Ford from working across party lines to achieve success. Nor did partisan bickering preclude bipartisan friendships: he played golf with political adversary Tip O'Neill and became good friends with Jimmy Carter after Carter defeated him in the 1976 election.

President Ford was devoted to ensuring that America and the Presidency were in better, shape than when he found it, and above all else, this was his most important accomplishment. His honesty and patriotism should be a model for elected officials today who are often too eager to create a sound bite and too reluctant to find common ground. Mr. Speaker, I ask that you and my fellow colleagues join me in remembering President Gerald R. Ford, and honoring him by carrying on his legacy of bipartisanship, honesty and integrity in the years to come.

Mrs. BONO. Mr. Speaker, I rise today in strong support of House Resolution 15, and to pay tribute to a dear friend and remarkable American. Today, we honor the life and memory of our Nation's 38th President, Gerald R. Ford. The consideration of this legislation is of great personal importance to me, as I had the honor and distinction of counting President Ford not only as a friend but also as a constituent.

These past few weeks, the American people have come to know the story of one of our most beloved leaders, a man who brought our nation together during a tumultuous time and restored faith in our democratic system of government. President Ford famously said, "Our Constitution works, our great Republic is a government of laws and not of men." Yet, the truth is that our system works because of people like Gerald R. Ford and his wonderful wife, Betty—people who dedicated their lives to making our country strong and improving the prospects for all American citizens.

Despite achieving great success as an athlete, President Ford declined the opportunity to play professional football because he wanted to serve the nation he loved. He went to Yale to study law, served heroically in the U.S. Navy during World War II, honorably represented the people of Michigan in this very House for 25 years, and was selected to serve as Vice President because he had the confidence of the U.S. Congress and was simply the best man for the job. He assumed the Presidency he never sought because, when called, he never shied from his duty to his country.

His personal integrity was beyond question and his quiet strength steadied our Nation in a time of crisis. President Ford skillfully led our nation through the post-Watergate era, he laid the groundwork for an historic peace accord in the Middle East, and steered our country through tough economic times. History has shown that he was the right leader for those difficult days.

In California's Coachella Valley, where President Ford and Betty made their home after leaving the White House, their support of charities, too numerous to mention, helped make them the beloved "first-couple" of the Palm Springs region. As lifelong partners who were truly devoted to one another and to their family, the Fords encouraged millions of dollars in donations to many worthwhile causes. When Betty Ford courageously raised public awareness of dependency issues and founded the recovery clinic in her name, President Ford stood squarely and quietly behind her every step of the way.

I extend my deepest sympathy to Betty and the entire Ford family for their loss, a loss we all share. As we begin this Congressional session in the House which he loved so deeply, I think we would be well-served to remember the example of leadership and selfless duty to country that President Ford provided. We celebrate his memory and our Nation is better for his service.

Mr. LEVIN. Mr. Speaker, I rise in Strong support of House Resolution 15. It is fitting and right that the House remember this highly distinguished citizen of the State of Michigan, and honor his service to the people of the United States.

Gerald Ford's life and legacy define the term ''public servant.'' He served with distinction in World War II aboard the U.S.S. *Monterrey.* In 1948, he was elected to the House of Representatives, where he served with integrity for 25 years. In 1974, during one of the darkest moments in U.S. history, Gerald Ford served as our Nation's 38th President, and restored integrity to the Presidency.

As the Nation has honored President Ford over the course of the last week, I have been struck by how many have made mention of his honesty, trustworthiness and essential decency. As the first President Bush said of his one-time colleague in the House of Representatives at the memorial service at Washington Cathedral last week, ''to political ally and adversary alike, Jerry Ford's word was always good.''

President Ford will also be remembered for believing that America is strongest when we work together and work with others.

President Ford has left us a rich legacy. As we begin this new Congress, I hope all of us here will honor him by taking to heart that legacy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 15. This resolution mourns the passing of Gerald Rudolph Ford, Jr., the 38 President of the United States, and honors his lifetime of outstanding leadership and service to our Nation.

President Ford was born Leslie Lynch King, Jr., in 1913 in Omaha, Nebraska. Soon after his birth, his mother moved to Grand Rapids, Michigan, where she remarried and he was adopted and renamed after his stepfather, Gerald Rudolph Ford.

While in high school, Jerry Ford was an outstanding student and athlete, and Eagle Scout. He went on to achieve a Bachelor of Arts at the University of Michigan, where he majored in economics and political science. He also played on the University's 1932 and 1933 national championship football teams and was selected to several college All-American football teams. Indeed, Jerry Ford was such a gifted football player that he was offered contracts by the Detroit Lions and Green Bay Packers. But he turned them down to accept a coaching position at Yale University, in hopes of gaining admission to its law school. His perseverance paid off and he was admitted in 1938. He graduated in the top third of his class with an LL.B. in 1941.

President Ford returned to Grand Rapids to practice law and teach a course at the University of Grand Rapids. He also helped coach the Grand Rapids football team. After the United States entered World War II, he joined the U.S. Naval Reserve, serving on the light aircraft carrier USS *Monterey.* In 1944, he narrowly survived a deadly typhoon in the Philippine Sea. In 1946 he completed his military service and was honorably discharged.

Upon returning home to Grand Rapids, Jerry Ford resumed his law practice, this time with a more ''internationalist'' outlook due to his experiences abroad. He was elected to Congress with more than 60 percent of the vote in 1948 after ousting an isolationist incumbent in the Republican primary. During the 1948 campaign, Jerry married the outspoken advocate of women's rights, Elizabeth Anne Bloomer Warren, whom we all know and love as ''Betty.'' Jerry Ford was elected to Congress 13 times by his constituents, never once receiving less than 60 percent of the vote. In October 1973, he was nominated to be Vice-President by President Richard Nixon and assumed the office after being confirmed by both the House and the Senate. In fact, Jerry Ford holds the distinction of being the only person in history to be confirmed by both chambers of Congress.

At noon on August 9, 1974, upon the resignation of President Nixon, Jerry Ford became the 38th President of the United States. In addressing the Nation after taking the oath of office, President Ford said: ''My fellow American's, our long national nightmare is over.'' And he was right. Over the next twenty-nine months, President Ford did so much, by word and deed, to restore public confidence in the institutions of government. In the final analysis, President Ford's lasting legacy is ''all he did to heal our land,'' as his predecessor, President Jimmy Carter, memorably put it in his 1977 Inaugural Address. There is perhaps no more deserving recipient of the Medal of Freedom, an honor bestowed on President Ford in 2000 by President Bill Clinton. In 1999, he was awarded the Congressional Gold Medal and in 2001, he was presented the Profile in Courage Award by the John F. Kennedy Library and Museum.

Mr. Speaker, I salute President Ford for his outstanding and patriotic service, especially his efforts as President to unite and heal the Nation in a time when it had lost all confidence in its officials. I strongly urge all members to join me in supporting this resolution honoring and celebrating the late President Gerald R. Ford and his lifetime of achievement and service to our country. We mourn the death but celebrate the life of this great American, this great president, and former Minority Leader of this House.

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor former President and U.S. Congressman Gerald R. Ford.

Gerald Ford, who is often referred to as ''Michigan's Greatest Son,'' worked hard wherever his life led him and based his decisions upon what he felt was the right thing to do.

A star football player with my alma mater, the University of Michigan, he turned down offers to play in the National Football League to study law at Yale.

He then volunteered to serve his country in the Navy during World War II before returning to Michigan to put his law degree to work.

He later defeated an incumbent for a seat in the U.S. House of Representatives in his own party's primary, which from my own experience is an incredibly difficult endeavor. His colleagues later elected him to the highest leadership position among Republicans in the House.

Gerald Ford admittedly did not seek the greatness of the U.S. presidency, but destiny determined that he would become the right man in the right place at the right time.

President Ford allowed the country to move forward by pardoning Richard Nixon, although it likely contributed to him failing to win the 1976 election.

He helped to unite a divided nation, even when he knew that it would likely result in a great personal cost. He made the decision because he knew that if he did not, our country would spend the months and years looking back and not ahead. For him it was simply the right thing to do.

He conducted himself with integrity and character throughout every step of his distinguished career. He set a very high standard for those of us in West Michigan who would follow him to Washington.

The legacy he leaves to join his Creator will impact not only the officeholders who follow in his footsteps, but generations of Americans to come.

Mr. KILDEE. Mr. Speaker, I rise today to express my strong support for H. Res. 15, a House Resolution mourning the passing of former President Gerald Ford of Michigan.

Throughout his life and his career, Jerry Ford exhibited the highest standards of courage, wisdom, integrity, and civility.

I had the honor of serving with President Ford's brother, Thomas, in the Michigan legislature before I was elected to Congress in 1976.

Mr. Speaker, I must admit that I was one of those who questioned President Ford's pardon of Richard Nixon at the time he did it.

But by the time Ford gave his final State of the Union speech in January 1977, I, and most of the Nation, had come to realize the rightness of his decision to pardon Nixon.

I vividly remember the sustained and prolonged applause, from both sides of the aisle, for President Ford during his January 1977 State of the Union Address to the Congress.

He took the Office of the Presidency at a very difficult and troubled time for our Nation and for our world.

He had previously served his country with honor as a naval officer during World War Two, as a member of the U.S. House of Representatives from the State of Michigan, and as the minority leader of the U.S. House.

But when his country needed him the most, he served in the highest office in the land, as President of the United States of America.

He was the right person, at the right time, in the right office.

He guided our Nation through a very difficult time and he helped in the healing process which our Country so deeply needed at that time in our history.

Mr. Speaker, Jerry Ford loved this Country, he loved his house, he loved his State of Michigan, and he certainly loved his wife Betty and their children and grandchildren.

Our thoughts and our prayers are with them as we honor Jerry Ford today.

Mr ENGEL. Mr. Speaker, I rise today to pay tribute to the great President Gerald R. Ford, who has recently passed away. Gerald Ford was not only America's 38th president but he was also a dedicated husband, father, athlete and WWII veteran.

Born in Nebraska, Ford was an athletic young man. He was the star of his high school football team and continued to play football as a college student at the University of Michigan. He then went on to receive his law degree from Yale University. Shortly after graduating from Yale, Ford received a commission as ensign in the U.S. Naval Reserve and received numerous awards for his bravery and service during WWII. After returning from the war, Ford became more involved in politics, serving as member of the House of Representatives for 25 years, including 8 years as the Minority leader, and later becoming Vice President before taking the oath as President.

President Ford took power following one of the most difficult times in our Nation's history and brought America back together. Gerald Ford was a noble, honorable man who emerged as a leader at a time when Americans were questioning their government.

President Ford showed us that strength and integrity are indisputably important traits to have in order to successfully lead our great Nation.

As power has just changed hands in Congress, it is my hope that we will heed the legacy of Gerald Ford and always seek to stand together to face the challenges of the future. Gerald Ford will be sorely missed by all of the Americans that he touched. My heart goes out to all of his family members.

□ 1945

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 15, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those voting have responded in the affirmative.

Mr. EHLERS. 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.

UNIVERSITY OF FLORIDA FOOTBALL CHAMPIONSHIP

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

Ms. CORRINE BROWN of Florida. Mr. Speaker, a St. Pete headline says: ''Gator Nation: It's A Great Time to be a Gator.'' The Gainesville Sun boasts: ''Gators Made Most of Their Chances.'' The Miami Herald states: ''Gators are First on the Court and First on the Field.'' The Florida Times Union reads: ''The Gators Stand Tall and Deliver; Florida Totally Dominates Ohio in Claiming the National Championship.''

Go Gators!

The BCS Championship game between the University of Florida Gators and the Ohio State University Buckeyes last night was a clash of the titans and history in the making.

My alma mater, the University of Florida, became the first school in NCAA history to hold national titles in football and men's basketball at the same time. Only six Division I schools have ever won a football and men's basketball national championship since 1936, and never in the same year.

Thanks to Head Coach Urban Meyer, the Florida coaching staff, and the outstanding Gator football team, we finished the season with a 13–1 record.

I want to congratulate the University of Florida for not only being the best athletic school in the country but also the best in academia.

The Gators, through persistent offense and an overwhelming defense, defeated the Ohio State University Buckeyes 41–14. They earned 21 first downs, 370 total yards, and did not turn the ball over on offense. The defense held the opponents to only eight first downs, 82 total yards, and sacked the quarterback five times, for 51 yards.

No doubt about it, the best team won the National Championship. Go Gators!

GATORS WIN THE NATIONAL CHAMPIONSHIP TITLE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to congratulate the University of Florida Gators for winning the Bowl Championship Series National Football title last night.

After a hard fought season, the Gators proved victorious last night with a dazzling 41–14 triumph over the Ohio State University Buckeyes. I want to extend special congratulations to Florida's head coach, Urban Meyer, who trained this football team to be the best in the country. All of the athletes are shining stars for the university and deserve our highest praise.

Last night, the University of Florida made history by winning national titles in both men's basketball and football in the same season. Florida's academic reputation is stellar, our sports teams are number one and our fans are like none other. Mr. Speaker, it is great to be a Florida Gator. Congratulations to the students, faculty, alumni, and friends of the University of Florida.

I have just one thing left to say, Mr. Speaker, and that is: Two bits, four bits, six bits a dollar. All for the Gators, stand up and holler. Go Gators!

CONGRATULATIONS TO UNIVERSITY OF FLORIDA GATORS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I too want to add my words to my colleagues from Florida. I happen to represent the southern part of Florida, but I can tell you it is a great day for all of Florida and we have good reason to be proud of these fine men who have shown the country that Florida is not only football territory but also just a great athletic territory with great universities in our great State.

With that, Mr. Speaker, I yield to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. I just want to once again thank the Gators; and as we speak, I want you to know that they are arriving in Gainesville and we want to extend our wholehearted congratulations to the coaching staff and to the faculty and staff.

I also have a yell, one that I remember, and we used to do it when I was a student at the University of Florida. It was: One, two, three, four, five, them there Gators don't take no jive.

And they did it last night. Go Gators!

SPECIAL ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ AND THE PROPOSED BUSH ESCALATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, first of all, congratulations for being up in that chair.

I rise today to unwaveringly support the Speaker of the House, who has said that she opposes any escalation of the occupation of Iraq, that she opposes sending more combat troops into a situation in Iraq that is so, so messy.

The Speaker represents an overwhelming majority viewpoint among the American people. Indeed, Mr. Speaker, she is Speaker today because the American people overwhelmingly rejected the Bush occupation policy, a policy that has already claimed over 3,000 American lives, cost us hundreds of billions of dollars, ignited a bloody civil war, and diminished our national security.

But President Bush is stubbornly and desperately clinging onto an ideological vision that has been completely discredited. He is not listening to the new Congress. He is not listening to the American people. He is not listening to the Iraq Study Group. He is not even listening to his military commanders, who have advised against an escalation.

Even the most hawkish observer imaginable, Oliver North, has come out against an escalation in a recent column entitled: ''More Troops Equals More Targets.''

This occupation takes a more disastrous turn with each passing week, but the Bush administration not only is sticking to its failed policy; it is investing even more in that policy.

Our military presence, from the very beginning, hasn't brought peace and freedom to Iraq. It has been a catalyst for greater violence and disorder. It hasn't defeated the insurgency. It has been what has motivated the insurgency. It hasn't solved problems in Iraq. It has exacerbated them.

So what is the White House's solution? Send more troops and put more Americans in harm's way, even though the American presence destabilized Iraq in the first place. Escalation defies common sense, Mr. Speaker. It is

completely incomprehensible. The President of the United States has a unique take on an old proverb. He believes that if you find yourself in a hole, the solution is to keep on digging.

Here in Congress, however, we want to stop digging. On Friday, the Congressional Progressive Caucus and the Out of Iraq Caucus will co-host a forum featuring former Senator George McGovern and Mideast expert Dr. William Polk. They will be discussing their plan for ending the occupation, as outlined in their recent book, ''Out of Iraq: A Practical Plan For Withdrawal Now.''

We will also be joined by leaders from the military, and from diplomatic and intelligence communities, who will offer their expertise and input in a dialogue with Senator McGovern and Dr. Polk.

It is time for a 180-degree turn in the U.S. policy toward Iraq. It is time for the Congress to act out the mandate it received from the American people in November. It is time to get down to business and figure out how to extricate ourselves from Iraq, end the occupation and bring our troops home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO SPECIALIST DUSTIN R. DONICA, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, General Douglas MacArthur said: ''A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader, but becomes one by the quality of his actions and the integrity of his intent.''

Tonight, I want to talk about that kind of leader, Army Specialist Dustin Ross Donica, 3rd Battalion, 509th Parachute Infantry Regiment, 4th Airborne Brigade Combat Team, 25th Infantry Division of Fort Richardson, Alaska.

Dustin grew up in Spring, Texas, outside of Houston. His nickname was Double D. He enjoyed teasing his sister, Courtney. He loved to joke around with his family and his friends, and he was known by many for his unique sense of humor. He was very, very close to his family.

He was especially close to his only sister, with whom he shared an unbreakable bond. They were called the ''Irish Twins,'' born 1 year apart. The two often told others they were actually twins.

Dustin always described himself as a modest person, although looking at his life, this modest son of Texas accomplished extraordinary accomplishments. Even at a young age, he was known as the hero who grew up down the street. That was because of his attitude about service and about loyalty.

In 2003, the Klein High School graduate left the University of Texas and enlisted in the United States Army.

When Dustin was asked about joining the Army, he said, ''I've grown up in a very privileged area. When most people of my generation are asked to do something, their first thought is, how will this benefit me? I need to do this so that my first thought is, how does it benefit others.''

No wonder people said Dustin had a sense of honor and duty, traits that are very rare in our culture.

When Dustin was deployed to Iraq, he sent his sister a teddy bear. The teddy bear was wearing an Airborne uniform complete with a Donica patch on the pocket. He wanted the bear to serve as a reminder that he was fighting to keep her safe and he was always constantly thinking of her.

Mr. Speaker, you know, there's something all-American about a teddy bear. Dustin was constantly concerned for the well-being of his family back home. Even though he was in the combat war zone, all of Dustin's phone conversations with his family ended, ''Remember, I love y'all. Take care. Be safe.''

One of Dustin's last requests was that his parents visit his close friend, Logan. Logan had served also in Iraq, and he was being treated in the United States for his injuries. He was a very close friend of Dustin's, and Dustin asked that his parents provide Logan comfort by visiting him in the hospital in the United States.

But on December 28, 2006, at the dynamic age of 22, Double D., Dustin Donica was killed in Iraq, conducting combat operations against the anti-Iraqi forces in the city of Karmah in the Al Anbar Province.

As in many other times in his life, Dustin was standing guard, protecting his fellow soldiers in arms when he received his fatal injuries.

Now, the media has taken it upon themselves to assign a number to this patriot. Dustin's legacy is more than just a number. He was an American fighting man. He was the only son of the Donica family. He was totally committed to America. He was not a media number. And Dustin Donica's name was the example of bravery, courage and duty.

Dustin, like those who came before him, stopped at nothing to defend freedom. Our American duty, the duty for all of us that are left behind, is to honor America's sons, like Dustin Donica. In the words of President Calvin Coolidge, ''The Nation which forgets its defenders . . . it too will be forgotten.''

Dustin was a man who loved life, family and country. His parents, David and Judy Donica said, ''We loved Dustin. He will be missed by us and those that knew him.''

This is a photograph of Dustin Donica, Mr. Speaker. And yesterday Dustin was laid to rest with full military honors in Klein Memorial Park Cemetery in Texas.

These words from one of Dustin's favorite songs, ''American Soldier'' by Toby Keith, describe the commitment of courageous men like Dustin who we are proud of, men who are proud to wear the uniform of the United States soldier. It goes like this, Mr. Speaker: ''An American soldier, an American, beside my brothers and sisters, I will proudly take a stand. When liberty is in jeopardy, I will always do what's right. I am out here on the front line. So sleep well tonight. Sleep in peace, America, because I'm an American soldier.''

These young Americans like Dustin are a rare breed, Mr. Speaker. They are the American breed, and we thank them and their families.

And that's just the way it is.

□ 2000

The SPEAKER pro tempore (Mr. ELLISON). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

NO ESCALATION OF TROOPS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this evening to voice my strong opposition to President Bush's apparent decision to send up to 20,000 more troops to Iraq. Tomorrow evening the President will try to persuade a very skeptical public that more troops are needed in Iraq. But regardless of the number he suggests tomorrow night, I will oppose any efforts to escalate the war by sending additional American troops.

Mr. Speaker, it appears President Bush has learned nothing from the results of the 2006 election, nor has he listened to the suggestions of the bipartisan Iraq Study Group or his own Joint Chiefs of Staff who said as late as last month that they saw no reason to send more troops to Iraq.

Instead, President Bush has chosen to stick his head in the sand, not listen to anyone and continue on a course that is not going to make Iraq any safer for either our brave troops or for the Iraqis themselves.

