

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 ex-

panded 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 U.S. 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 national 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-jurisdictional 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, des-

potic 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.