It is time to bring an end to the war in Iraq. President Bush has lost the support of the American people who have grown frustrated by the continuing loss of American troops. They are rightfully asking the question, why must our troops continue to serve as referees in a civil conflict between Sunnis and Shias?

Mr. Speaker, there was a new Washington Post ABC news poll released this morning. And only 17 percent of Americans support sending more troops to Iraq; 17 percent is not a mandate for anything, in my opinion. And it is time for President Bush to finally listen to the American people.

Many of us woke up on New Year's Day to the headline of ''3,000'' bannered across our newspapers. We have now lost more than 3,000 soldiers in Iraq. Now, how many more are going to have to die before the President realizes that there is no possible U.S. military solution in Iraq?

Some supporters of the President's plan are going to claim that if we bring our troops home now, the more than 3,000 U.S. soldiers that have died over the past 3 years will have done so in vain. But I could not disagree more. These men and women fought admirably for our country and will certainly be remembered as heroes. But the question now is whether or not we want to risk thousands more American lives for a war that we so obviously cannot win.

Since the inception of this war, we have seen little evidence of progress in Iraq. In fact, the violence has only intensified to the point that a report released from the President's own Pentagon concluded that violence in Iraq was at an all time high just last month. And last month was the third deadliest month for American troops since the start of the war with insurgents claiming 111 soldiers lives.

Now, our troops know that the situation in Iraq is getting worse every day. They are speaking about IEDs, the improvised explosive devices used by the insurgents, which are now bigger and more complex.

The Bush Administration has tried troop escalation before, but it has never worked. Last summer, the President touted a plan that sent more troops into Baghdad, similar to what is expected to be proposed by him tomorrow. But while the violence subsided for a couple of weeks, by the end of August last year, violence was again on the rise, and it continued to escalate for the remainder of the year.

Based on these facts on the ground, why would the President even consider sending more troops to Iraq? Why would you put more American lives in harm's way when we know that previous troop escalations have not been successful in reducing violence and decreasing the number of insurgents?

Mr. Speaker, it is time for us to begin to bring our troops home. The President has said that increasing troops is a sacrifice we have to make to win this war. But I think truly it is time for him to admit that risking more American lives for this failed war is a monumental mistake.

HONORING THE LIFE OF HOWARD ZWYER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today our community bid special praise and farewell to a beautiful human being, Howard Zwyer of Monclova, Ohio. A lifelong farmer, along with his wife, Eleanor, his brother, Ray, and his wife, Thelma, farmed over 1,000 acres as their father had before them. And the Zwyer family, and Howard, carried on an ethic of stewardship of our land, of husbandry, soil conservation and community mindedness that surely is not equaled by any other American.

He was 83. He lived to be 83, and he died within a mile of his birthplace. He and his brother, Ray, and their father, John, began growing corn, soybeans and wheat in the early years, even raising beef cattle.

Now, their father died in 1963, and the brothers took over. And they loved the land. When he retired formally from agriculture, he gardened and shared the produce with others. He really needed to work with the soil. It was part of him. And he never complained about being a farmer.

Mr. Zwyer retired formally about 20 years ago, and his brother died in 2002. I can tell you, they represented agriculture in Northern Ohio. There was nothing like getting on a combine with the Zwyers beaming ear to ear. I had some of those experiences.

He inherited so much of his spunk from his father, and he was also political. Howard was a Township Trustee from 1972 to 1979 and sought public office because he thought there needed to be changes for the better. Without complaint, he accepted constituents' phone calls of praise or blame and made sure the telephone was at the dinner table so he could answer.

And during late night snowstorms, he helped plow the roads. He really was a builder of our community. Throughout his public service, he attended most trustees meetings and recruited others to run for township office. His daughter said he was a little sad about how Monclova had evolved into more of a suburban community, but he understood how progress may change life as we have known it.

In retirement, Mr. Zwyer made bluebird houses, which he installed and tended, lots of bluebird houses. The family joked about how he could do anything if he had a roll of duct tape, a Snickers bar and a can of WD–40. And that is so true.

He loved adventures with his grandchildren, and he gave out cards that gave you hugs and kisses, and he handed out lots of tulips.

He was a member of St. Joseph's Church, Maumee, and became an usher until he became ill about 6 years ago.

He was a 1941 graduate of former Monclova High School, and his beloved wife, Eleanor, survives him. They have been married since 1945. They have a daughter, Jeanne Counts; a brother, Bob Zwyer; and two grandsons.

It is such a joy to be able to talk about the life of this wonderful, wonderful Ohioan who did so much to create a culture of caring and of fatherliness across our region and who helped make agriculture in Ohio, our leading industry, what it is today.

We shall truly miss Howard Zwyer and all of the values that he represented. We know that he, his brother Ray, their father, are in a very, very special place in the city beyond the stars. We shall miss them. We wish their families Godspeed. Our thoughts are with them particularly at this difficult time.

[From The Blade, Jan. 7, 2007]

HOWARD JOHN ZWYER

Howard John Zwyer, 83, of Monclova, passed away Friday, January 5, 2007, at the Hospice of Northwest Ohio in Perrysburg. Howard was born May 13, 1923, in Monclova, the son of John and Sophie Grossheim Zwyer. He graduated from Monclova High. School in 1941. Howard was a farmer and gardener his entire life, never living more than one mile from his original home. He loved sharing his raspberries, blackberries and other produce from his garden with neighbors and friends. Howard was a lifelong member of St. Joseph Catholic Church and ushered for many years. He served as a Monclova Township Trustee for eight years and after his service, he stayed active in the township and politics. He was a member of the Monclova Democrat Club, Lucas County Farm Bureau, the Maumee Eagles and the Lucas County Soil and Water Conservation District. Howard loved his family, International tractors, duct tape, WD–40, Snickers bars, adventures with his grandsons, hugs, Tulips, bluebirds and smiles.

He is survived by his wife of 61 years, Eleanor; daughter, Jeanne (Jim) Counts; grandsons, Buck (Heather) Counts and Will Counts; brother, Bob (Eleanor) sister-in-law, Thelma Zwyer and many special nieces and nephews. He was preceded in death by his parents; son, Jimmy; a daughter, Julie; brother and sister-in law, Paul and Geneva; brother, Raymond, and sister and brother-in-law, Helen and Gilbert Sattler.

IRAQ TROOP ESCALATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, tomorrow night President Bush will go on prime time television to present to the Nation the results of, quite frankly, what I call his listening tour on what to do about Iraq.

After 4 years since the war began, the President has suddenly taken an interest in listening. But he certainly is not hearing the American people.

Nearly 4 years ago, this unnecessary war in Iraq began, and it has cost our Nation so much. Over 3,000 brave American men and women have given their lives. We have spent close to $400 billion on this war, and the President is poised to ask for another $100 billion in the fiscal 2006 supplemental next month.

And this war has greatly undermined our standing in the world and our national security.

Each additional day that our troops remain on the ground in Iraq, the

longer the target remains on their backs. Instead of doing something immediately to remove these targets from our troops, the President is expected to propose escalating the number of our troops in Iraq by 20,000.

Now, regardless of how you spin this, either as a surge or a bump, it amounts to an escalation of the war at precisely the time we should be seeking to bring the Iraq war to an end. It is like the man who finds himself in a hole and decides that the best way out is to keep digging.

An escalation in troops won't change a thing on the ground. Iraq is still in a civil war, and we are still occupiers.

As reported yesterday, nearly 23,000 Iraqis died in 2006. This is just in 1 year. And even worse, over 17,000 of these deaths came in the second half of the year.

In escalating the number of troops, the President fails to address exactly how U.S. troops will referee this civil war. Are we to pick sides and support ethnic cleansing of one group over another? Adding more U.S. troops to this mess will prove not only ineffective, it is just plain foolish.

But this tactic is nothing new. The President has added troops in the past. There have been escalations during the Iraqi elections in 2005 and 2006 to shore up Baghdad security. The violence may have quelled for a moment but only to return with a vengeance, as we have seen.

Finally, the President's plan is futile. Some of the President's own advisors and experts have questioned the utility of a troop escalation. Their reasons range from the Iraqi government's inability to capitalize on new troops to the sheer folly of adding more troops to an already incendiary situation.

No such luck. In fact, a senior military official was quoted last month as saying adding more troops would be like adding kerosene to a fire.

General Abizaid, the top military commander in Iraq, testified before the Senate Armed Services Committee in November 2006. He posed the question of his commanders and generals. He said, If we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? General Abizaid reported that they all said no.

Mr. Speaker, the President's own press secretary, Tony Snow, said yesterday that the President still wants to hear what Members of Congress have to say. Well, I tell you, we have listened to the American people. Over 60 percent oppose the idea of increased troop levels. We have listened to the President's own commanders. Escalating the number of troops won't change the facts on the ground. I think it is time for the President to listen.

Mr. President, Mr. President, Mr. President, bring our troops home and make sure that we have no permanent military bases in Iraq.

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END THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise this evening to give voice to tens of millions of Americans throughout our country who are looking for an end to the war in Iraq. I rise on behalf of our brave soldiers on our battlefield who have done everything our country has asked of them under terrible circumstances and who have made terrible sacrifices.

I rise on behalf of their families who have suffered great losses and who worry day and night for their safety and for the loved ones still in combat. I rise this evening to call on our President to give the Nation what it has deserved, a viable plan to safely bring this war to an end, to redeploy the American forces out of Iraq, and turn the future of Iraq over to the Iraqi people once and for all.

President Bush is soon expected to call for an escalation to the war in Iraq, seeking to deploy an additional 20,000 troops into combat. The President's plan would be just the latest in a series of flawed and tragic decisions that he has made regarding Iraq.

The President was advised at the outset of the war by one of his top generals to send a large American force in order to win. President Bush rejected that idea, and since then he has tried at different times a surge of American troops in an effort to win the war. Now, each time that effort has failed.

Now he appears ready to defy the odds and take great risks with the lives of others in order to try his plan one more time. The President has failed to make a compelling case for adding more troops into what is clearly the greatest American foreign policy disaster in half a century or even longer.

I applaud the efforts of House Speaker NANCY PELOSI and Senate Majority Leader HARRY REID, who have called for a new course in Iraq. On Friday they wrote: ''Adding more combat troops will only endanger more Americans and stretch our military to the breaking point for no strategic gain. Rather than deploy additional forces to Iraq, we believe the way forward is to begin the phased redeployment of our forces in the next 4 to 6 months, while shifting the principal mission of our forces there from combat to training, logistics, force protection and counterterror.''

I implore the President to seriously consider these views, and I implore him to also consider the views of the current and former military and political leaders of his own administration who have openly questioned sending additional troops to Iraq. For instance, on December 17 in 2006, former Secretary of State Colin Powell said, ''I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.''

On November 15 General Abizaid expressed, ''I've met with every divisional commander. General Casey, the Corps commander, General Dempsey—we all talked together. And I said, 'In your professional opinion, if we were to bring more American troops now, does it add considerably to our ability to achieve success in Iraq?' And they all said no.''

The war in Iraq is a mistake from the beginning, and I voted against authorizing this war. But regardless of one's position then, clearly there is no sound basis now for increasing America's military presence in Iraq. The war has claimed the lives of over 3,000 American soldiers and has wounded more than 20,000, and it has clearly become a civil war.

It is unconscionable to ask one more American soldier to fight and die in a civil war in Iraq. The President must engage key nations like Syria, Iran, Saudi Arabia, Jordan and others in an effort to create a political solution in Iraq. The Nation opposes the ongoing war in America. There is still time for the President to change course, to reconsider his call for 20,000 more troops in Iraq, and to begin the redeployment of our troops and our forces now.

I salute those who continue to serve in Iraq. I salute their families and pledge to them my unyielding support and respect as we try to safely bring the war to an end.

Mr. President, listen to the people of the Nation which you govern. They have spoken, and they have spoken overwhelmingly. They reject the prolonging of the war in Iraq. They want our soldiers redeployed and brought home safely, and they want it done now.

Please, Mr. President, listen to the people of this Nation.

STATEHOOD FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the House to inform the House that I have today filed a bill to give full voting rights in this House to the people of the District of Columbia, who are second per capita in the Federal income tax they pay to support this government, this House and this Senate, and who have fought and died in every war since the creation of a Republic, including the outrageous war where we now serve.

I come in gratitude that the House is now governed by my own party, which for decades has supported not only what my bill today would afford, a vote in the House, but a vote in both Houses, and I come to thank my own caucus for that support. But I also come in some frustration and with

some impatience. I come in frustration that I am still a second-class citizen in my own House.

Until I can represent the people of the District of Columbia as a full American citizen, this frustration and impatience will continue.

I had hoped to be able to vote on the bills we all ran on that are now before the House. I came to speak today, but once again, when the vote came, I could not vote. I couldn't vote because I was not even allowed the vote in the Committee of the Whole that I won when the Democrats were last in power.

My people in the District have chastised me for even trying to get the Committee of the Whole vote. They perhaps recognize that it is a hubris that I wished at least to vote in this House as we convened, and they are perhaps right. They tell me, we are not in any way interested in another second-class vote, ELEANOR. It is time for first-class rights for the people of the District of Columbia.

So I accept their chastisement and pledge to them that I will not rest, now that Democrats are in power, until Democrats do as they have always said, that they sought power to do, to give votes to the people of the District of Columbia.

I have tried everything, I have tried statehood, I have tried Committee of the Whole. It is time to try the real thing, Mr. Speaker, when there are 650,000 people who pay their taxes and have met every obligation, and are not recognized as citizens in their own House and send somebody to the House that is not even recognized to vote on this House, not even in the Committee of the Whole.

I come to express their frustration, to say I am leaving all that behind. I have introduced the bill they want. I accept their chastisement. We want our votes. We want it in the 110th Congress, and we want it now. I speak for them as a woman who knows what it means to be a second-class citizen, and who, once she left the District went to law school, said, I shall never again be a second-class citizen. Yes, I grew up in segregated schools in this town, in segregated Washington. That is what it meant to be a second-class citizen. Now to be a second-class civics citizen, after 200 years, has become too much to bear.

So I have introduced a bill to make it absolutely clear, as my people have said I must do today, that there is boiling determination among the people of the District of Columbia to get this vote. Not in January. We have respected the right of the Congress to come forward with the bills that are of great importance to the country, but those of us who believe that the vote is basic, is basic to Democrats, is basic to America, I believe we should move on after January and finally keep the promise that at least Democrats have made to the House and that I commend Republicans for getting us very close to in the 109th Congress.

This is the 110th, Mr. Speaker. This is the moment of truth. This is the moment when the Democrats have not only the opportunity, but the obligation to give a vote in the 110th Congress to the people of the District of Columbia.

REMEMBERING QUINCY BEAVER, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it is with great sadness that I rise today to announce the passing of a great American, Quincy Beaver, Sr. Quincy had been a resident of Carson, California, for 38 years. His contributions to his community, the State of California, and the world are legend. He was a passionate advocate for justice and equality and devoted countless hours working in political, civil rights and labor union movements.

Quincy's community and social activism span nearly 7 decades. Upon receiving an honorable discharge from the military in 1945, Quincy returned to Los Angeles where he immediately began to serve his community. Given his passionate commitment to service, he was presented numerous accolades and awards that are too numerous to list.

But a few of Quincy's leadership positions, honors and awards include Chair of the Employment Labor Committee of the Los Angeles chapter of the Congress of Racial Equality, referred to as CORE, board member of the South Central Welfare Planning Council, board member of the Charles R. Drew Community Advisory Council, founding member of the Carson/Torrance NAACP, and Chair of the chapter's First Executive Board, member of the Compton and Long Beach chapters of the NAACP, and board member of the Campaign for a Citizens' Police Review Board.

Quincy was a major player in the creation of the Southern California Free South Africa movement and a founding member of the Martin Luther King, Jr., Democratic Club, and elected its first president in 1972.

He worked in numerous local, State and national political campaigns; and during the 1972 campaign, Quincy formed the Black Workers for McGovern. In 1984, he founded and served as chairperson of the 31st Congressional District Jesse Jackson for President Campaign.

For the last 44 years, Quincy was a member of the California Democratic Council, CDC, a state-wide organization of Democratic clubs where he held numerous positions in the organization, including immediate past president.

Quincy was married to Geneva Phillips, who was his friend, his confidant, his caregiver, and the love of his life. They shared a passion for community service and grass-roots politics. He was the proud father of four children.

We will sorely miss Quincy's unswerving commitment to community service, quality education, to jobs and to safe working conditions for all people. We will certainly miss his community activism. Dear Quincy, rest in peace.

□ 2030

BLUE DOG COALITION

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes.

Mr. ROSS. Mr. Speaker, I rise this evening on behalf of the 44 member strong fiscally conservative Democratic Blue Dog Coalition. We are a group of fiscally conservative Democrats that are committed to restoring common sense and fiscal discipline to our Nation's government. During the 109th session of Congress, we had 37 members; in the 110th session of Congress, we have grown to 44 members, 44 fiscally conservative Democrats that share my vision of putting America on a path toward fiscal responsibility, putting America on a path toward accountability, and putting America on a path that will restore common sense to our national government.

As you walk the Halls of Congress, as you walk the Cannon House Office Building, the Longworth House Office Building, as you walk the Rayburn House Office Building, you will see this poster, Mr. Speaker; and as you see this poster, it will be a symbol that you are walking by an office that houses a Blue Dog member. You will find 44 of these posters in the Halls of Congress to remind the American people and to remind the Members of Congress and to remind all of us as we walk these Halls that our Nation is one that is tragically in debt.

The current national debt of these United States of America is $8,690,905,471,722, and actually 43 cents. I just didn't have room to put it on the poster. I ran out of room. And for every man, woman, and child in America, your share of the national debt is $29,005.60. It is what we have coined in the Blue Dog Coalition as the debt tax, D-E-B-T tax. It is one tax that cannot be cut, that cannot be repealed until we get our Nation's fiscal house in order.

Mr. Speaker, you might be thinking, Now, didn't President Clinton leave us with a balanced budget, the first one in some 40 years? Didn't we have a balanced budget from 1998 through 2001? Yes, Mr. Speaker, we did. But in the past 6 years, this Republican President and this Republican Congress has given us record budget deficit after record budget deficit.

On this chart you will see the four largest deficits ever in our Nation's history. The first rank was 2004 when our Nation wrote $413 billion worth of hot checks. The second largest deficit

ever in our Nation's history was in 2003 when our Nation wrote $378 billion in hot checks. In 2005, it was $318 billion. And in 2006, the President actually had a press conference to brag on the fact that he came in under projection and only wrote $296 billion worth of hot checks, the largest deficit year after year after year under this Republican-controlled Congress that has given us the largest debt ever in our Nation's history.

As members of the fiscally conservative Democratic Blue Dog Coalition, we believe that the American people have given us the majority in this Congress because they want us to do something about it; and, Mr. Speaker, we have a plan. We have a 12-point plan to restore budget discipline and common sense to our national government.

Why is this important? It is important because if you think with me, Mr. Speaker, the total national debt from 1789 to 2000 was $5.67 trillion; but by 2010, the total national debt will have increased to $10.88 trillion. That is a doubling, a doubling of the 211-year debt in just 10 years.

Interest payments on this debt are one of the fastest growing parts of the Federal budget, and the debt tax, D-E-B-T tax, is one that cannot be repealed.

Mr. Speaker, the reason this should matter to every man, woman, and child in America is quite simple: deficits do matter. Deficits reduce economic growth; they burden our children and grandchildren with liabilities; they increase our reliance on foreign lenders who now own 40 percent of our debt. Let me repeat that: foreign lenders now own 40 percent of our debt.

Put another way, this administration and this Republican Congress over the past 6 years have borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined. It is time to restore some common sense and fiscal discipline to our Nation's government.

Why? Why does it matter to the working families and seniors to this country? It is quite simple. Our Nation is borrowing some $1 billion a day. We are spending one-half billion dollars each day paying interest on the debt we have already got before we increase it another $1 billion today. And as you can see, the red graph is the increase we spend on your tax money paying interest on the national debt. The blue is how much we spend on education. Look at the difference. The red graph illustrates the amount of your tax money that is going not to pay principle but to pay interest on the national debt. The blue represents how much we are investing in our young people, how much we are spending on education. The green represents how much we are spending on homeland security. Tragically, the dark blue illustrates how much we are spending taking care of our veterans.

It is time this country gets its priorities in order, and I believe the American people on November 7 spoke loud and clear in giving us a chance to lead in this Chamber, and we are ready to lead, and we are ready to lead with the Blue Dog Coalition's 12-point plan for budget reform.

Mr. Speaker, I mentioned that we have grown to 44 members in the fiscally conservative Democratic Blue Dog Coalition, and one of those members that has joined our ranks is the gentleman from Ohio, and at this time I would yield to my friend from Ohio, CHARLIE WILSON, for as much time as he would like to take.

Mr. WILSON of Ohio. Mr. Speaker, as Congressman ROSS said, I am a new Member, Mr. Speaker, and it is a pleasure to be here from Ohio. And one of the major concerns is the amount of debt that we have created in this country.

One of the reasons that I have joined the Blue Dogs is I like the idea of us having a balanced budget. I truly believe, Mr. Speaker, that Congress cannot buy on credit without being responsible for the credit card.

This is not the principle that I have lived by all my life as a successful businessman and these are not the principles that our government can run by. We need to be accountable. We need to be able to step forward and show what our money is being used for, and not to spend more than we have.

Each and every one of us has budgets within our home, we have budgets within our life that we use every day. We know that we have to live within our budget or we have bad consequences. Ladies and gentlemen, Mr. Speaker, there is no difference for us as a government. We have to live within our means. And to see the transformation that has happened in the last 6 years in going from a large surplus of $400 billion to now a nearly $9 trillion balance of debt, D-E-B-T as Congressman ROSS says, in our government.

It is time that we start saying to the Congress and to the administration we must live within our means. We have to know that the Blue Dogs are going to be watching and are going to be concerned, and one of the plans that has been set forth by the Blue Dogs is what we call PAYGO. That means that you don't buy anything that you are going to pay for to go forward until you decide what you are going to eliminate. It is just like each and every one of us does in our lives every day. We know that we can't just go out and buy anything, that we have to budget for it, we have to make an opportunity so that we are able to pay for it.

And so one of the new plans that you are going to be hearing coming out of this 110th Congress is going to be the PAYGO, that means that our spending must be paid for before we go forward. This is just one of the plans that the Blue Dogs are taking responsibility for to help us put a lid on the spending that is going on within our country.

I am so proud to join these other 43 people and now 44 of us in the Blue Dogs in bringing about accountability and helping us to put spending caps on what is going on in our government. I am delighted to be one of the speakers today that is concerned about what is going on in our country and look forward to working to bring fiscal responsibility to this government.

Mr. ROSS. I thank the gentleman from Ohio (Mr. WILSON) for joining us on the floor this evening for the Blue Dog Special Order as we talk about restoring common sense and fiscal discipline to our Nation's government. And the gentleman from Ohio, a new member of the fiscally conservative Democratic Blue Dog Coalition, he mentioned that one of the things that we have done already in this 110th Congress under the Democratic leadership is reinstitute the PAYGO rules. That means pay-as-you-go. And on the very first day in the first 24 hours of the 110th session of Congress, we are very pleased as members of the Blue Dog Coalition that the leadership of this House under Democratic control chose to include in their rules package reinstituting the PAYGO rule, because that rule was in place from 1998 through 2001 when we saw a balanced budget in this country. It makes sense to me.

You know, 49 States require a balanced budget. Holly Ross requires a balanced budget at the Ross family in Prescott, Arkansas. We own a small business; we are required to balance the books there. And in our opinion, it is not asking our Nation too much to balance its books. And one of the ways that you begin the process of doing that is instituting the PAYGO rule, which means pay-as-you-go. If you have got a wonderful program, then show us what program you are going to cut to pay for it.

Now, I got a big kick last week during the debate on this very floor when Republicans jumped up and down opposed to reinstituting the PAYGO rule. When I was a small child growing up, I always heard it was the Democrats that tax and spend, and yet it was the Republicans over the last 6 years that has given us record deficit after record deficit, the largest debt ever in our Nation's history. And last week they said they were opposed, many of them said they were opposed to the PAYGO rule because it meant to pay for a new program raising taxes. They don't get it, Mr. Speaker. It is not about raising taxes; it is about cutting spending. It is about reducing the size of our government. It is about paying as you go. If you want to create a new program, show us which program you are going to cut to pay for it.

As members of the fiscally conservative Democratic Blue Dog Coalition we are sick and tired of the games; we are sick and tired of the partisan bickering that goes on at our Nation's Capitol. I don't care if it is a Democrat or Republican idea. All I care about is, is it a commonsense idea? Does it restore accountability and fiscal responsibility

and discipline to our Nation's government?

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At this time I yield to Joe Donnelly, a Member of Indiana, a member of the fiscally conservative Democratic Blue Dog Coalition.

Mr. DONNELLY. Thank you, Congressman ROSS, for yielding.

I want to talk for a minute or 2 about what Congressman ROSS had mentioned. The foreign debt that we have now has doubled in the last 5 years to over $2 trillion at this point. And you think of our country, and our country has been there to help and to finance so many others over the years. You think after World War II we helped put Japan back on its feet. We helped in Europe. And the sad fact is that right now Japan is helping us, that we are having to sell to Japan to help pay for our debt, selling our Treasury notes. And it is a sad fact that China has become one of the largest lenders to our country. And it is simply because we have not covered those costs that we have been running in our government.

I have two children, and I do not want to pass on to them the debts that we have been running up. I am proud to be a member of the Blue Dogs to try to change this direction.

You think of our small businesses in this country, and those small businesses are having to pay part of the fare for this debt that we continue to run up. The interest rates that we are paying on that are funds that could have been used to help small businesses. Back home in South Bend, Indiana, or in Rochester, Indiana, where I come from, those funds could have been used to help with the education of children in Michigan City or down in Logansport, Indiana. But instead those funds are used today to help pay the interest on the debts that we have run up. But with the Blue Dogs' help and with the Democrats' help, that is going to end.

What the people of this country are beginning to understand and what the folks back home in Indiana do understand is that we bring Hoosier common sense to this issue, Mr. ROSS. Congressman, what we are trying to do is make sure that we do the same things here in Washington that we do back home in Mishawaka, Indiana, and in our beloved State. We are going to stop the increase in the debt. We are going to see it lowered, and we are going to see those funds used to take care of our veterans, who need more help than ever. More come home every day with various issues. Our beloved troops that come home from Iraq, Afghanistan and all over the world, our funds need to be used for them, not to continue covering a debt that we continue to run up. We will end that debt. We will lower those interest payments, and they will be used to educate our children, take care of our veterans down in Delphi, Indiana, and throughout our country, and to set our country back on the right course. That is what Democrat common sense will bring, and that is what the Blue Dogs promise to bring with us.

Congressman ROSS, thank you so much for this opportunity.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Indiana, a new member of the fiscally conservative Democratic Blue Dog Coalition, for joining us on the floor this evening as we talk about our plan to restore fiscal discipline to our Nation's government.

Mr. Speaker, on November 7, the American people spoke, and they said they wanted a new direction for this country both here at home and abroad. And in speaking, they gave us, as Democrats, a chance to lead in this 110th Congress. And Mr. Speaker, we are ready, willing and able and prepared to do so.

And part of the way that we believe we can restore fiscal sanity to our National Government, it took 6 years to create this mess, and we can't fix it overnight, but we have a plan to begin to restore some fiscal discipline to our Nation's Government. And it is what we call the Blue Dog Coalition's 12-point plan for budget reform. And I am pleased to be joined this evening by the gentlewoman from Illinois, Ms. BEAN, who is going to join me in talking about some of these 12 points, and I now yield to Ms. BEAN.

Ms. BEAN. Thank you for yielding, Mr. ROSS from Arkansas. It is such a pleasure to be part of the Blue Dog Coalition. And our 12-point plan for budget reform is so important to get this country back on the right fiscal track. Fiscal responsibility is what our constituents, as taxpayers, expect from us and particularly what our children and our grandchildren expect from us as well. Their future depends on our making better decisions than we have been making.

I know just to the right of Mr. ROSS there is a little chart that he has probably already referred to before I joined him here on the floor.

Have you already put up the actual total of the national debt?

That is an important chart to look at because it is a staggering reality, as we have added trillions of dollars in recent years to our national debt. And when I meet with children in my district, when I go to elementary schools, middle schools and high schools, and I talk to kids a little bit about financial literacy and fiscal responsibility, I am embarrassed to admit that we haven't been demonstrating much of it here at a congressional level. And I share with these kids that their share of the national debt is, as you can see, over $29,000. We are approaching $30,000, each individual American's share of the national debt. It is just a gross irresponsibility that we have demonstrated, and we need to rectify that.

So I am proud of the leadership that the Blue Dogs has brought to our caucus and to this Congress to get back to pay-as-you-go budget rules because pay-as-you-go budget rules have worked in the past on a bipartisan basis to force fiscal discipline amongst a body that includes 435 Members with different interests. It forces us to make the tough decisions so we can stay within our budget and work back towards a balanced budget.

Our 12-point plan includes, number one, requiring a balanced budget; number two, not allowing Congress to buy on credit; number three, putting a lid on spending; number four, requiring agencies to put their fiscal houses in order. Too many of our agencies, according to the GAO, 16 of the 23 major Federal agencies, can't even issue a simple audit of their books, and that is just unacceptable. You can't run a business that way. We can't run our personal household finances that way. How can we allow agencies to continue to not demonstrate exactly how they are spending our tax dollars?

Number five, make Congress tell taxpayers how much they are spending. Create a greater degree of transparency. Number six, set aside a rainy day fund. Number seven, do not hide your votes to raise the debt limit. There has been too much of that dishonesty in what we say we are doing and what we are really doing as far as how it shakes out in the overall national debt. Number eight, justify spending for pet projects. We have just moved forward on that in what we introduced recently in our rules to require Members to list any projects that they have put into a bill for their districts and to justify that on the merits of those expenditures.

Mr. ROSS. Mr. Speaker, reclaiming my time, I think it is very important that we point out that not only the PAYGO rule, which means pay-as-you-go, no more borrowing money from China to fund some project and let our children and grandchildren worry about it, but pay-as-you-go is one of the rules implemented during the first 24 hours of the 110th Congress under this new Democratic leadership. It is very significant because it is one of the 12 points of the Blue Dogs Coalition's plan for budget reform. But also another one of our 12 points that was included in those first 24 hours in the rules package is adding a level of transparency, justifying, if you will, pet projects or earmarks. I think it is very significant that, of these 12 points that you are reading off, two of them we have tried for years to get the Republican leadership to work with us in a bipartisan manner on this. And two of these 12 were included in the first 24 hours of the Democratic-controlled Congress. I think that is very significant, and I want to thank the leadership for including those.

Ms. BEAN. Mr. Speaker, it is very exciting to see us move forward on part of the 12-point plan, and I know we are going to continue to work hard to get even more.

And our next one I know we are also including is ensuring that Congress has

an opportunity to read the bills that they are voting on, and we have also changed in our rules where things are getting rammed through and people didn't have X amount of hours to look at those bills so they knew what they were voting on. That is number nine.

Mr. ROSS. Mr. Speaker, reclaiming my time, that reminds me that back when we were voting on the Medicare Part D prescription drug bill, now estimated to cost billions and billions and billions of dollars over the next 10 years, it went to a vote barely a day after the final version of the 500-plus-page bill was made to Members of Congress. We are putting an end to that. We are giving Members of Congress an opportunity to know what they are voting on.

Ms. BEAN. Absolutely. Number 10 is requiring an honest cost estimate for every bill that Congress votes on as well. The Congressional Budget Office can and should be providing that prior to voting on any expenditure so we know exactly what the long-term ramifications of that expenditure are going to be at least from an estimate perspective.

Number 11 is making sure that the new bills do fit within the budget. And number 12 is making Congress do a better job of keeping tabs on government programs and creating a higher degree of accountability and reports back to Congress on whether we are actually accomplishing what we say we are supposed to be accomplishing with those programs.

Mr. ROSS. Mr. Speaker, I thank the gentlewoman from Illinois for sharing with us the Blue Dog Coalition's 12-point plan for budget reform. And if time permits, Mr. Speaker, we will go into more detail on each of these 12 points. And the ones we do not get to tonight, you can expect us back next Tuesday night for this Blue Dog Special Order where we will continue to talk about these 12 points for budget reform because if we are going to clean up the mess in Washington, if we are going to put an end to the deficit spending, if we are going to begin to pay down the debt, we have got to have this 12-point plan in place. You give us this 12-point plan, Mr. Speaker, and we can give you a balanced budget once again in this country.

And, Mr. Speaker, if you have any comments, questions, or concerns for us, you can e-mail us at bluedog@mail.house.gov. Again, Mr. Speaker, if you have any comments, questions, or concerns for us, you can e-mail us at bluedog@mail.house.gov.

At this time, it gives me great pleasure to yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS, for yielding. And to my fellow colleagues, it is such a pleasure to join you once again.

When we were here last, we were in the minority, and we said some things. We said what we wanted to do. We said some of the first things we would do when we got here, and one of those was to address this serious problem of financial and fiscal responsibility.

I had some time to reflect on our history, and as we looked at the very first move that we made when we came back last week, one of our first measures was to establish pay-as-you-go, PAYGO. It is very interesting that this is not a new phenomenon. Not only did we have it in store when we had the Clinton administration and prior to that, but from the very foundation of our country, it was Thomas Jefferson. First, Thomas Jefferson was so against government debt and its inherent dangers that, back in 1789, in a letter that he wrote to James Madison and Alexander Hamilton, Framers of our Constitution, in that letter, Thomas Jefferson wondered in the letter as he wrote to Madison and Hamilton, he wondered this, whether, quote, ''one generation of men has a right to bind another.'' And he came to his answer with an exclamation point in the letter: ''No.'' He said that ''the Earth belongs in usufruct to the living.''

□ 2100

Jefferson concluded in this letter with these words. He said no generation can contract debts greater than may be paid during the course of its own existence. In other words, financial responsibility. Fiscal responsibility was at the cornerstone of this great Republic, of this great Nation, the cornerstone of a lasting and free Nation.

One generation of consumers borrowing and spending then hands that bill to the next generation, that get the benefits of spending the money in the present while passing on the debt to future generations, that is not what the Founding Fathers had in mind. And each generation as we move through our history paid down its debt before it moved on, oftentimes marked by war. In 1812, the debt was paid down. The Civil War, borrowed money, the debt was paid down. And into World War I and World War II when the debt really amassed up to $62 billion, and yet over time and those generations those debts were paid down. All of the way up through the Cold War, even into the Reagan years, and up to Clinton, up to the year 2001.

But then after 2001 when this Republican administration took hold, in the 5 years that ensued, this President and the preceding Congress, controlled by Republicans, borrowed more money from foreign governments and foreign nations than the entire preceding 218 years of this country. From 1789, the year Thomas Jefferson wrote these words to caution us and set the pattern to pay as we go, here we are now with that big situation hanging over us of the borrowing from our debt.

And I mention that because we are now faced with that situation where we are borrowing this money, over $1.5 trillion over the last 5 years, from countries in the most unstable regions of the world: $310 billion from Communist China; nearly $700 billion from Japan; and nearly $300 billion from the unstable OPEC countries in the Middle East which we are dealing with now. This is the background which we are having to deal with today.

Mr. ROSS. The gentleman makes an excellent point. You want to talk about something that is critical to our national security, it is this business that over the past 6 years we continue to cut taxes on folks earning over $400,000 a year with money that we borrowed from foreign central banks and foreign investors, and left our children and grandchildren with the bill to pay.

The gentleman was ticking some of these off, but if I may, it is kind of like David Letterman and his top 10 list, the top 10 current lenders: Japan, $640.1 billion; China, $321.4 billion; the United Kingdom, $179.5 billion. This is the amount of money the United States of America has borrowed from foreign countries to fund tax cuts in this country for folks earning over $400,000 a year.

The voters on November 7 said it is time for a new direction and new priorities in this country, and we are going to give them to the American people. But to continue the list: OPEC, $98 billion, and we wonder why gasoline was approaching $3 a gallon in August; Korea, $72.4 billion; Taiwan, $68.9 billion; the Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; and Germany, $46.5 billion; and to round out the top 10 current lenders to the United States of America, and you are not going to believe this, Mexico, $40.1 billion.

This administration over the past 6 years has borrowed more money from foreign central banks and foreign investors than the previous 42 Presidents combined, and that is why we rise tonight as members of the fiscally conservative Democratic Blue Dog Coalition to talk about leading America in a new direction, a direction that will restore fiscal discipline to our government; and the way we achieve that is through our Blue Dog Coalition 12-point plan for budget reform.

Mr. SCOTT of Georgia. Mr. Speaker, it is important that we remind people that not only are we talking about the billions of dollars that we just articulated we are borrowing from these foreign governments, more than we borrowed over the last 218 years, but the interest, the money that these folks are making off of us now constitutes the fastest growing part of our budget. We are spending more just paying for the money on the interest that is being charged than we are spending on education, the environment, and veterans at a time when our veterans are making such fantastic contributions and at a time when there needs to be a greater emphasis placed on those who have been on the battlefield and are coming home, and we are spending more on the interest there.

Let me just finalize this for a moment, and I just want to mention because we are here and we talked about what we wanted to do. Pay-as-you-go was one of the deals we made. We passed earlier today the 9/11 Commission recommendations. We have worked on so many other things, but I do want to just mention the earmark reform legislation that we passed, and just to share with the American people what we have already passed in our earmark reform.

It will require committees to disclose the sponsors of any earmarks included in appropriations authorizing measures such as the highway bill and the tax or trade legislation that benefits 10 or fewer. We will have new rules that will prohibit trading earmarks for votes and require Members to disclose their earmark request and certify that they and their spouses have no personal financial interest in the requests. These provisions comprehensively require committees of jurisdiction and conference committees to publish lists of the earmarks, limit tax benefits, and limit tariff benefits, along with their sponsors contained in the reported bills and the managers' amendments and conference reports brought to the House floor for consideration.

A Member may make a point of order against consideration of any rule that waives this requirement. The rule defines an earmark as any Member-requested project that is targeted to a specific place and falls outside of a formally driven competitive process. Transparency, clearness: this is what the American people want. And I am proud to see us in our first week of action be able to pass these important measures that bring about good strong stewardship of the taxpayer money.

Mr. ROSS. I thank the gentleman from Georgia, a real leader within the fiscally conservative Democratic Blue Dog Coalition for joining us this evening on the House floor as we talk about this new direction for America.

The American people have spoken, and they have told us that it is time for a change. They have given us Democrats an opportunity to lead them in a new direction. I am proud of what we have accomplished in the first few hours of the 110th Congress. We have instituted the PAYGO rules, the rules that say if you are going to spend money, you have to show us how you are going to pay for it, the rules we had in place when we had a balanced budget in this country from 1998 until 2001.

You are seeing us put in place earmark reform, a greater level of transparency and knowing clearly who is asking for the money and where it is going and who is benefiting from it.

Second in our Blue Dog Coalition's 12-point plan for budget reform, in the first 24 hours of this new Congress, we are making progress. We have heard the American people. They have given us an opportunity to lead, and we are demonstrating we can do that. In the first 100 legislative hours, we are passing the 9/11 Commission recommendations that were not implemented in the 109th Congress under the Republican leadership. We are raising the minimum wage, which is something I am very excited about.

Mr. Speaker, if we are serious about moving people from welfare to work, we have to pay them more than $10,712 a year. That is what the Federal minimum wage in this country represents if you work 40 hours a week, 52 weeks a year, never get sick and don't take a single day off for vacation. We can do better than that by America's working families, and we will. We will this week, the first full week of the 110th session of Congress.

We will pass legislation on the floor this week that tells our government that, yes, it can negotiate on behalf of 40 million seniors with the big drug manufacturers to bring down the high cost of medicine. The American people on November 7 gave us an opportunity to lead. And in these early hours of the 110th Congress, and as members of the fiscally conservative Democratic Blue Dog Coalition, we are demonstrating that we are ready to lead and that we are leading America in a new direction.

Again, Mr. Speaker, the national debt, $8,690,905,471,722. Let's think about this. $8,690,905,471,722.43. The 43 cents wouldn't fit on the poster. For every man, woman and child in America, to get us out of this mess, everybody in America would have to write a check for $29,005.60. That is why we must restore common sense and fiscal discipline to our Nation's government.

Mr. Speaker, as you walk the Halls of Congress, you will know when you are walking past the door of a Blue Dog Coalition member because you will see this poster; and, unfortunately, you will see this number change each day. We are going to do our part to hopefully see this number go down as we push for a balanced budget in this country, as we push for the day when we can see a balanced budget in this country, as we push to restore fiscal discipline and common sense to our national government and its budgeting process.

Mr. Speaker, I am pleased to introduce another new member of the 44 member strong fiscally conservative Democratic Blue Dog Coalition, the Congressman from Florida, Mr. MAHONEY.

Mr. MAHONEY of Florida. I thank my good friend from Arkansas.

Mr. Speaker, I rise today on behalf of Florida's 16th Congressional District and am a proud voice in support of restoring fiscal discipline to Congress. I am very proud to be a Blue Dog.

When I was thinking about what I wanted to talk to the American people about tonight, I decided that the best way to share my feelings, my views in terms of fiscal discipline and why I am a Blue Dog, gets back to something that is near and dear to me.

Just a week and a half ago, I was a businessman. I had never held an elected office. And the reason I decided to leave private life and come to Congress is because I was worried about government's out-of-control spending that was hurting our economy. More importantly, that was hurting our innovative economy, and to make it very simple for all, was hurting the future of my daughter and all of the children of this country if we don't get our fiscal house in order.

When I take a look at the Blue Dog plan, the 12-point plan for budget reform, I look at the points and I think back to my experience as a businessman. There are several things that I would like to highlight tonight that I can relate to, and every American involved in a business can relate to.

The first point is point number one on the plan which requires a balanced budget. In business it is requiring a profit. A balanced budget is something that makes sense for government, it makes sense for business, and the Blue Dogs are proposing that we make a balanced budget a constitutional amendment requiring that this House, that this Congress, balance the books.

The second thing I would like to talk about is point number four which requires agencies to put their fiscal house in order. That is really getting into financial control. As my colleague from Illinois, Congressperson BEAN, pointed out, 16 of 23 major Federal agencies can't issue a simple audit of the books. That is unacceptable in business, and that should be unacceptable here in Congress.

What the Blue Dogs propose is that we would propose legislation that would freeze any Federal agency that can't properly balance their books. We would not allow it in business, and we shouldn't allow it here in Congress.

Point five, we want to make Congress tell taxpayers how much they are spending. This gets to a concept in business called management accountability. What the Blue Dogs are proposing is that any bill that calls for more than $50 million in new spending must be put to a roll call vote. By putting it to a roll call vote, what that does is it forces every Member of Congress to stand up and go on record for their constituents to see how fiscally responsible they are.

The next point I would like to highlight is point number ten which requires honest cost estimates for every bill that Congress votes on.

In business, we call this a business plan. Prior to undertaking any new endeavor, what a competent manager would ask for is a plan that sets out the goals and objectives of the proposed venture, in this case a proposed piece of legislation.

And then as part of that plan, he would ask to have a cost estimate of what the investment would be. That is a very important issue.

What the Blue Dogs propose is that every conference report and bill that comes to the floor of the House be accompanied by a cost estimate prepared

by the nonpartisan Congressional Budget Office.

□ 2115

These are just a few of the points, a few of the agenda points that the Blue Dog coalition is working on.

Let me reiterate what many of my colleagues have said. Fiscal responsibility is a critical issue. It is an issue of competitiveness. It is an issue of making sure that our children are not being taxed with runaway budget deficits. People that say it doesn't matter or it is not as important as a percentage of GDP are wrong, and I am proud to be part of a group, the Blue Dog Coalition, that is committed, Mr. Speaker, to addressing these issues in the 110th Congress.

Mr. Speaker, I yield back to my good friend from Arkansas.

Mr. ROSS. Mr. Speaker, I thank my good friend from Florida, Mr. MAHONEY, for his leadership on these issues and his experience as a business person that he brings to this Congress. I appreciate his perspective and I appreciate his membership in the fiscally conservative Democratic Blue Dog Coalition.

Mr. Speaker, in the time we have remaining, I want to spend some time talking more about the 12 point plan for budget reform, about our vision to restore fiscal discipline to our Nation's government.

Again, Mr. Speaker, if you have any comments, questions or concerns for us, you can e-mail us at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

I am delighted to be joined tonight by a number of our 44 member strong, fiscally conservative Blue Dog Coalition Members. At this time I believe we are going to open it up for a colloquy, and I yield to the gentleman from Indiana, Mr. DONNELLY.

Mr. DONNELLY. Thank you, Congressman ROSS.

Mr. Speaker, the question that came to mind while I was sitting here with my colleagues is this: What do you think our moms and dads would think if they were here today and we said to them, we owe money to Mexico, we owe money to China, we owe money to Japan, we owe money to all these countries. Your grandchildren will owe $29,005 each to help cover the national debt.

My wife's folks, her dad fought in World War II, Bougainville and Guadalcanal, to help preserve freedom in this world. Her mom was in the WAVES. My dad was in the Navy. When they came home, they thought America's role was to help build others. They wouldn't believe what they see today here in our country.

I was wondering what some of my colleagues think, and you, Congressman ROSS, your comments on that.

Mr. ROSS. I want to thank the gentleman from Indiana for his commitment to putting an end to these record deficits in our Federal Government.

The gentleman is absolutely right. I grew up in a small Methodist Church outside of Prescott and Hope, Arkansas, Midway United Methodist Church, and I can remember Sunday after Sunday after Sunday growing up where the preacher would talk about being a good steward, that was always before he passed the plate, and the preacher would talk about being a good steward.

Well, the American people have sent us here and had us raise our right hand and put our left hand on the Bible and take the oath of office and pledge, swear to uphold the Constitution, and, yes, be good stewards of the American people's tax money. That is really what this is all about.

I think it is very important, the work that we are doing as members of the fiscally conservative Democratic Blue Dog Coalition, and trying to be good stewards of the tax money of the people back home and to make sure it is spent wisely and to make sure it is accounted for.

I yield to the gentleman from Ohio, Mr. WILSON.

Mr. WILSON of Ohio. Thank you, Congressman ROSS.

Mr. Speaker, I would like to just speak for a moment, if I could, in regard to putting the lid on the spending. One of the things that we all know we came here to do is to stop the runaway inflation and debt that is just climbing up in our country on a regular basis.

The thought that spending from the year 2001 to 2003, total government spending, Mr. Speaker, increased by 16 percent, these types of raises and just continual going into debt is what has put our country where every man, woman and child now is at the level of $29,005.

We need to have the right kind of controls, and I believe in Ohio, Indiana, Florida, certainly please speak out as to what you feel the issues are in your State and what we can do about it.

Mr. SCOTT of Georgia. If the gentleman will yield for a moment, I would like to respond to your point, because we owe it to those generations. That is one of the reasons why I spoke out and set the stage for my remarks, to go back to the beginning of this country, when the foundation of this country was laid out. That is what has made us great. We honor our debts. That is what Hamilton and that is what Jefferson and that is what Madison were all about.

You talk about your parents and your grandparents. What would they say? What would my grandparents say? They would say, by George, we love this country. This is our country. We are hoping and we are praying that the Congress will stand and get it right.

As I looked at the polls in Georgia, we had a rainy day in the election down in Georgia, but when I looked over the precincts, I could see that it wasn't 25 or 30 percent turnout, in that rain there was 50 and 60 and 70 percent turnout. The people in this country love this country, and they know that we need a new direction, and the first order of this new direction is to get our finances in order.

Your parents brought you up, my parents brought me up saying watch your money, son. Work hard. Save it. Invest it. Make sure you honor your debt. That is what they would want us to do.

Mr. ROSS. Mr. Speaker, I yield to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Speaker, I also would like to address the question, but from a slightly different perspective, and that has to do with again one of the reasons I think the Democrats are now in control of the House and the Blue Dogs have such a great opportunity, and it gets back to a fundamental issue of ethics, it gets back to a fundamental issue of values.

It is very clear that this House for the last 6 years has been operating under a different set of standards and ethics than the American people. It is very clear that this House does not take responsibility for its work in terms of the bills and the cost of the bills and the budget. These are not our values.

What I would say to my parents tonight is this, and that is this Congress is committed to fiscal responsibility and this coalition is committed to fiscal responsibility. It is very important that the American people understand that their elected officials have to operate under the same rules that they have to operate under when they balance their checkbook every month around the kitchen table. That is important, that we achieve that kind of fiscal discipline. It is important that the American people understand that this Congress is committed to it.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Florida for that perspective as we discuss something that is very important to our Nation, and that is how we get our fiscal house back in order after 6 years of reckless spending. We believe we have a plan to do it. That plan is now being implemented.

In the first 24 hours of the 110th Session of Congress we saw the PAYGO rule implemented, which can give us a balanced budget again. It worked before. It can work again. And we saw transparency, a new level of transparency added to earmark reform.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Thank you so much, Mr. ROSS. It is a pleasure to be here with my colleagues. Colloquy is always a fun way to communicate on things that we have common concerns about.

I thought Mr. SCOTT led this conversation so well when he talked about Jefferson's quote about our responsibility to future generations. He knew that as a founder of this great Nation, and we still have that responsibility to future generations.

We teach our children that if they make a mess, they ought to clean it up.

Yet we have made a mess of this Nation's finances, and we need to start now, and we have started in this first 100 hours in the Democratic majority to address that mess and clean it up. The expression is ''pass the buck,'' but what we have instead been doing is passing the debt. We should not be passing trillions of dollars to future generations with ''borrow and spend.'' Instead, we should pay as we go.

Mr. ROSS. Mr. Speaker, I thank the gentlewoman from Illinois for that perspective.

It is wonderful to be joined this evening during the Blue Dog special order by a number of new members of the fiscally conservative Democratic Blue Dog Coalition. I believe we have had three, and this will be make four new members join us for this discussion and this debate here on the House floor this evening.

I am pleased at this time to yield to the gentleman from Pennsylvania, PATRICK MURPHY.

Mr. PATRICK MURPHY of Pennsylvania. Thank you, sir. I appreciate the opportunity to speak here tonight amongst my colleagues here in the Blue Dogs.

When you come down to Washington, you align yourself with people that are just like you, people that represent not just you personally, but your district back at home and your interests in your district back at home.

When Congresswoman BEAN talked about Thomas Jefferson and the future generations, I couldn't help but think that I kissed this morning when I came to work my baby daughter goodbye for the day, Maggie Murphy. I mentioned earlier she was born 6 weeks ago.

When you look at that bottom number there that the Blue Dogs fight for, that $29,000, every newborn in America is born into that debt, that $29,000 apiece, they are born into that debt, and this Congress previously just let it keep rolling and rolling and growing and growing.

Finally the Blue Dogs have arrived now, and the Blue Dogs are saying, listen, we are not going to take it anymore. We are putting our foot down. We are going to be disciplined.

That discipline is something I learned personally in the military, that families in my district in Bucks County, Pennsylvania, know about, because in my district we have Washington's Crossing, where those soldiers that started the Revolution, that really earned our independence, showed the discipline when they didn't have the best uniforms. They didn't have the best equipment, but they had a belief, and they stood by their beliefs.

That is exactly what the Blue Dogs do, and they keep it simple. They say we stand for two things: Fiscal discipline, fiscal responsibility; and, number two, a strong national defense.

That is why it is an honor that the families in the Eighth Congressional District, they know that their congressman, in myself, in PATRICK MURPHY, and our colleagues of the Blue Dogs, that we stand for something, and that we will fight every single day to bring down that number, so that when people like Maggie Murphy and other newborns in Lower Bucks Hospital and all over America, when they are born into our great country, and it is a great country, they are not born $29,000 in debt.

Mr. DONNELLY. Mr. Speaker, if I could say one other thing to the American people, and that is the gentleman you just heard from from Pennsylvania is also an Iraqi war veteran, a member of the 82nd Airborne, and the folks of Pennsylvania and this country can be very, very proud that PATRICK MURPHY is here in Congress with us today.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Indiana, and I yield to the gentleman from Georgia, Mr. SCOTT.

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS. It is indeed a pleasure to be here with everyone, as I said earlier.

I think in conclusion tonight it is very important that we let the American people know that we very soberly understand this charge that has been handed to us as Democrats to lead in this Congress, and we also understand why and we handle that responsibility with great care.

One of the things that it is important for us to point out, when they ask what can we do and what is expected of us, is to stand up for the American people finally at last and lift up our way of life.

We have two duties to do under the Constitution as Members of Congress and they are expecting us to use these tools and do them well, and these tools are, one, oversight. Through our ability to oversee this government we can make these changes happen. The other is appropriations, to handle their money as good stewards. These are the things that we are committed to do, and this is how we will get to the new direction that the American people expect us to get to.

Mr. ROSS. Mr. Speaker, I want to thank the many members of the fiscally conservative Democratic Blue Dog Coalition for coming to the floor of the House of Representatives this evening and joining me for a discussion on how we can restore fiscal discipline and common sense to our national government, how we can bring this number down, Mr. Speaker. As we conclude, I will remind you in that this number actually went up by some $40 million during the hour that we have been here on the floor this evening.

□ 2130

TAX INCREASES

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes.

Mr. SHUSTER. Mr. Speaker, it is certainly an honor to be here on the House floor, and it is a great opportunity to follow the Blue Dogs tonight, that coalition on the Democratic side that are talking about fiscal responsibility, because that is what I want to also talk about tonight. It is an extremely important issue. It is a pocketbook issue. And one I didn't hear mentioned too frequently by my friends in the Blue Dog Coalition has to deal with taxes and what we are responsible for here in Washington, which is spending, and also making sure we are not reaching too deep in the pockets of the American people and spending their money.

Quite frankly, Mr. Speaker, I am very concerned that the American people are unaware of what is going to happen here in Congress in the next 4 years. There is a countdown. The countdown begins. It is 1,452 days, and we will see over that period of time the tax cuts that we put in place as a Republican majority, they will expire. So the American people, over the next 4 years, will see a $200 billion tax increase, money that will be taken out of their pockets.

The Democratic majority doesn't even have to act. They can just run out the clock. I am not sure the American people realize that, that if the Democrats don't act to extend these tax breaks, that they will see this $200 billion tax increase occur, as I said between today and January 1, 2011. As I said, I appreciate the Blue Dogs coming here and talking about fiscal responsibility, but unless they act and they join with the Republicans to see these extended, that is what the American people face.

What do these tax cuts mean? They mean that over the last 4 years we have seen 7.2 million jobs created in this country because of those tax cuts. Just in the month of December, 167,000 jobs were created in this country. The unemployment rate in this country is down to 4.5 percent. That is the lowest average it has been in four decades, and that is directly attributable to the tax cuts that we passed over the last 4, 5, or 6 years in this Congress. Again, if we don't extend them, if we don't do the responsible thing and let the American people keep more of their money, there will be dollars taken out of their pockets.

Now, what has happened with those tax cuts is that the American people have gotten to keep more of their hard-earned dollars. The American people, from Pennsylvania, to Arkansas, to California, to Arizona get to keep their money in their pockets and get to decide how that money is going to be spent. It is not going to be spent in Washington by bureaucrats. When you get $2,000 or $4,000 more in your pocket a year because of these tax cuts, you decide whether you will use it as a downpayment on a car, save the money for your children's college education, or buy a new washer and dryer or refrigerator for your home. These are the things the American people want to be able to purchase, and they can do it with these tax cuts.

As I said, I am very, very concerned that we are going to see this $200 billion tax increase if we don't move forward to expand that. We had four major tax relief packages since 2001. We cut taxes on the American taxpayer in every walk of life. Across the board, every American has benefited by this. We eliminated the marriage penalty tax. We stopped penalizing people in this country for being married. We should be encouraging that in America: marriage. We doubled the child tax credit from $500 to $1,000. If we don't act to extend that, that will be cut in half over the next 4 years.

We removed 10.6 million low-income Americans from paying taxes all together. People are not paying taxes because we lowered those tax rates. We lowered tax rates on our small businesses and employers.

I know every single district in this country has numerous small businesses. It is the backbone of the American economy. And we have cut taxes for those people in small business, and they have been able to take that money and reinvest it in their businesses and their employees. I know full well because before I came to Congress I didn't serve in the State legislature, I wasn't a trial attorney, I was a small business owner, and I worked to employ between 30 and 40 people. I know what it is like to meet a payroll, and I know what that burden is like to have to pay crushing taxes. I know what it is like to make sure my bills are being paid every month.

So as a small business owner, I know firsthand. As a family man, as a father of two children, and a daughter that will go to Penn State University next year, I know it is important to save for college. Every American wants to save money to help their children get educated. As I said, I think it is extremely important that we here in Congress act responsibly to keep those tax cuts in place and there is record revenue coming into Congress.

I hope that the Democrats will take a lesson from history, from one of their own, Jack Kennedy, in the 1960s. President Kennedy did the right thing. He cut taxes. What happened? Revenues increased to the government. What happened in 1980, when Ronald Reagan did the same thing? He cut taxes and revenues increased to the Federal Government. And we did that again in 2001 and 2003. And what happened? History has repeated itself. Revenues are at the highest levels that they have ever been to the Federal Government.

So once again, I am absolutely committed, and we are going to be coming to the House floor week after week talking to the American people, reminding them that if the Democrats do not act, do not aggressively pursue the extension of these taxes that the American people will be penalized.

And I think that here in this next hour I am going to be joined by many of my colleagues who want to stand up and talk about this. And the folks coming down to the floor, most of them, if not all of them, are former small business owners or still own small businesses and have families and raised families, so they can talk to the issues that we are here talking about tonight: what it means to get $2,000 more a year in your pocket, or $4,000 or $5,000, or have lower tax rates, if you are running a business.

I will now invite some of my colleagues up, the gentleman from Tennessee (Mr. DAVIS). I yield to him.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I thank Mr. SHUSTER for giving me this opportunity. I too am a father of two and a small business owner, and I am truly honored to have this occasion to discuss my ideas. This open discussion is part of what makes us so great as a Nation.

I am from the First District of Tennessee. It is a place of beautiful, majestic mountains, thriving communities, and a growing economy. Northeast Tennessee has unrivaled beauty and unsurpassed potential. However, the beautiful First Tennessee District and our country could be headed toward economic danger. For instance, in the last week, the three-fifths majority required to raise our taxes has been removed by the Democrat Party.

Tax cuts are not permanent. Seemingly, it is only a matter of time before these massive tax increases are put in place. It is our responsibility to protect the American people from these unnecessary tax burdens. If the tax cuts that are in place are allowed to expire, some families could see an increase in taxes up to 39 percent. Married couples and families will once again be subject to the tax penalty.

As I speak tonight, time and time again history has proven that tax reductions have spurred economic resurgence. Our current economic figures once again prove this fact. With the tax cuts in place, real after-tax income has risen 9.6 percent since the year 2000. The United States has grown faster than any other G–7 industrialized nation over the past four quarters. The time to control spending and to make tax cuts permanent is now.

I will be joining many of my colleagues in signing a letter to President Bush encouraging him to veto any legislation implementing tax increases on working people and on the businesses of America. It is not the time to place greater financial burden on the families of the First District of Tennessee nor the many other people of this great Nation.

Mr. SHUSTER. I thank the gentleman from Tennessee and would just point out that, as the gentleman said, he is a father, and I understand that he was a hospital manager before he started his own business. So he knows firsthand what it is like to be out there meeting a payroll, facing the tax burden of this country. So I really appreciate not only that you are here in Congress and you bring a commonsense, a small business owner's perspective to the legislative process, but you are here tonight talking about these issues that are going to be vital to not only people in Tennessee and Pennsylvania but across this country. Every American is concerned about their tax bill.

It was interesting, the Blue Dogs were down here talking this evening earlier and they said America voted for a change. America did vote for a change, I believe. But I don't believe that I heard anybody in America, at least not in my congressional district in Pennsylvania, or across Pennsylvania, who said they wanted to vote for higher taxes. I am very concerned.

As you mentioned, they changed the rules. We had the rules in place where we had to have a three-fifths majority to pass tax increases. They have reduced that to a simple majority. That obviously means they need only 218 votes. The Blue Dogs were talking tonight there are between 40 and 50 members of the Blue Dogs. I hope they hang with us as we try to push the agenda to keep the American taxpayers, keep the American people with those tax cuts in place.

Again, Mr. DAVIS, thank you very much for coming down tonight.

Mr. DAVID DAVIS of Tennessee. Thank you.

Mr. SHUSTER. Mr. Speaker, it is now my pleasure to yield time to the gentleman from Texas (Mr. NEUGEBAUER), who again comes from a business background, somebody who has raised a family and brings a businessman's common sense here to the legislative process.

Mr. NEUGEBAUER. Well, I thank the gentleman from Pennsylvania, and just like him, I haven't been in the State legislature. I have been a small businessman all of my life.

What we know about small businesses is that they are the number one job creator in America. As we heard the gentleman say awhile ago, over nearly 7 million new jobs have been created in this country in the last 3½ years. Quite honestly, most of that has been from small businesses all across this country.

One of the things that a lot of people don't know that have not had their own business is that small businesses are also big taxpayers. What they do not also realize is that in some cases we ask our small businesses to pay more taxes than we do other folks. That is because our small business people, in addition to income tax, have to pay self-employment tax.

The way you build a business in America is that you do it by taking money that you are making and reinvesting it in your business, and that is the way you grow your business. It is these growing businesses in America that have been growing America.

When I first got in the home building business, I had a young man who was a plumbing contractor, and he too was starting his new business. And he was starting it with basically one truck

and a helper. So when we started together, I had a small building business and he had a small plumbing company. What I watched my friend Bobby do over the years is build his business one truck at a time. He would work hard and pretty soon he had built up his business and he had to go buy another truck. You know what happens when a plumbing company buys another truck? They have to hire what? More people. And pretty soon he worked hard and he had to buy another truck. And you know what happened when he bought another truck? He had to hire more people.

But Bobby couldn't have bought those trucks if he hadn't been building his business, having money and capital in his business to be able to go to his banker and say, you know, I am building a business here and I have equity in my business. But what happens is the American Government says, oh, Mr. Small Businessman, you are making money, so we are going to reach in there and in some cases take half of that small business's money. So that causes the business to grow at half the rate as it could if it wasn't paying exorbitant taxes.

I would say to the gentleman from Pennsylvania, as you know, it is not just Big Government taxing, but it is the regulation that also our small businesses all across the country are worried about. When you add onto small businesses not only the carrying of a tax burden, but all of the burdens of regulation that we put on these small businesses, and on top of that you put a lawsuit environment in this country that on any given day a small businessman can lose his business, I say to my friend that small businesses are about to be entered onto the Endangered Species List.

□ 2145

Because, quite honestly, we have policy in this country that is not friendly to small businesses, the very businesses, the very people that have built this great Nation. And so when I hear folks on the other side of the aisle talk about we have a plan, well, I hope that plan is not to continue the trend that they have done in the past, and that is taxing small businesses out of existence. And you get a little nervous when they change the rules in this House that, as the gentleman said a while ago, that instead of taking three-fifths of this body, it only takes a simple majority to increase taxes.

Now, I do applaud our friends, the Blue Dogs, for one of the things that they said tonight, and that is that we do need to do something about deficit spending in this country. And I am ready to join across the aisle with my friends and say, let's do that by addressing spending.

If you really want to do good things for America in the future, you don't do it by taxing our small businesses out of existence. You do it by making America a more fiscally sound country. You ask the American Government to do the same thing that these small businesses do. They are not able to, whenever they need more money, to go get it from somebody else by just reaching in. You don't go to a customer after you finish the job and say, ''you know, what, I told you it was going to be one price, but I am going to charge you another price.'' You don't keep your business very long. So I want to join our friends to do that. But I do not want to join our friends on a path of taxing because I would tell you, in 2003, the unemployment rate in America was 6.1 percent. Today it is 4.5 percent. More people are employed today in America than any other time in the history of this Nation. More people own homes today than any other time in the history of this Nation. This is a prosperous time. And we got here by leaving the decision on how people spend their money to the people who make the money and not big government. Big government doesn't grow America. Americans grow America.

I thank the gentleman for having this time tonight, and I look forward to continued dialogue with my colleagues as we really talk about making sure that our American businesses don't end up on the endangered species list.

Mr. SHUSTER. I thank the gentleman from Texas. And when you talk, I think a lot of folks here in Congress, I think, forget about the stories that you talk about, the plumber who starts out with a truck and all of a sudden he has enough business, he buys two trucks, then three trucks. And that is what small business in America has been doing over the last couple of decades. That is where most of the jobs are created in this country, in small business by that plumber or that person who has an idea that works hard and puts together a plan and goes to the bank and borrows some money. And I know when I first went into business back in 1990, I bought an existing business, borrowed a lot of money, went into debt, worked hard. And something that I learned in college in accounting is that cash and profits aren't the same thing. And a lot of people, I think they say, and I realized that lesson, I learned it in accounting, but it really didn't make an impact on me until my first year I had a profit in business and thought, oh my goodness. We had a great year. And then I realized that I had to pay this tax bill, but all my cash was tied up in my inventory and improving the physical plant and doing things to make business continue to grow. But I didn't have the cash. So I had to keep the debt up; had to figure out how to get that money to pay taxes. So it really puts a tremendous burden on small business when you have a high tax burden.

And, as you pointed out, American business, small business, is really the backbone of this country. So I appreciate the fact that you are another small business owner and that you, like myself, didn't serve in the legislature before, and you bring that perspective of a small business owner, of a business owner of someone that has been out there meeting payrolls and creating jobs in this economy.

It is now my pleasure to yield to another great Texan, Mr. CONAWAY, from Texas, who is the resident CPA in the House tonight. So I am sure we can learn a few lessons from him. So with that, Mr. CONAWAY, thank you.

Mr. CONAWAY. I thank my colleague for doing this hour tonight. And if I really want to put the colleagues in the House to sleep, we can talk about Internal Revenue Code sections and those kind of things. I will have you dozing off quickly.

Mr. SHUSTER. But I would ask the gentleman at some point to talk about cash flow and the difference between profit and cash because that is an awakening process.

Mr. CONAWAY. Exactly, something that most everybody understands.

When I came to Congress, actually, my first race was against my good colleague, RANDY NEUGEBAUER. He and I campaigned against each other and, quite frankly, campaigned the way Republicans ought to campaign against each other, and that is why you should vote for me, and he stuck to why you should vote for him. And one of the reasons that I thought folks should vote for me was that I thought the small business mind set or experiences were underrepresented in Congress. Now, I hadn't done any empirical research. I just made that up. It sounded good. I thought, from having watched the way things going on out here, I just thought it was the case. But RANDY won the first one. He was a small business guy. He won that first race, and then I was fortunate enough to win a race, and we now serve together. And I suspect he has found, like I did, that that was a lot truer than I had even thought about; that there really is a real lack of appreciation of how hard it is to make a buck.

Not to denigrate anybody's path to this place, but I think folks who have worked in the real business world, who have, as you said, met payrolls and been responsible for both sides of a budget; it is easy to budget if you are in government and all you are worried about is how much you spent because you know that you can collect it from somebody. You have got a sheriff someplace that will go collect it if need be. We have got a big gun that we will point at folks and take that money away from them.

But in business, you have got to worry about both sides. You have got to figure out how to do some service or put together some product that you can sell to somebody else for a profit. And then you have got to hold your costs down and all those kinds of things, all those decisions that go into that.

I had 32-plus years in business as a CPA. I had a, from a variety of clients,

from really big clients to really small mom-and-pop shops.

We have got a colleague that is going to talk in a little bit that is a doctor. One of the closest things that I had to being a doctor-like experience and telling somebody they have had a terminal illness was each year when I would have to go to my dad, who ran a small business in the oil field service company, and tell him what his taxes were going to be. I dreaded that like the plague because it was my fault. I was his accountant. And even though the Congress and the Internal Revenue Code were done by Congress and implemented by the Internal Revenue Service, I was the bad guy. I had to go tell my dad that he owed more money in taxes than he really wanted to pay. And he would constantly say, well, how do I not pay those taxes? How do I get out of doing that?

I heard an interesting phrase the other day that fines are a tax on criminal activity; taxes are fines on successful activities.

Every time we spend a buck in here, and we spend a lot of bucks, $2.7 trillion, I try to not lose sight how hard it is for us to, for whoever that taxpayer out there that we collected that buck from, how hard it was for them to make that money.

I live in West Texas where oil and gas is a big deal. And part of my background is working as a rough neck on drilling companies for drilling rigs. And when we spend money, I think about that rough neck working morning tower for a drilling company. In the winter, it is cold and miserable and wet and nasty, and in the summer time, it is hot and dry and miserable. Hard work. I am talking labor. Now we sometimes refer to what we do in this body as work. But folks, this is not work. This is a job. This is something we do. Work is when you are outside doing physical labor. And I have done some of that, and I went to college so I didn't have to keep doing that.

But I think about how hard that person works to earn the money that we then take taxes away from him to help do whatever it is we do. Most of what we do appears important. Some of what we do is not important, and we shouldn't do it. And that is where we ought to be about the process of reducing the amount of money that we take away from people and spend. But I keep thinking about that guy working morning tower and how hard it is for him to earn a dollar so that we can take $0.20 of it or $0.50 of it, whatever it is we decide to take in our infinite wisdom from him as a result of his or her hard work.

We will hear over the next 2 years as we talk about this stealth tax increase that is coming, that is either the capital gains rate going up or the various family-friendly things that we did in 2001, 2003, or the death tax that comes roaring back in 2011; we will hear the Democrats talk about, ''well, we are going to fix it for the little guy. We are going to not raise taxes on the small taxpayer and all those kinds of folks.'' That is a class warfare issue that I think is unworthy of us. As we begin to kind of differentiate between good folks who make money and bad folks who make money based on the amount of money they make, I think it is unworthy of us. Let's try to not do that because successful people are the ones who invest. They are the ones who create businesses. They are the ones that make money that can provide jobs.

The times that I have had to go look for a job, it has been very few, but the times I have gone to look for a job, I have not gone to somebody that was losing money to ask for a job. Only the Federal Government can lose money and still hire new people. Every small business out there, every medium-size business, most big businesses quit hiring people if they are not making money. Only in the Federal Government do we have the luxury of continuing to hire folks when in fact we are in a deficit spending that we have been on in the last several years.

In an attempt to, well, before I start that, I spent 2 years on the Budget Committee and listened to some of our good colleagues on the other side talk, day after day in those hearings about their proposals for PAYGO, their proposals for reducing the deficit, all those kinds of things. Every single one of those conversations, either overtly or as a sub plot to those conversations, was a tax increase. It wasn't about spending less money, because at the same time they were talking about reducing the deficit, they would propose billions of dollars of additional spending within the budget that we were trying to pass. So the idea that we can only fix the deficit by raising taxes is misplaced.

We don't have a tax revenue problem in this Federal Government. We collected a record amount of revenues for the Federal Government in fiscal year 2006, up double digits from the collection record in 2005, which was up double digits from the collections in 2004. We have got a spending problem. And I have got some, a couple of proposals that I want to talk about which may not be exactly on point with what Mr. SHUSTER wants to talk about tonight. But one of them is a ''no new programs'' agenda. This was a rule to the House rules that, you know, I hate to whine like the rest of us, but we had no input in the House rules. But I introduced a House rule the other day that said, if you are going to propose a new program of some sort, then, as a part of that enacting legislation, you actually have to eliminate another program of equal or greater spending; the idea being that if we have come up with the newest great new idea, that I ought to find somewhere else in the Federal activities that there is a program that is less important than my new one. The idea being is, if I can't find something that is less important than my new program, then what I am effectively telling the taxpayers of this country is this new program is the least important thing the Federal Government could do. And for goodness sake, why would we do that?

And so the idea is to help us begin to set priorities. Talk is cheap, and we all, both sides, talk about setting priorities and all those kinds of things. But this would help put some teeth in the idea of forcing Congress to make choices between two good things. I am not talking about good and bad. Anybody can make those decisions. But we have got to make choices between two good things a lot of times as to where we spend our money. Families do that. Businesses do that. And all of us have to do that, except at the Federal Government level. So in an attempt to help us learn how to set priorities, this ''no new programs'' would be a small step in that direction.

The other thing that I have done and I have actually got two of the Blue Dogs to cosponsor, original cosponsors on my savings and appropriations concept. If we come in here, and our experiences so far with the Democrats is that the rule under which we debate things that we are passing has not provided us opportunities to amend them. I mean, it is a closed rule. We did it to them; they are doing it to us. That is just kind of the way it works. But on appropriation bills, those are the one opportunity that we have where the Rules Committee is not in between us and what needs to get done. And with all due deference to my former member of the Rules Committee, this is an opportunity for those of us on the floor to suggest changes in the appropriations process that we think are appropriate.

Under the current scheme, if we amend an appropriations bill to reduce the spending in that bill, common sense would say that that money doesn't get spent. That is not how this system works. That money goes back to the committee and is spent somewhere else. So while we are able to get an amendment that the 218 of us would agree that spending shouldn't occur, it gets spent somewhere else.

So what this law would say is that when that happens, if we are able to overrun the appropriators, and the appropriators legitimately hate this idea, but if we are able to get 218 of us, whether it is, in our case now, it has got to have some Democrats now to help us out, but we are able to reduce an appropriations bill by some amount, that that will actually reduce the 302A and 302B allocations and all of that machination that goes on so that we would actually not spend that money.

□ 2200

It would reduce the deficit or increase a surplus, if we ever got to that particular place. I have got a couple of Democrats who have agreed to cosponsor, so I am encouraged by that, that we can, in fact, begin to work on the spending side of what we have got going on here.

I want to again thank Mr. SHUSTER for having this out here tonight.

When Congress saw fit to increase the section 179, throwing a little code at you, section 179 deduction for businesses or small business deduction where you can immediately expense up to $100,000 of business property that you put in service, that was a huge boon to small businesses.

It allowed them to immediately write off the cost of having to put new equipment into service, and as Mr. NEUGEBAUER has already said, when his plumber friend bought a new truck, he had to have somebody drive that truck. In all likelihood there was a swamper on that truck so he put two more people to work.

That happened thousands of times across this great country. It was part of that impetus, part of this push to get us out of this recession that we were in 2001, 2002 and 2003, that single piece was a great part of what helped do that. That was directly positive for small businesses, and it is one of those that we continue to extend, but will go away unless this Congress acts to keep renewing it.

One final story. In talking with folks about the death tax back in the district, I tell them that probably the most dangerous week for anyone who has assets and beneficiaries is the week between Christmas of 2010 and New Year's Day. Here is why:

If you have got assets that you have worked hard for your life, but you got beneficiaries, you are going to get those assets when you die, if you are still breathing on January 1 of 2011, then those beneficiaries immediately have a 55 percent partner called the Federal Government.

My advice to those folks is to go ahead and have Christmas with your family, but then you probably ought to make yourself real scarce unless, if the current law stays in place where the death tax goes completely away in 2010, and the Federal Government has no claim on your assets when you die, to January 1 of 2011, when the Federal Government gets a 55 percent claim on those assets. So those of you who have assets, if we aren't able to get the laws changed and effect that, you probably ought to make yourself pretty scarce around your beneficiaries post-Christmas and January 1. Good luck with that.

I would like to thank my good colleague, Mr. SHUSTER, for having this hour tonight, sponsoring it. I hope to participate with you in the future.

Mr. SHUSTER. I want to thank the gentleman from Texas. I think you bring up a very good point on the spending side. As you know, as an accountant, anybody that has been in business, two sides to the income statements, there is revenues and costs.

Costs are important. You have to control your costs. You can't spend more than you bring in. Of course, we have done that over the last couple of years, because we are at war, we have seen a recession. But the revenue side is equally important, and there are two ways to do it in the Federal Government. We have found that you can increase taxes, which gives you increased revenue for a while, but eventually the economy turns down, and then revenues go down; or you can do as Jack Kennedy, President Kennedy, did in 1960, Ronald Reagan did in the 1980s and we did in the early 2000s, we cut taxes and revenues grew. There are record levels of revenue coming into the Federal Government.

Don't listen to BILL SHUSTER about how it works when you cut taxes. Look at the record, look at the history record, and you will see it is quite clear.

You mentioned the death tax, yes. The gentleman has another point to make.

Mr. CONAWAY. Let me just, on your point, most business, every business, has to decide what they are going to charge for their product or their service. It is one of those key decisions every business manager has to make.

Because if they set their prices too high, they will not sell enough units. Obviously if they set it too low, they will not make as much money as they should. So most times the businesses decide to lower that price in order to get volume up, in order to sell more.

The Federal Government doesn't exactly do that; but the truth of the matter is, if we do raise taxes, you will get a short-term blip; tell people, until that begins to act, in effect a fine on doing well, and having a negative impact on the economy. Businesses have to make that decision, and I think the Federal Government ought to be in that same mind-set as well.

Mr. SHUSTER. That is a great point. It is great to have people like you in Congress to bring that common sense and know what it is like, and what really happens when prices go up and taxes go up and the response you get from people.

You also mentioned that January 1, 2011, the death tax expires. You also have the capital gains tax will expire January 1, 2009. The taxes on dividends will increase January 1, 2009. I think it is record numbers of American people that have investments in the stock market through their mutual funds. Over 60 percent of America has invested. Folks that are getting dividends from those investments are going to be taxed at higher rates.

We are going to again lose the child credit that will be cut in half over the next couple of years, the marriage tax, the penalty will be put back in place. Low-income taxpayers will go from that 10 percent tax bracket up to 15 percent tax bracket if we don't act.

Just to remind the American people that are watching tonight, it is 14,052 days in the countdown for the Democrat tax increase. They don't have to act. All they have to do is sit on the clock, run out the clock. When it runs out, we are going to see over the next 4 years a $200 billion tax increase.

Another thing you mentioned about job increases, I saw over the last 6 years, one of the sectors in the economy that saw one of the larger increases percentage-wise in jobs was the government, and over 4 percent increase in government jobs. You know, we see that in other sectors of our economy. We have seen many of them increase double digits, but that is one that was discouraging to me to see the Federal Government, when we were at these times when we were trying to cut spending. We need to cut some of that and curtail some of these government jobs.

Mr. CONAWAY. Let me mention one other tax that is out there; we will talk about the national sales tax on another night. But the alternative minimum tax is another tax that we in the Republican majority basically kicked the can down the road a year at a time; this Congress under the Democratic leadership will have to do the same thing because it is a tax increase that is on the horizon that requires Congress to do something or the tax comes in.

We were unable to put a permanent fix in place, and full or fair disclosure. I actually had to pay the alternative minimum tax this year, and it ticked me off.

Mr. SHUSTER. That is like 20 million Americans, or something like that.

Mr. CONAWAY. Yes, and that number grows. So in addition to these taxes expiring on their own, the fix on the alternative minimum tax has got to be removed and/or a permanent fix put in place, which will be quite daunting for anyone to get done, particularly in a Congress, which my sense is they would rather increase taxes than deal with the tough decisions of cutting spending.

Mr. SHUSTER. I thank the gentleman. The last point you make, we talked about it earlier, I think Mr. DAVIS brought it up, they decreased the number of Members of the House that had to vote in favor, three-fifths down to a simple majority. It seems pretty clear to me what they are doing.

Over the last 4 or 5 years, 6 years since I have been in Congress, I haven't seen a budget proposal by the other side that hasn't increased spending significantly, and there are some estimates that in these first 100 hours the proposals that they are putting forth over the next several years are something to the effect of an $800 billion increase in spending.

Again I think it is quite clear what the Democrats intend to do. We need to stay together as Republicans and join together with the Blue Dogs to fight that.

Mr. CONAWAY. Let me add one point to what you just said. The bill we passed this evening to make the world quote, unquote, a safer place, which I voted against, one, in my view, of the fatal flaws to that is we don't know how much that costs. There were open-

ended blank check authorizations in that bill for so much money and for such time as is needed.

So the first rattle out of the box, the first substantive piece of legislation that the other side proposed and put forward had these open-ended spending issues in there. You know, the cost is not necessarily always the determinative factor, but I grew up in a world where I had to ask what things cost, and I suspect most folks do. I factor that into a cost benefit analysis that we all make every single day.

It is one of those fatal flaws to the very first piece of legislation that our colleagues on the other side put forward today, of substance. The rules we did last week, that is one thing. But today's piece, couldn't score it from CBO. They don't have a clue what we authorized in terms of new spending, new programs, new dollars that we have to take away from good hardworking Americans. I appreciate the time.

Mr. SHUSTER. I thank the gentleman. It is discouraging to see the Blue Dogs here tonight. I think most of them, if not every single one of them, voted for that program. They were talking about fiscal responsibility tonight; they have no idea how much it is going to cost. It is going to be a big cost. They all know that.

But it is my pleasure to yield to the gentleman from Georgia, Dr. PHIL GINGREY, who I know is an old pro at these Special Orders and does a great job. It is something that I think a lot of Americans, myself included, as I was growing up, we tried to put this group together as we talked. We wanted small business people, people from the business background, to be on the floor.

When you introduce a guy, Dr. PHIL GINGREY, and say he is a physician, a lot of Americans like myself in my younger days didn't realize a physician is a small business owner. He is a man or a woman who is running a practice. You call them patients, but they are customers. But it is a practice, and it is a business.

You have to meet a bottom line, and you have to do what many do, the plumber, the car dealer or the computer business operator, you are meeting that bottom line and making sure it is profitable.

Mr. GINGREY. I thank the gentleman. No question about it, physicians are small businessmen and women. I do feel a little bit like a fish out of water with the economic competitors caucus. Most of my colleagues who have spoken here are, indeed, without question, small businessmen and women, and, in fact, of course, Representative CONAWAY from Texas is a CPA.

But as Representative SHUSTER is saying, physicians are small businessmen and women. Even a small practice like the one I was in with the four or five OB/GYN doctors, we probably had 40 employees, nurses, front office people, lab people.

BILL SHUSTER is absolutely right: we had to meet a payroll, we had to provide health insurance, we had to provide benefits. We had to worry about how we are going to have the money to expand and maybe bring in a new partner and grow the practice.

My colleagues were talking about section 179 under the IRS Tax Code that under Republican leadership would increase the amount that could be deducted on capital improvements, bricks and mortar, putting in a new X-ray machine, whatever, from $25,000 to $100,000, and to allow that small businessman and -woman to write off an additional $300,000 worth of capital improvement, investment, job growth, over an accelerated period of time.

That has, Mr. Speaker and my colleagues on both sides of the aisle, without question, has stimulated this economy. As I listen to my colleagues in the first part of the Special Order talking about the job growth, the unemployment rate, the increase, the amount of revenue, particularly over the last couple of years, I think we are talking about maybe an additional $400 billion worth of revenue after these tax cuts that includes low and marginal rates for every single taxpayer, the increase in child tax credit from $600 a child to $1,000 a child, eliminating the marriage tax penalty that Mr. CONAWAY talked about, eliminating that death tax.

We have, Mr. Speaker, created 7 million additional jobs since the spring of 2003. When I first got here in the early part of 2003, for months at a time I heard my colleagues on the other side of the aisle talk about, watch, we have lost another 30,000 jobs this month, we have lost another 40,000 jobs this month. Now they can't say that because I think we have gone something like 18 straight months with job growth.

But what I do hear them saying is, oh, these are service jobs, these are minimum-wage jobs. They are not important. I didn't hear that argument when they were wailing away about the fact that we are losing jobs.

We could have said, well, these are unimportant jobs, these are seasonal jobs, these are service jobs. They are not that important to the economy. They are important to the economy, and they create dignity of work and pride and an accomplishment, people putting out a day's work for a day's pay.

□ 2215

So that is really what we have done here. I think that what my good friend from Pennsylvania was saying cuts right to the chase: PAYGO rules as adopted in that omnibus rules package for the 110th Congress that was passed last week is a recipe for making it easier to raise taxes and more difficult indeed, Mr. Speaker, if not impossible, to lower taxes. And that is exactly what these new PAYGO rules do. Because under these rules, as my colleagues know, you can raise taxes without any offsetting cut by simply going through this process of reconciliation and raise all this entitlement spending, and that is exactly what will happen.

Representative SHUSTER was talking, or maybe Mr. CONAWAY, a few minutes ago about this bill that we just passed in regard to completing the promises of the 9/11 Commission. It doesn't do that; it is an absolute farce to suggest that it does. But there is no question that inspecting every single piece of cargo, every single crate that comes into this country through a maritime port, can you imagine, Mr. Speaker, what the cost is? They totally ignored how we are going to pay for that.

So this PAYGO business, it is not law. It is not in legislation. It does not have the force of that, and our colleagues on the other side of the aisle can simply waive a rule any time they want to in term of PAYGO. So we need to be truthful to the American people.

It has been said during this hour that, in 1960, we had a Democratic President, President Kennedy, and he cut taxes, and we raised revenue; President Reagan did it in 1980; and President George W. Bush has done it in 2001 and 2003. We have not lost revenue because of lower rates and tax incentives mainly for small businessmen and women; we have created an additional 7 million jobs. And, yes, they are paying taxes at a lower rate. Yes, they are getting to deduct certain things to help them be able to grow their businesses. And so you have a lot more people, 7 million, indeed who are paying taxes or paying at a lower rate. But when you crunch the numbers, and I am not a math major, but that is where you come up with an additional $450 billion. Whereas, on this static scoring system that we get from OMB and CBO, they say, well, because you have cut the rate here and you cut the rate there and you have given $1,000 instead of $600 per child and you are finally getting rid of the death tax, over 10 years, this is going to cost $1.3 trillion. Well, yes, if it didn't work, it was going to cost $1.3 trillion. But the fact is, it did work. Instead of costing money, we raised revenue, as Representative SHUSTER has pointed out.

But I will guarantee you one thing, Mr. Speaker and my colleagues, if you let these tax cuts expire, and there is no question about the cost to the American taxpayer and it is real, it will be an additional $2.4 million.

Mr. Speaker, with that I am going to turn it over to the real experts on business. But I appreciate the opportunity of joining them tonight and weighing in on this.

Mr. SHUSTER. I thank the gentleman. And as you pointed out, the PAYGO rules, the decrease from a three-fifths majority to a simple majority to pass tax increases, that should make every American sit up and say, my goodness, the Democrats do plan on raising taxes. But if they still aren't sure about it, I have got just a couple of quotes here.

The incoming chairman of the Ways and Means Committee told Bloomberg News that he cannot think of one of the tax cuts passed under President George Bush that merits renewal. He also told the Congressional Daily when he was asked whether he considered tax increases across the income spectrum, and his quote was, ''No question about it.'' He said, ''Everything has to be on the table.'' ''Everything'' would mean repealing the 10 percent low income tax bracket, the child tax credit I talked about, the marriage penalty, all of which was passed in 2001 and, of course, the death tax. And my good friend from Texas knows full well what it is going to do to a lot of business owners on Main Street. We are not talking about Wall Street, we are talking about Main Street America and in the farms of the Midwest.

So with that, I yield to my good friend from Texas.

Mr. NEUGEBAUER. The gentleman from Pennsylvania is correct. I think one of the concerns I have about the death tax is, in many cases, it has the potential to rob some of the smaller communities in America from some of the mainstays in their community. I think about the farmer who worked for 20, 30, 40 years putting together pieces of land, making his operation a little bit larger so that he can compete today in a global economy and wants his son, our sons to be a part of that business in the future. But as the gentleman, my good friend Mr. CONAWAY, my neighbor to the south, said: Depending on what day he dies, he may not have any land to leave his sons, or they may have a new partner.

I do a number of town hall meetings as I travel through out my district. I have a very large district, 29,000 square miles, 27 counties. And one evening I was talking to a group of citizens in a little small community, and after that was over, I had a young woman come up to me and say, ''You know, Congressman, we have had this ranch in our family for nearly 100 years, and recently my father passed away, and we are faced with the fact that we may have to sell a part of this ranch to keep some of it.'' And I think about a small auto dealership that the founder of that built up over the years, worked hard, paid taxes already.

I think the egregious thing about this death tax is we have been talking about the taxes that have been imposed on these small businesses over the years, and they work hard and in spite of paying all those taxes, property taxes, income taxes, employment taxes, then at the end, we say, ''You did such a great job of building that business, we are going to tax it one more time.'' And in many cases, it has the potential to put those businesses out of business and take away in some cases a fairly major employer in that community.

So I think one of the things that we have been kind of saying tonight, and my colleagues, is that we are at a crossroads here, and we have some very important decisions to make on behalf of the American people here for the next few years, and I am concerned, as many of you are, that some of these businesses, if we don't act in a way to be friendlier to small business, keeping many of these tax cuts permanent, and if we don't look at permanently eliminating the death tax, that again we could really penalize these small businesses.

Mr. CONAWAY. Let me just add a little bit to what my good friend is talking about.

In 2011, the portion of your estate that is not taxable drops back to $1 million. You know, $1 million sounds like a lot of money, and it is, don't get me wrong. I had a staffer the other day who made the comment that $12 million wasn't much money. And I said, ''Well, who has got a checkbook?'' So one of them got out a personal check, and I said, ''Tear a deposit slip out of that checkbook.'' So they tore it out, and I handed it to the staffer, and I said, ''Put $12 million on that deposit slip.'' And they said, ''Well, it won't fit.'' I said, ''Okay, well, $12 million is a lot.''

One million dollars is a lot of money. But in today's environment, with property values having gone to what they are, it doesn't take a super successful individual to get at that $1 million and much above that when you add in their house and life insurance and those kinds of things. So when the other side talks about the death tax, they typically throw out Warren Buffett or Bill Gates or these other bazillionaires as examples why we need to redistribute that wealth.

The truth of the matter is this tax hits smalltown America. I was at dinner tonight with an individual who had some property west of Fort Worth, west of Aledo, actually, maybe in your district, that 4 or 5 years ago was selling for $750 an acre. And because of the growth in population, growth of Aledo and other areas, now that land is $46,000 an acre, and so that family has suddenly gone into a pretty good sizeable estate.

Now, it is their money. They took the risk of owning that property. They took the risk of trying to make a living off that property, paying the property taxes year after year after year on that property, and now the Federal Government in January 1, 2011, becomes a 55 percent partner in that deal.

This is the one tax that I think is just fundamentally wrong. We are always going to have taxes collected in some way or another. We have got to find the minimum amount of money needed to fund the Federal Government, and that has got to be taxes. But the death tax ought to be one that we wean ourselves from and get away from it because it is fundamentally flawed. It is unfair, and it is really one that hurts small America, and it has generational ripple effects. You and I both have constituents who tell us time and again they are paying for their own property a second and third time because when grand-dad died, they had to borrow money to pay it off. They just got that paid off, and then their dad died and passed it down, they had to borrow money to pay the estate taxes, and now they have got it paid off. So that cycle is just flat out fundamentally unfair.

Mr. NEUGEBAUER. The gentleman makes a great point. Not only does, in many cases, it affect the families that own that property, but in many cases, let's say you have got a heating and air conditioning business here that employs 50, 60 people. And all of a sudden the founder passes away, and the next day the family has to come and say to these employees, ''I don't know whether we are going to be able to continue this business or not because we are going to have to borrow a bunch of money to pay the taxes.'' And in many cases, putting a bunch of debt on a new business or even an existing business requires servicing that debt and has an impact. And so then it is a ripple effect because that tax base that has been in that community for a number of years is in jeopardy, and the commitment and the contribution that that small business has made to that community sometimes disappears.

I think the fact that we said earlier, and I think all of us said, that America was built by these small businesses, small ranchers, doctors, entrepreneurs all across this country, we built this country that way, but we have the danger of tearing it down with a poor taxing policy.

Mr. SHUSTER. I would like to recognize the gentleman from Tennessee.

Mr. DAVID DAVIS of Tennessee. I think it is vitally important that it is individuals and small business owners and businesses across this country that pay these taxes. And I want to put a personal face on this.

If the majority party allows taxes to be increased, it will cost us nearly $2.4 trillion in new taxes to American taxpayers. What does that mean to people across America tonight and the people in the First Congressional District of Tennessee? It means that there will be 115 million taxpayers who would pay an average of $1,716 more each year. It means that 48 million married couples would pay an average of $2,726 more every year; and it means that 17 million seniors would pay an average of over $2,000 more a year. It is real people paying real dollars, and I hope the people in this body will remember that as we move forward.

I am disappointed that we changed the rules last week with the majority vote to decrease the amount of people that it takes to increase taxes. I think it should have been left at three-fifths, not a simple majority. I think that was a mistake last week when the majority party did that. I hope they will protect taxpayers in America over the next 2 years.

Mr. SHUSTER. I thank the gentleman from Tennessee.

Our time is running out, but I want to just talk about a real world experience. There is a family, Mr. and Mrs. Smith living in my hometown of Hollidaysburg or maybe even Youngstown, Ohio, or a small town in Florida or California; that person, Mr. and Mrs. Smith making $40,000 combined income, if these tax cuts are allowed to expire, they are going to pay about $2,100 more in taxes a year. And there are some people in this country who may think that $2,100 isn't a lot of money; but for that family struggling in Youngstown, Ohio, $2,100 a year, if you put $2,100 in the bank every year, at 5 percent interest return on that $2,100 and you invested it every year for 10 years, that turns into over $30,000. That is a good nest egg for that family to put their son or daughter through college or pay a good chunk of that if you are going to a great State school. So these things are serious, they are real life, and I just want to thank all the Members who came down here tonight who come from, whether it is a home care business, as Mr. DAVIS, or CPA or Mr. NEUGEBAUER being a builder and a developer, myself running an automobile dealership, people just like us all across America that have to be concerned about what is going to happen here in the next 2 years. And all Americans need to understand that they have to talk to their Members of Congress and put the pressure on them to make sure that these tax cuts stay in place so that the American people can keep more of their hardearned dollars in their pockets and they can spend it as they see fit and not send it here to Washington, D.C. to be spent by faceless, nameless bureaucrats in many of these agencies.

□ 2230

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. The gentleman from Florida (Mr. MEEK) is recognized for 45 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to be before 110th Congress. I can tell you that as the 30-something Working Group has been coming to the floor for 3-plus years and talking about what we would like to do if we were ever in the majority, and the American people saw fit to give the Democrats the majority here in this House last November. And we are appreciative and grateful, and I am glad to be here with my good colleague Ms. WASSERMAN SCHULTZ.

Mr. RYAN is around here on the floor somewhere, Mr. Speaker. I believe he is hiding because of the lashing, or it is hard to put it in words, that the Florida Gators, who, it was reported that it was said that they shouldn't even get off the bus to play against the number-one ranked Ohio Buckeyes.

But I am going to yield to Ms. WASSERMAN SCHULTZ, and then we will get into the meat of our discussion, because Ms. WASSERMAN SCHULTZ has a degree and paper hanging on her wall from University of Florida, and on her car she has Florida tags. I mean, she is a real Gator. I just kind of happen to be from the State of Florida.

But go ahead, Ms. WASSERMAN SCHULTZ. Congratulations.

Ms. WASSERMAN SCHULTZ. Thank you so much. We are all Gators today. It is a Gator Nation. And we were just thrilled that the fighting Gator football team came to play yesterday, dominated Mr. RYAN's team, although Mr. RYAN went to Youngstown; so he is not technically a Buckeye, but I guess anyone who hails from the State of Ohio is a Buckeye. And we enjoyed showing the Buckeyes that we belonged in that game, and we are just very proud of our Florida Gators.

Mr. RYAN of Ohio. If the gentleman from Florida would yield, I am happy to take my whooping like a man, Mr. Speaker. And let me just say to you, Mr. Speaker, and any of the other Members who may be Buckeye fans, not only was the game horrible, a complete whooping, but then I woke up this morning and the first thing I did was I called Mr. MEEK, and I said, ''Mr. MEEK, I had a terrible dream last night. It was awful. Let me tell you about it.'' And he reminded me that it actually happened. And then our first meeting this morning, I ran into Ms. WASSERMAN SCHULTZ, who was in her beautiful outfit that she has on now but also the University Florida Gator glasses, and her Coke this morning had a little cozy on it that was also blue and orange. So she is very humble about her victory last night. And the only thing I can say is that the coach of Florida is an Ohioan, born just a few miles outside of my district. That is all I am hanging on to.

Ms. WASSERMAN SCHULTZ. We will give him that.

Mr. RYAN of Ohio. That is all I am hanging on to. But it was a great game, and you have got a great coach and a great team, and see you on the basketball court.

Mr. MEEK of Florida. Mr. RYAN, you did take it like a man. We were watching the game together, and it was great for college football and great for all of us here in the country to see the underdog win. And it kind of tells our story here in the U.S. House of Representatives. And I just want to thank everyone on behalf of all of us. But tonight we are going to take a moment because, Mr. Speaker, when we come back to the floor, we have a number of freshmen that are coming in that are new 30-somethings that were elected in this election, and they are going to come to the floor. I believe, and all of us in 30-Something Working Group believe, that we were effective in the 108th and the 109th Congress, communicating with the American people. We want to thank not only the Speaker but also the majority leader, Mr. HOYER; and also Mr. CLYBURN, who was our Democratic leader, now our Democratic whip; and now Mr. EMANUEL for his good work, who is our chairman of the Democratic Caucus; and Mr. LARSON, who is the vice chairman, for all the support they gave the 30-Something Working Group, including the Members on the Democratic side of the aisle.

We talked about what we would do, Mr. Speaker, if we had the opportunity to get into the majority. And I am happy to report that we talked about putting in standards on PAYGO, making sure that whatever we appropriated, wherever we spend, that we also identify how we are going to pay for it so that we can get away from owing all of these countries money as we owe now. And there is a lot of work that has to be done that the Republican Congress has left us with.

Looking at records like this, $1.05 trillion borrowed by the President and the Republican majority in the 109th Congress and the 108th Congress over 42 Presidents at $1 trillion. So all of the charts you see here tonight, Mr. Speaker, will only be resurrected, if I could use that word, every now and then because the charts are going to be talking about what we have done. We did that last week.

Today we implemented the 9/11 Commission's recommendations, all of them, here on this floor. And we had some of our Republican colleagues join us, and we are going to work in a bipartisan way to make sure that we do what we told the American people we would do in our Six in 2006 plan.

Also, I think it is important, on Wednesday, we are going to raise the minimum wage. Tomorrow the minimum wage will be raised here on this House of Representatives floor. This House that we talked about time after time again that we would do if given the opportunity. Later this week, securing low prices on prescription drugs, giving the Federal Government negotiating opportunity with the drug companies. Also stem cell research, ethics reform. These are things that the 109th Congress under Republican control, they didn't even do it. And we have done it within the first 100 hours, and we have a lot more that we would like to do. So I would not only like to thank our good friend, Ms. WASSERMAN SCHULTZ, which our districts neighbor each other in Florida, but Mr. RYAN and Mr. DELAHUNT, Uncle Bill, in his absence.

Mr. Speaker, he apologized for not being here tonight, and I told him, this is the first night that we are on the floor coming back in the majority. And, Mr. Speaker, I can tell you, as I yield to my colleagues, Ms. WASSERMAN SCHULTZ and Mr. RYAN, that I know from me and from all of us in the 30-Something Working Group, we are forever grateful to the American people for allowing us to have the opportunity to lead in a commonsense way on their behalf. And it took Republicans and it took independents and it took Democrats and it took the Green Party and it took folks who

voted for the first time because they had hope that we are going to move this country in a new direction. And I am so happy to our leadership and also to the members of the Democratic Caucus that we are following through on what we said we would do. It is going to be painful, but we are going to do it because the American people want a new direction. I am so happy that I am a member of a caucus and a party that has said they are going to do something, and they are actually doing it. That is a paradigm shift here in Washington.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you so much to my good friend, Mr. MEEK, and it is so wonderful to be with my good friends in the 30–Something Working Group. We spent so many nights here talking about the need for us to move this country in a new direction, a new direction for America. That is what, Mr. Speaker, you and others talked about during the campaign. We went out and talked about making sure that we could increase the minimum wage for the first time in 10 years; have the student loan interest rate; fully implement the 9/11 Commission recommendations; make sure that we repeal the energy industry subsidies that they don't need because they are the most profitable industry in the entire world so that we can truly fund alternative energy resources; eliminate the prohibition against negotiating for lower prescription drug prices; and putting the stem cell research bill on the President's desk once again; and making sure that we can finally establish some accountability with this administration on the war in Iraq.

□ 2240

At last we will have the opportunity to bring them in and ask them the tough questions that our good friends on the other side of the aisle refused to ask for years.

We had an opportunity as the 30-something Working Group to point out and contrast what we would do in the majority if we were given that opportunity versus what the Republican leadership was doing for the last 12 years. And the American people responded and gave us that opportunity.

Some people might have started at the top of this hour, kind of scratched their head and wondered why we were talking about the University of Florida national championship and the Gators victory, but there is some analogy, all kidding aside.

The Gators showed that they came to play last night when no one expected them to win, when for months people didn't give them any chance of coming out on top and winning the national championship. I think that our victory on November 7 is analogous to that because certainly at the beginning of my first term in Congress 2 years ago, no one gave the Democrats a chance. No one gave us a snowball's chance of reaching the point that we did on November 7 and being able to elect enough Members to truly move this country in a new direction.

In part because of the Members that joined us on the floor each night and our Democratic Caucus colleagues who were so committed to get the message out and talking to their constituents and really appealing to the issues that the American people cared about, as opposed to the special interests and the culture of corruption and the pall that was cast over this Capitol for so long, now we are finally being given that opportunity. It is incredibly important.

One of the most amazing things for me as a woman was that last Thursday we were able to watch history in the making when the gavel was passed to Speaker NANCY PELOSI as the first woman Speaker in United States history. I had my twin 7-year-olds on the floor that day, and I know you had your children on the floor with you that day, Mr. MEEK, but the opportunity for our kids to see, and especially for little girls in America, to see that really anything is possible in America, for that, for us to be able to witness that was just incredible.

And today for us to be able to witness Speaker PELOSI preside over H.R. 1, the passage of H.R. 1, which was the first bill that we adopted in the 100-hours agenda that fully implements the 9/11 Commission agenda. The Republicans minimally implemented those recommendations, and that is why the 9/11 Commission co-chairmen gave them Ds and Fs, because they had not allocated funding on the basis of risk and vulnerabilities. They had not created and rehearsed State and local emergency response plans. They had not addressed the interoperability issues between intelligence agencies and first responders. There were at least 10 items. They have not protected privacy and civil liberties with an oversight function. They have not improved air passenger screening. They were not checking all the cargo. There was no funding or mechanism to check all of the cargo that came through our ports.

H.R. 1 that we adopted today implements that right now. It was a thrill to watch Speaker PELOSI preside over the passage of the first item in our 100-hours agenda.

Mr. RYAN of Ohio. Mr. Speaker, the gentlewoman is right. Last week during all of the Speaker ceremonies, one of the things was a mass up at Trinity College where the Speaker went to college. There were two pictures up on the altar. One was a picture of a kid in Darfur and the other was a kid from Hurricane Katrina. There were pictures of these kids from New Orleans and Darfur all over. I think that kind of symbolized where this Speaker is taking this House of Representatives, that is, we are going to act in the best interest of those kids to protect them by implementing these recommendations.

I think the frustration we see on the other side of the aisle, and there is always a level of frustration because you are in power and then out of power, but the one level of frustration from the other side of the aisle is this stuff isn't brain surgery. We have been waiting years to implement some of this stuff. The minimum wage, 10 years. The 9/11 Commission report has been out for a long time. Some of these other things such as negotiating drug prices, we are actually going to get this stuff done in the first 100 hours of legislative business we are doing here. I think there is a level of frustration on their side because some of them wanted it and it couldn't get through, or they don't want it and we are implementing it. But this agenda has the support of the American people.

In some ways, these are broad parameters for us. But take the PAYGO rules. We are going to make sure that we are only spending money that actually comes into the Treasury. We are not going to go out and borrow from China. I know our friends who were here before were talking about we are going to get rid of all of the tax cuts. We are going to implement middle-class tax cuts, and we are going to ask some of the people who have been making millions, if not billions, of dollars over the past couple of years to pay more. If you are making millions of dollars a year, we are going to ask you to pay more in taxes. And the reason we are going to do that is we are either going to ask you or we go and we borrow it from China. You are benefiting a great deal from the economy that we have here, from the political system we have here, and we need your help in balancing our budget.

Now, there is nothing that has more of an effect on average people than increased interest rates. As we borrow money and borrow money, money becomes scarce in the market, and interest rates go up. If you try to buy a house or car, interest rates have gone up and you are paying more. We are going to keep those tax cuts for the middle class, and we are going to ask the wealthiest to pay a little more. And by balancing the budget, we are going to try to reduce interest rates, and that will lead to another economic boom like happened in 1993 when President Clinton and a Democratic Congress balanced the budget. That is the way it is going to be.

We are proving to the American people, and this is the exciting part, I think the American people took a leap of faith on us. In the last few days, we have actually done what we said we were going to do. Later this week we are going to continue to do what we said we were going to do, and next week we will do what we said we were going to do. And when the President gets here to give his State of the Union, he will have a Democratic agenda lying on the table to have to discuss, and that includes the war in Iraq.

Mr. MEEK of Florida. Mr. Speaker, the gentleman from Ohio (Mr. RYAN) is making an excellent point. If you can

elaborate more on what you were talking about, I think that is very important.

Mr. RYAN of Ohio. When you talk about PAYGO, and we were talking earlier about the college loan interest rates and in cutting these interest loans in half for both parent and teachers, the bottom line is we are going to cut those interest rates and make college more affordable. You are also talking about the minimum wage and the stem-cell research which we want to talk a little bit about tonight. We are talking about bread-and-butter issues, investing in science and cutting interest rates in half, making sure the bottom is lifted up. I think we have a lot going on.

Ms. WASSERMAN SCHULTZ. Expanding access to higher education was one of the critical elements, is one of the critical elements of the 100-hours agenda because America is all about opportunity.

Our good friends on the other side of the aisle talk about prosperity and how it is essential to make sure that Americans can continue to prosper, and we absolutely believe that. But there is no denying that prosperity isn't possible in this or any other country without an education.

If you are denied access to education because of the lack of affordability, because you can't pay for it or because your ability to repay a loan is prohibited because the interest rate is so high that you are paying for the rest of your natural life and it takes such a huge chunk of your income that eventually you have to decide not to pursue an education, then prosperity isn't possible.

As you have in this chart, and Mr. MEEK is going to talk about minimum wage, we lag behind the world in terms of global education standards. You have thousands of students who will graduate with engineering degrees this year. And look at the difference in numbers: 600,000 engineering degrees in China; 350,000 engineering degrees in India; and 70,000 engineering degrees in the United States of America.

□ 2250

Now, if that isn't an example and evidence of where we need to focus our priorities and make sure that we expand access to higher education so that we can grow that number, then our ability to be competitive globally is severely, severely impacted, and individual's ability to prosper is severely impacted.

Mr. RYAN of Ohio. Mr. Speaker, just to be fair, these numbers have been shifted and I have seen different numbers for China, India and the United States. But the bottom line is no matter which ones you are looking at, they have a significant advantage on some of these. You look at our math and science scores, they have gone up a little bit, I think in the fourth grade range, but not nearly where we want them to be. We still have a tremendous gap between the wealthiest and poorest districts. We have a tremendous gap between minority districts and white districts. We have got a lot of work to do.

The No Child Left Behind Act is coming up this year to be reauthorized and hopefully funded at the levels. Hopefully we can make the kind of changes that we always hear about on the campaign trail when it comes to education, teachers grabbing us about No Child Left Behind. We have a brutally competitive world out there waiting for us, and these changes need to happen, and some of them need to happen in the first 100 hours.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield, one of the things I wanted to point out is it could ultimately, as we continue to do these 30-something hours, it could be easy to presume now that we are in the majority that we would come here and only talk about the Democrats' agenda and what we are planning to do, and we are going to spend quite a bit of time talking about that during these hours.

But I think it is important that our colleagues and others who might hear us talking tonight understand that the reason that our taking the majority in the Congress was so important, besides our being able to implement an agenda, is the accountability factor.

We are going to come here, now that we are in the majority and control the agenda here, it is absolutely our responsibility because we have the ability to do it to hold this administration accountable, to ask questions, to hold hearings, to bring them here and make sure that they answer questions about their policies that the American people showed us on November 7 they don't agree with.

It is going to be incredibly important in the time that we spend on this floor that we not only talk about our agenda, but what we are doing to make sure that we restore the Congress' role, constitutional role, where we hold the administration accountable and reestablish the system of checks and balances.

Mr. MEEK of Florida. I think it is important, Mr. RYAN, Ms. WASSERMAN SCHULTZ, and also Mr. Speaker and Members, a perfect example of the balance of power. Now, in the 109th there were a lot of things said. I won't be giving any speeches any time soon saying I was proud to be a Member of the 109th Congress, because we had Members that were indicted, we had Members that were saying ''I have a list, and if you are not on my contributors' list, you can't have a meeting with me.'' We had the K Street Project. We had a number of other things. We had the page scandal.

We had a number of things, because no one was policing the body of this U.S. House. No one took responsibility on telling the special interests, no, you can't have that. No one took the responsibility in standing up to the big oil companies and saying we are going to legislate on behalf of the American people.

When we start talking about investing in alternative fuels on this floor within the next couple of days, next week or what have you, that is going to be something that no one dreamed would ever take place.

I am holding this chart up because we have been holding it up, especially in the 109th Congress, to talk about the increases that Members of Congress have received in pay and what the American people have received, zero, since 1997 as it relates to an increase in the minimum wage.

Guess what? This chart, we can send it over to the National Archives across the street, because tomorrow we are going to increase the minimum wage.

Guess what a little legislative leadership brings? Now the President is saying ''I am for the increase in the minimum wage.'' Isn't that something? And when we get on that board tomorrow, Mr. Speaker, I guarantee you that there are going to be a lot of Republicans that are going to say, you know something, and they are going to send a press release out and say ''I voted for an increase in the minimum wage.'' Unheard of in the 109th Congress.

Mr. RYAN of Ohio. Unheard of in the 108th Congress, unheard in the 107th Congress.

Mr. MEEK of Florida. And on and on under Republican control. So I think it is very important for everyone to understand when we have legislative leadership, the writers of Constitution said there is going to be a legislative, an executive, a judicial. They did not say executive and legislative together. They didn't say someone calling from the White House and saying this is the way the vote is going to go down, and if you like it or not, this is what is going to happen.

I have been talking to some of my Republican colleagues, and we all have great relationships with our Republican colleagues, many of them. We had an issue with the Republican leadership leading them down the wrong road, and we even tried to correct some of those issues here on the floor saying, you know, we want to get in the majority, but we care about the American people first, so, please, vote for our amendment, when we could get one on the floor, a motion to recommit, saying we want to make sure the American people are involved in this. We couldn't even pull one Republican on many of those issues.

But tomorrow, thank God for our democracy, thank God for folks that voted for Democratic control of the House, we are going to have many Republicans that are going to vote. It is not going to be where were you yesterday, it is going to be thank God we are able to do something for the American people. So that is where we are.

When Ms. WASSERMAN SCHULTZ talked about legislative leadership, it is important. We have to be bold and we have to be bipartisan. I am just so happy that we are going to have the opportunity to do that. That is major,

Ms. WASSERMAN SCHULTZ, that is major, Mr. RYAN, for the American people to vote for change and to see it, immediately. Not, well, when is the next election? What? Two years and some change.

We are not even out of January yet, and we are already voting in a bipartisan way because of the leadership of the Democrats that say we have to increase the minimum wage, something we told the American people we would do. So I am excited about the fact, Mr. RYAN, that we are able not only in our lifetime but in our political lifetime to be able to deliver to the American people something that is important.

Ms. WASSERMAN SCHULTZ and Mr. RYAN, when we come back to the floor, we are going to have members of the Freshman Caucus, of the Democratic Caucus, that are going to be joining us here on this floor. These are individuals that are fresh, out of not only the campaign, but out of private life, to bring to this House the kind of input that we need.

One thing we are committed to do in the 30-Something Working Group, there is an old spiritual that says ''we are in no ways tired.'' We are in no ways tired, because we have a war that is going on, we still have people without health care, we have a deficit that is continuing to run out of control. But we have now passed legislation to pay as we go. We now have the will and the desire to do the right thing on behalf of our veterans. All of the things we talked about.

So I look forward, Mr. Speaker, to coming to the floor to not only report on progress, but also to ask the Members on both sides of the aisle and the American people to give us the kind of input that we need.

We had the rubber stamp, Ms. WASSERMAN SCHULTZ and Mr. RYAN, that we asked the American people what should we do with the rubber stamp. I want to thank Mr. Manatos with the Speaker's office, I like to say that, with the Speaker's office, that facilitated that asking of the American people.

We are going to keep the rubber stamp, the Republican Congress rubber stamp of the 109th, to remind us that we never, ever want to go back to a rubber stamp Congress. It is not good for the country and it is not good for our future, and it is not good for the men and women that are our veterans and those that are now serving for our independence for us to be able to salute one flag. It is not good. That is not what the Constitution called for and that is not what we are going back to.

So there was a discussion of destroy the rubber stamp, or put the rubber stamp on E-Bay and give it to the Troop Relief Fund or whatever the case may be. But the overwhelming e-mails that we received in the 30–Something Working Group was keep the rubber stamp as a reminder of what you don't want to do in the 110th, if God is willing, in the 111th and the 112th and so on and so on Congress, to not allow that to happen.

So, Mr. RYAN, I just want to say, I know Ms. WASSERMAN SCHULTZ joined us in the 109th, I want to thank you personally on the 108th, because it was kind of lonely. It was just the two of us. Every now and then we would get other members of the 30th-Something Working Group. I want to thank you for sticking in there over the years, and then when you are in the majority, commit to coming back with the same enthusiasm to say not only thank you, but to say that we are going to continue to work and we are going to continue to reach out and continue to do the things that we did in the minority to make sure that we have a strong majority and make this country stronger.

□ 2300

And I want to thank Ms. WASSERMAN SCHULTZ for all the things she does. And I don't know how she does it all, being a mom. I am a dad, but to be a mom is a totally different definition. But she comes to this Congress and brings not only what she brings from the Florida senate, but the same kind of energy, integrity and good will on behalf of the American people, so I want to thank you and all the other Members.

I want to thank Uncle Bill for being an individual that is receiving Medicare. He is a Medicare recipient now. The fact that he comes to the floor.

Mr. RYAN of Ohio. When we are here early, he comes to the floor.

Mr. MEEK of Florida. Right. When we come earlier, he comes to the floor.

And Mr. Manatos, he is the glue that keeps this whole thing together. I can't say enough about him. I want to thank him for all the work he has done. Even though we are all paid to do what we do, Mr. Speaker, it takes an extra wanting to serve the American people to come to this floor night after night.

And I want to take just a personal point. I want to thank my family for allowing me to be here, because I have two kids and a wife here in Washington, D.C. with me. They allow me to come to this floor. But the whole thing comes down to the fact that we have men and women that are deployed for 15 months at a time, so at least I can go two to three blocks to the Capitol at 10 o'clock at night, give them voice and those out in America voice that are punching in and out every day trying to figure out how they are going to get health care for their kids, how they are going to move in a direction where they will be able to have some savings and a tax cut as a middle class.

So I am very thankful. You all can tell I am a little emotional tonight. I see folks here, the Capitol Police and other folks here working tonight, saying, Congressman, you have a big smile on your face. It is my first time being on the floor in the majority. It is not only a historic majority but I am glad to be part of change and glad to do something on behalf of the American people.

Mr. RYAN.

Mr. RYAN of Ohio. Cheers, brother. I couldn't agree with you more, and we want to thank you too for your leadership. We have had a good couple of years where one of us is inevitably tired and cranky, maybe hungry, and the other one has said, we have to go. We have to go do it. We have to keep going.

But when you look at what we are able to do, and I was just glancing over at the minimum-wage stuff, 13 million people would likely benefit from the increase. 7.7 million women, 3.4 million parents, and 4.7 million people of color will benefit, with an average family of three getting $4,400 more a year in their pocket. That is why you do what you do. That is why you get into public life.

You start looking at some of the funding streams for community health clinics and safe and drug-free schools, and the Pell grants, and we are not going to be able to wave a magic wand, because we are in a heck of a hole, so it is going to take us a few years to get out of this, but we are going to start bringing some balance to this process. And I think average people are going to start being represented here under the dome.

We are not perfect. We will probably make some mistakes along the way, but I think they are going to be mistakes of us trying to do the right thing and make things happen. This is an incredibly complex system we run, with 435 Members from different walks of life, different States and different regions to try to make things happen. Then to go across the hall and try to agree with 100 people from 50 States, and balance that off the President and the executive branch is difficult, but I think we are laying down some good framework here that we can work in the next few weeks and hopefully in the next few years that will affect average people's lives.

So, cheers. And now to my Gator friend.

Ms. WASSERMAN SCHULTZ. Thank you. I think the key word you touched on is balance. That is why I am thrilled, and I know the two of you are as well, to have the opportunity to restore balance and to restore the American people's confidence in their government again.

Because, Mr. MEEK and Mr. RYAN, that is one of the things that was a casualty of the last several years, with the headline every other day, every day sometimes, about a colleague of ours on the other side of the aisle being indicted, as Mr. MEEK said, or arrested. We have former colleagues in jail. We have lobbyists that inappropriately tried to influence this process that are in jail.

This election, I think, was a reflection of the American people's desire for change and to move in a new direction. And one of the things that Speaker

PELOSI has talked about, and talked about so often in the campaign, is what her speakership and our majority will be about is making this the most bipartisan Congress in the United States history, with the inclusiveness and the participation that Members on both sides of the aisle will have an opportunity to have, and that that is incredibly important.

That extends beyond just the Members here, but extends to the voices of the people that we are serving. The net roots, for example. That is a community that has been so instrumental and so involved in getting the message out about what people in the country care about. I know that the three of us have interacted during our time on the floor here with folks involved in the net roots and they have given voice to so many people exponentially that would not have had the ability to get our message out. It is incredibly important.

Inclusiveness and balance and confidence in government is I think going to be the watch words that will be really the clarion call of our majority, so I really look forward to that opportunity.

I tell you, where we are at this stage of our careers and our lives, I have been in public office now for, gosh, I guess it is 16 years, which is kind of amazing. But it is actually 16 years, and I have spent 4 of those years in the majority in the State House. Mr. MEEK, we served a couple years in the majority together in the State House, and that is the last time that I had an opportunity to actually advance an agenda. We definitely spent a lot of time honing our defensive skills, and I think we have gotten pretty good at that and comparing and contrasting. But at the end of the day, most of us, the vast majority of us ran for office in order to make the world better, and now we have that opportunity.

Like you said, Mr. RYAN, we might not always do it right, but it won't be for lack of good intentions and it won't be for lack of trying to stand up for those who have no voice, which I think will be quite a marked contrast compared to, and I hate to directly question the intentions, but compared to the intentions of some over the last few years. That is the most diplomatic way I can put it.

Mr. RYAN of Ohio. Very diplomatic. I want to make one final point before we close up here.

If the elections didn't go the way they were supposed to, or the way they did, I should say, and this was still a Republican-controlled House and a Republican-controlled Senate, just to put all this in context, what would have happened is the President would have said that we want to put 20,000 or 30,000 more troops in Iraq, and this Congress would have got out the rubber stamp, and it would have been a done deal. And in several months there would be a $100 billion supplemental and there would be 30,000 more troops in Iraq, and we would be further down the line. There would be no question that that is exactly what would have happened.

So the power and the force of the American people in their statement that they made basically says we are going to have a discussion about this. Now, how this ends up, we don't know. But I know from a personal perspective there is going to be some strong resistance to adding any more troops, and we are going to have a discussion about money and everything else.

Now, we don't have a caucus position, but the bottom line is this: there is going to be a discussion. And that is what is great about this country, and that is what is great about the elections. It is not just going to get rammed through this House, and the American people are not going to feel helpless. They are going to feel like they are here.

I know we are ready to wrap things up. Mr. MEEK, great game last night. You are actually a Miami of Florida fan.

Mr. MEEK of Florida. Miami of Florida? I can tell you are from Ohio.

Mr. RYAN of Ohio. Miami of Florida.

Ms. WASSERMAN SCHULTZ. Go Rattlers.

Mr. RYAN of Ohio. That is what I said.

Mr. MEEK of Florida. No, you said I am actually a Miami of Florida fan. I can tell you are from Ohio. Miami of Ohio? We say Miami, Florida. We don't say Miami of Florida. But thank you, Mr. RYAN.

Mr. RYAN of Ohio. All I am saying is that last night he was like a big Gator fan.

Ms. WASSERMAN SCHULTZ. We are all big Gator fans.

Mr. RYAN of Ohio. Now, I can see Ms. WASSERMAN SCHULTZ, because I have seen the outfit. But you, all of a sudden they win and you are now a big fan.

But I want to congratulate you. This is not poor sportsmanship. Ms. WASSERMAN SCHULTZ, I want to congratulate you as well. Thank you for all your hard work.

And I yield to my good friend.

Mr. MEEK of Florida. Mr. RYAN, you claimed Ohio State, but you live in Niles, Ohio, far from where Ohio State is located.

Mr. RYAN of Ohio. Wait a minute, I want to clarify, it is the Ohio State university.

Mr. MEEK of Florida. I am not yielding to you. I am yielding to Ms. WASSERMAN SCHULTZ for closing. I am going to close, then you are going to give the Web site. Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I just want to close by saying that I look forward to the opportunity to continuing the balance that we have been trying to strike the last number of years and having the opportunity to implement our agenda, to move this country in a new direction, and begin to establish some real accountability and oversight with this administration.

I look forward to joining you on the floor with the 30-something Working Group and having our new colleagues, the new additions, the new recruits in the 30-something Working Group, which is the freshman class.

Mr. MEEK of Florida. Thank you, Ms. WASSERMAN SCHULTZ.

I can tell you that in the 30-something Working Group we do, Mr. Speaker, kind of mix it up here and there, but I think it is very, very important. I am glad we came tonight just to reflect on the work, and to say thank you to the American people, and to say thank you to the staff here in the House, and to say thank you to all of our families.

I would like to say thank you to our personal staff that work in our offices. We get together, Mr. Speaker, and we go over this information, what works best here for the American people. So we just don't come to the floor. We actually spend a lot of staff time. So we want to say thank you to our staffs.

Once again, we would like to say thank you to the Speaker for creating this group and sticking with us and giving us the resources that we need to come to the floor night after night, and we look forward to continuing to do that.

The good thing about this 30-something Working Group, Mr. Speaker, is that this wasn't a project to get in the majority; this was a project to work on behalf of the American people. So in the majority we will continue to do the things we did in the minority because we still have people out there that need the kind of representation in a sensible way. This is not partisan. We are going to read off the song sheet of whatever the Democratic National Committee puts out. That is not what it is all about. It is about giving voice, commonsense solutions, and moving in the direction that we have to move in.

So we look forward to working with our Republican colleagues. And I am so honored, Mr. Speaker, to yield to Mr. RYAN to give the Web site out, and then I am going to yield back our time. But since we no longer can use our old Web site, because we are in the majority now, Mr. Manatos had to write it on some notebook paper to give out to the Members until we get our Web site memorized.

Mr. RYAN of Ohio. We are still maintaining our grass-roots approach here with the legal pad. WWW.Speaker.gov/30something.

Mr. MEEK of Florida. Can you give that out one more time?

Mr. RYAN of Ohio. WWW.Speaker.gov/30something.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today.

Mr. BUYER (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

Mr. GILLMOR (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WATSON) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. MARIO DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and January 10, 11, and 12.

Mr. BURTON of Indiana, for 5 minutes, January 10, 11, and 12.

Mr. PRICE of Georgia, for 5 minutes, January 10.

Mr. SHUSTER, for 5 minutes, January 10.

Mr. PAUL, for 5 minutes, January 11.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 197. An act to authorize salary adjustments for justices and judges of the United States for fiscal year 2007; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 159. An act to redesignate the White Rocks National Recreation Area in the State of Vermont as the ''Robert T. Stafford White Rocks National Recreation Area''.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 10, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

58. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [EPA-HQ-OPP-2002-0043; FRL-8064-3] received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

59. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0823; FRL-8100-9] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

60. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerance [EPA-HQ-OPP-2005-0145; FRL-8107-8] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

61. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethomorph; Pesticide Tolerance [EPA-HQ-OPP-2005-0532; FRL-8104-6] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

62. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerance for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2006-0942; FRL-8105-4] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

63. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fluroxypyr; Pesticide Tolerance [EPA-HQ-OPP-2005-0536; FRL-8107-7] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

64. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2006-0177; FRL-8105-9] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

65. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0655; FRL-8095-4] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

66. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Myclobutanil; Pesticide Tolerance [EPA-HQ-OPP-2006-0282; FRL-8105-1] received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

67. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flucarbazone-sodium; Pesticide Tolerance [EPA-HQ-OPP-2006-0935; FRL-8105-6] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

68. A letter from the Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Nondiscrimination and Wellness Programs in Health Coverage in the Group Market (RIN: 1545-AY32) received December 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

69. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Interstate Rule (CAIR) and Federal Implementation Plans for CAIR; Corrections [EPA-HQ-OAR-2004-0076; FRL-8254-7] (RIN: 2060-AM99) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

70. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas; Correction [EPA-HQ-OAR-2003-0090; FRL-8256-7] (RIN: 2060-AN90) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

71. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule Interpreting the Scope of Certain Monitoring Requirements for State and Federal Operating Permits Programs [EPA-HQ-OAR-2003-0179; FRL-8257-3] (RIN: 2060-AN74) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

72. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Nonferrous Metals-Zinc, Cadium, and Beryllium [EPA-HQ-OAR-2006-0510; FRL-8257-4] (RIN: 2060-AN45) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

73. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [EPA-HQ-OAR-2002-0051 FRL-8256-4] (RIN: 2060-AJ78) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

74. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Finding that Certain States Did Not Submit Clean Air Mercury Rule (CAMR) State Plans for New and Existing Electric Utility Steam Generating Units and Status of Submission of Such Plans [FRL-8255-9] received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

75. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone; The 2007 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2005-0538; FRL-8257-2] (RIN: 2060-AN54) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

76. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2006 Reporting Notice and Amendment; Partial Updating of TSCA Inventory Database; Chemical Substance Production, Processing, and Use Site Reports [EPA-HQ-OPPT-2006-0981; FRL-8109-9] (RIN: 2070-AC61) received December 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

77. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Redesignation of the Kent and Queen Anne's 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance [EPA-R03-OAR-2006-0353; FRL-8259-7] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

78. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Revision to Ohio State Implementation Plan to Rescind Oxides of Nitrogen Rule [EPA-R05-OAR-2006-0354; FRL-8259-5] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

79. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobile and Light-Duty Trucks [EPA-HQ-OAR-2002-0093; FRL-8260-7] (RIN: 2060-AN10) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

80. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry [EPA-HQ-OAR-2005-00475; FRL-8259-6] (RIN: 2060-AK14) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

81. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Toxics Release Inventory Burden Reduction Final Rule [TRI-2005-0073; FRL-8260-4] (RIN: 2025-AA14) received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

82. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs [FRL-8253-9] received December 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

83. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fuel Economy Labeling of Motor Vehicles: Revisions to Improve Calculation of Fuel Economy Estimates [EPA-HQ-OAR-2005-0169; FRL-8257-5] (RIN: 2060-AN14) received December 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

84. A communication from the President of the United States, transmitting an supplemental consolidated report, consistent with the War Powers Resoultion, to help ensure that the Congress is kept fully informed on U.S. military activities in support of the war on terror, Kosovo, and Bosnia and Herzegovina, pursuant to Public Law 93-148; (H. Doc. No. 110-5); to the Committee on Foreign Affairs and ordered to be printed.

85. A communication from the President of the United States, transmitting notification of his intention to add East Timor to the list of beneficiary developing countries and to the list of least-developed beneficiary developing countries under the Generalized System of Preferences, submitted in accordance with section 502 (f) of the Trade Act of 1974; (H. Doc. No. 110-6); to the Committee on Ways and Means and ordered to be printed.

86. A letter from the Deputy Chief Counsel, Regulations, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; Coast Guard-2006-24196; TSA Amendment Nos. 1515-(New), 1540-8, 1570-2, 1572-7] (RIN: 1652-AA41) received January 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. HAYES, and Mr. REYNOLDS):

H.R. 321. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. GINGREY, Mr. WELLER, Mr. CHABOT, Mr. DANIEL E. LUNGREN of California, Mr. LIPINSKI, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. FRANKS of Arizona, Mr. HUNTER, Mrs. MUSGRAVE, Mr. JONES of North Carolina, Mr. INGLIS of South Carolina, and Mr. GILCHREST):

H.R. 322. A bill to derive human pluripotent stem cell lines using techniques that do not harm human embryos; to the Committee on Energy and Commerce.

By Mr. BACHUS (for himself, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. GILLMOR, Mr. HENSARLING, Mr. MOORE of Kansas, Mrs. BIGGERT, Mr. JONES of North Carolina, Ms. WASSERMAN SCHULTZ, Mr. SHAYS, Mr. FEENEY, Mr. HINOJOSA, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. CLAY, Mr. RENZI, Mr. NEUGEBAUER, Mr. DAVIS of Kentucky, Mr. MCHENRY, Ms. HOOLEY, Mrs. MCCARTHY of New York, and Mr. MATHESON):

H.R. 323. A bill to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. MCCRERY, Mr. KLINE of Minnesota, Mrs. BIGGERT, Mr. TIBERI, Mr. FORTUÑO, Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. CAMP of Michigan, Mr. WELLER, Mr. HELLER, Mr. LINDER, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. BAKER, Mrs. SCHMIDT, Mr. FRELINGHUYSEN, Mr. ADERHOLT, Mrs. JO ANN DAVIS of Virginia, Mr. CALVERT, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. KIRK, and Mr. REHBERG):

H.R. 324. A bill to increase the minimum wage, to provide access to health care coverage to employees of small businesses, and to preserve American jobs; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself and Mr. HINOJOSA):

H.R. 325. A bill to create or adopt, and implement, rigorous and voluntary American education content standards in mathematics and science covering kindergarten through grade 12, to provide for the assessment of student proficiency benchmarked against such standards, and for other purposes; to the Committee on Education and Labor.

By Mr. BUTTERFIELD:

H.R. 326. A bill to amend title XIX of the Social Security Act to require that each State plan for medical assistance under Medicaid provide that the financial participation of the State is 100 percent of the non-Federal share of expenditures under the plan; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mr. KIND, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Mr. HINCHEY, Mr. ENGEL, Mr. ROSS, Mr. WEINER, Ms. WOOLSEY, Mr. SCHIFF, Mr. LINCOLN DAVIS of Tennessee, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mrs. LOWEY, Mr. LANTOS, Ms. SCHWARTZ, Mr. MEEKS of New York, Mr. ORTIZ, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. RAHALL, Mr. SPRATT, Mr. BOUCHER, Mr. HONDA, Ms. MATSUI, Mr. MCINTYRE, Ms. WATERS, Mr. CRAMER, Mr. MOLLOHAN, Mr. WEXLER, Mr. MILLER of North Carolina, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Mr. MOORE of Kansas, Mr. RUPPERSBERGER, Mr. OLVER, Mr. COSTELLO, Mr. POMEROY, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. LATHAM, Mr. MICHAUD, Mrs. MALONEY of New York, Mr. LANGEVIN, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. STARK, Mr. EDWARDS, Mr. MORAN of Virginia, Mr. KING of Iowa, Mr. BERMAN, Mr. ETHERIDGE, Mr. LOEBSACK, Mr. MARSHALL, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Mr. KENNEDY, Mr. LARSON of Connecticut, Ms. ZOE LOFGREN of California, Mr. BAIRD, Mr. WATT, Mr. SHERMAN, Mr. TAYLOR, Mr. CHANDLER, Mr. BERRY, Mr. HOLDEN, Mr. DONNELLY, Mr. HILL, Mr. BOYD of Florida, Mr. CARDOZA, Mr. MELANCON, Ms. HARMAN, Ms. BEAN, Mr. PETERSON of Minnesota, Mr. BACA, Mr. COSTA, Mr. MATHESON, Mr. BARROW, Mr. SCOTT of Georgia, Mr. SHULER, Mr. WILSON of Ohio, Mr. PATRICK MURPHY of Pennsylvania, Ms. HERSETH, Mr. MAHONEY of Florida, Mr. ELLSWORTH, Mr. HAYES, and Mr. WAMP):

H.R. 327. A bill to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans; to the Committee on Veterans' Affairs.

By Ms. NORTON (for herself and Mr. TOM DAVIS of Virginia):

H.R. 328. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself and Mr. GOODE):

H.R. 329. A bill to amend title 40, United States Code, to designate certain counties as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 330. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Financial Services.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 331. A bill to direct the Secretary of Veterans Affairs to conduct a study of the accuracy of expiration dates on certain prescription drugs maintained by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CARTER:

H.R. 332. A bill to amend title II of the Social Security Act to provide that wages earned, and self-employment income derived, by individuals while such individuals were not citizens or nationals of the United States and were illegally in the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 333. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability rated less than 50 percent to receive concurrent payment of both retired pay and veterans' disability compensation, to eliminate the phase-in period for concurrent receipt, to extend eligibility for concurrent receipt and combat-related special compensation to chapter 61 disability retirees with less than 20 years of service, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 334. A bill to require the House of Representatives and the Senate to each establish a Subcommittee on Intelligence in the Committee on Appropriations, and for other purposes; to the Committee on Rules, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 335. A bill to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office''; to the Committee on Oversight and Government Reform.

By Mrs. DAVIS of California:

H.R. 336. A bill to require the distribution by the National Technical Information Service of monthly updates of the Death Master List prepared by the Social Security Administration to all nationwide consumer reporting agencies, to require such consumer reporting agencies to maintain a permanent fraud alert in each file of a consumer whose name appears on the Death Master List, and for other purposes; to the Committee on Financial Services.

By Mrs. DAVIS of California (for herself and Mr. MCDERMOTT):

H.R. 337. A bill to eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 338. A bill to improve communications interoperability for emergency response; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 339. A bill to amend title 38, United States Code, to improve access to medical services for veterans seeking treatment at Department of Veterans Affairs outpatient clinics with exceptionally long waiting periods; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 340. A bill to amend title II of the Social Security Act to allow remarried widows, widowers, and surviving divorced spouses to become or remain entitled to widow's or widower's insurance benefits if the prior marriage was for at least 10 years; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 341. A bill to amend title II of the Social Security Act to provide for payment of lump-sum death payments upon the death of a spouse; to the Committee on Ways and Means.

By Mrs. EMERSON (for herself, Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mr. GRAVES, and Mr. HULSHOF):

H.R. 342. A bill to designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the ''Rush Hudson Limbaugh, Sr., United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mrs. EMERSON:

H.R. 343. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means.

By Mr. FEENEY (for himself, Mr. MARIO DIAZ-BALART of Florida, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 344. A bill to ensure that Federal emergency management funds are not used for crisis counseling, recreation, or self esteem building classes or instruction; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA:

H.R. 345. A bill to amend the Internal Revenue Code of 1986 to temporarily provide a shorter recovery period for the depreciation of certain systems installed in nonresidential buildings; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. GONZALEZ, Mr. ACKERMAN, Mr. MCGOVERN, Mr. HAYES, Mr. LAHOOD, Ms. BORDALLO, Mr. ORTIZ, Mr. PICKERING, Mr. GALLEGLY, Mr. AKIN, Mr. RENZI, Mr. WHITFIELD, and Mr. ABERCROMBIE):

H.R. 346. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. JONES of North Carolina:

H.R. 347. A bill to amend the Federal Election Campaign Act of 1971 to require political committees which are associated but not affiliated with a Federal candidate or officeholder to include in the statements of organization and the reports such committees file with the Federal Election Commission the identification of each candidate or officeholder with which the committee is associated, and for other purposes; to the Committee on House Administration.

By Mr. JONES of North Carolina:

H.R. 348. A bill to amend title 5, United States Code, to provide that a Member of Congress convicted of any of certain felony offenses shall not be eligible for retirement benefits based on that individual's Member service, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota:

H.R. 349. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KLINE of Minnesota:

H.R. 350. A bill to prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members; to the Committee on the Judiciary.

By Ms. LEE:

H.R. 351. A bill to establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti; to the Committee on Foreign Affairs.

By Ms. LEE:

H.R. 352. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. MEEHAN, Mr. GRIJALVA, Mr. DELAHUNT, Mr. MCGOVERN, and Mr. ABERCROMBIE):

H.R. 353. A bill to prohibit the use of funds for an escalation of United States forces in Iraq above the numbers existing as of January 9, 2007; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 354. A bill to amend the Elementary and Secondary Education Act of 1965 to improve school safety; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 355. A bill to direct the Attorney General to conduct a study on the feasibility of expanding the National Incident-Based Reporting System to identify crime data relating to elementary and secondary schools; to the Committee on the Judiciary.

By Mr. MCKEON:

H.R. 356. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States; to the Committee on Natural Resources.

By Mr. REHBERG (for himself, Ms. HERSETH, and Mrs. CUBIN):

H.R. 357. A bill to amend the Agricultural Marketing Act of 1946 to implement mandatory country of origin labeling requirements for meat and produce on September 30, 2007; to the Committee on Agriculture.

By Mr. REICHERT:

H.R. 358. A bill to amend title 38, United States Code, to expand and make permanent the Department of Veterans Affairs benefit for Government markers for marked graves of veterans buried in private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SOLIS:

H.R. 359. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estarada Chavez and the farm labor movement; to the Committee on Natural Resources.

By Mrs. TAUSCHER (for herself, Mr. MEEHAN, and Mr. SPRATT):

H.R. 360. A bill to provide for counterproliferation measures; to the Committee on Foreign Affairs.

By Ms. LEE:

H. Con. Res. 19. Concurrent resolution affirming the sense of Congress regarding the obligation of the United States to improve the lives of the 36,950,000 Americans living in poverty and the 15,928,000 of those who live in extreme poverty; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. ENGEL, Mr. WALSH of New York, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. PAYNE, Mr. GARRETT of New Jersey, Mr. PALLONE, Mr. CROWLEY, Mr. MCNULTY, and Mr. ROTHMAN):

H. Con. Res. 20. Concurrent resolution calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process; to the Committee on Foreign Affairs.

By Mr. ROTHMAN (for himself, Mr. KIRK, Mr. TOWNS, Mr. CROWLEY, Mr. ENGEL, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Mr. JOHNSON of Illinois, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, Ms. BERKLEY, Mr. SESSIONS, Mr. PATRICK MURPHY of Pennsylvania, Mr. FATTAH, Mr. CARNEY, Mr. MCNULTY, Mr. KLEIN of Florida, Mr. MCCAUL of Texas, Mr. MANZULLO, Mr. ROHRABACHER, Mr. SAXTON, and Mr. LEWIS of Georgia):

H. Con. Res. 21. Concurrent resolution calling on the United Nations Security Council to charge Iranian President Mahmoud Ahmadinejad with violating the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the United Nations Charter because of his calls for the destruction of the State of Israel; to the Committee on Foreign Affairs.

By Mr. DREIER:

H. Res. 38. A resolution to enhance intelligence oversight authority; to the Committee on Rules.

By Ms. WASSERMAN SCHULTZ (for herself, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. BUCHANAN, Mr. MAHONEY of Florida, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. WEXLER, Ms. CASTOR, Mr. MICA, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 39. A resolution commending the University of Florida Gators for their victory in the 2006 Bowl Championship Series (BCS) and for winning the national college football championship; to the Committee on Education and Labor.

By Mr. MCHENRY (for himself, Mr. GERLACH, Mr. CARTER, Mr. WILSON of South Carolina, Mr. FEENEY, Mr. BOUSTANY, Mr. CANTOR, Mr. PRICE of Georgia, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. BURTON of Indiana, Mr. HENSARLING, Mr. ISSA, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. COBLE, Mr. GINGREY, Mr. FRANKS of Arizona, and Mrs. SCHMIDT):

H. Res. 40. A resolution amending the Rules of the House of Representatives to establish a minority bill of rights to require the House to be administered in a bipartisan manner and to require regular order in the legislative process; to the Committee on Rules.

By Mr. MEEHAN (for himself, Mr. STARK, Mr. ALLEN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. DEFAZIO, Mr. PAYNE, Ms. WOOLSEY, Mr. GRIJALVA, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. MARKEY, Mr. HONDA, Mr. CUMMINGS, Mr. KENNEDY, and Mrs. TAUSCHER):

H. Res. 41. A resolution expressing the sense of the House of Representatives that an increase in number of members of the United States Forces deployed in Iraq is the wrong course of action and that a drastic shift in the political and diplomatic strategy of the United States is needed to help secure and stabilize Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. REYES, Mr. HINOJOSA, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. AL GREEN of Texas, Mr. CUELLAR, and Mr. LAMPSON):

H. Res. 42. A resolution recognizing Ann Richards' extraordinary contributions to Texas and American public life; to the Committee on Oversight and Government Reform.

By Mr. SIMPSON (for himself and Mr. SALI):

H. Res. 43. A resolution commending the Boise State University Broncos football team for winning the 2007 Fiesta Bowl and completing an undefeated season; to the Committee on Education and Labor.

By Mr. STEARNS (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. PUTNAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRENSHAW, Mr. MACK, Mr. BILIRAKIS, Mr. KLEIN of Florida, Ms. ROS-LEHTINEN, and Ms. CASTOR):

H. Res. 44. A resolution to commend the University of Florida Gators for winning the Bowl Championship Series National Championship Game; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

[Filed on January 4, 2007]

Mr. KING of New York introduced a bill (H.R. 240) for the relief of Alemseghed Mussie Tesfamical; which was referred to the Committee on the Judiciary.

[Filed on January 5, 2007]

Ms. LEE introduced a bill (H.R. 320) for the relief of Geert Botzen; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of January 5, 2006]

H.R. 11: Mr. FARR, Mr. WEXLER, Mr. MCGOVERN, Mr. BOUCHER, Mr. ACKERMAN, Mr. STARK, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Mr. DELAHUNT, Mr. BERMAN, and Mr. THOMPSON of Mississippi.

H.R. 14: Mr. SESSIONS.

H.R. 17: Mr. BLUMENAUER, Mr. REICHERT, Mr. LINCOLN DAVIS of Tennessee, and Mr. WU.

H.R. 19: Mr. MCCOTTER.

H.R. 25: Mr. GINGREY, Mrs. DRAKE, and Mr. YOUNG of Alaska.

H.R. 51: Ms. BORDALLO.

H.R. 54: Ms. BORDALLO.

H.R. 65: Mr. CONYERS, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. TOWNS, Mr. CLYBURN, Mr. FATTAH, Mr. RUPPERSBERGER, Mr. OLVER, Mr. PASTOR, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. HOYER, Ms. MILLENDER-MCDONALD, and Ms. JACKSON-LEE of Texas.

H.R. 135: Mr. GOODLATTE.

H.R. 137: Mr. CAMPBELL of California, Mr. SHIMKUS, MR. DEAL of Georgia, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. SHADEGG, Mr. BILBRAY, Ms. PRYCE of Ohio, Mr. MORAN of Virginia, Mr. LINDER, Mr. MARKEY, Mr. BERMAN, Mr. UPTON, Mr. ISSA, Mr. SAXTON, Mr. GARY G. MILLER of California, Mr. WELDON of Florida, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. FOSSELLA, Mr. SHAYS, Mr. CRAMER, Mr. WOLF, Ms. HARMAN, Mr. COSTELLO, Mr. WELLER, Mr. KIRK, Mr. FRANKS of Arizona, Mr. WALSH of New York, Mr. KING of New York, Mr. GILCHREST, and Mr. FARR.

H.R. 171: Mr. RUPPERSBERGER.

H.R. 183: Mr. BAKER.

H.R. 211: Mr. MELANCON, Mr. HOEKSTRA, Mr. WOLF, Mr. LEWIS of Kentucky, Mr. CONAWAY, Mr. RUPPERSBERGER, and Mr. FILNER.

H.J. Res. 1: Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. TAYLOR, and Mr. MARSHALL.

H.J. Res. 2: Ms. BORDALLO.

H. Con. Res. 2: Ms. BORDALLO.

H. Con. Res. 9: Ms. MCCOLLUM of Minnesota, Mr. BUTTERFIELD, and Ms. NORTON.

H. Res. 18: Mr. ROYCE, Mr. ROHRABACHER, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. GINGREY, Mr. GARRETT of New Jersey, Mr. PAUL, Mr. SESSIONS, Mr. GARY G. MILLER of California, Mr. HAYES, Mr. DUNCAN, and Mr. TANCREDO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. BENNIE G. THOMPSON OF MISSISSIPPI

H.R. 1, the ''Implementing the 9/11 Commission Recommendations Act of 2007,'' does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d) or 9(e) of House Rule XXI.

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 2, the Fair Minimum Wage Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.