



Legislative Bulletin.....January 9, 2007

Contents:

H.R. 1—Implementing the 9/11 Commission Recommendations Act

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: Various

Total Cost of Discretionary Authorizations: Billions of dollars, but no score available

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: Several

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 1—Implementing the 9/11 Commission Recommendations Act—as introduced (Thompson, D-MS)

Order of Business: The bill is scheduled to be considered on Tuesday, January 9th, pursuant to H.Res. 6, a rule that the House passed last week closing the bill to amendments, waiving all points of order against the bill and its consideration, deeming the previous question as ordered, providing for three total hours of debate, and providing for one motion to recommit (commit). (Note: H.Res. 6 was the resolution changing House Rules for the 110th Congress. It also provided for the consideration of several portions of the Democrats' 100-Hour

Agenda.) **In other words, this bill will come to the floor under a closed rule and without the applicability of any of the new House rules that the Democrats have implemented.**

Comparison with 9/11 Commission Recommendations: The Democrats have not addressed all of the 9/11 Commission's remaining recommendations. Below are some of the major discrepancies between the Democrat bill and the Commission's recommendations.

The Commission recommended creating a bicameral intelligence oversight committee with the power to authorize and appropriate funding for the intelligence community.

- H.R. 1 creates no such committee.

The 9/11 Commission's final report card from December 2005 recommended declassifying the intelligence budget.

- H.R. 1 contains no provisions for making the intelligence budget public.

The Commission recommended moving the date forward from 2009 to 2007 when the analog television spectrum would become reserved for first responders.

- Rather than move the date forward, this bill would create a new grant program to buy communications equipment for first responders. The grant program is engendered not by a specific recommendation of the 9/11 Commission, but rather a statement in the 9/11 Commission's report that Port Authority Police had trouble communicating with other first responders during the September 11th attacks on the World Trade Center.

H.R. 1 gives collective bargaining rights to all TSA personnel.

- Giving TSA employees collective bargaining rights was not a recommendation of the 9/11 Commission.

The Commission recommended requiring passenger airliners to carry hardened containers for suspect cargo.

- The legislation contains no hardened containers requirement.

The Commission recommended that Congress take a leadership role in passport security.

- H.R. 1 merely demands that reports be submitted to Congress detailing the multi-lateral efforts to share information on terror suspects and strengthen the security of travel documents.

Summary by Title: H.R. 1 would implement a variety of homeland security recommendations put forth by the National Commission on Terrorist Attacks Upon the United States ("The 9/11 Commission"), an independent, bipartisan commission created by Congress and the President in late 2002, chartered to analyze the circumstances surrounding the September 11, 2001 terrorist attacks and to make recommendations designed to guard against future attacks. Highlights of the legislation, by title, are as follows:

Title I: Risk-Based Allocation of Homeland Security Grants

- Includes portions of former Rep. Chris Cox’s H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005. Highlights of the included portions of H.R. 1544 (which never became law) are as follows in the next 15 bullet-points:
- Alters the distribution of existing federal homeland security grants to first responders based more on the vulnerability of, and threats to, different areas, rather than on a geographic equity model. The grant distribution would also be based on the consequences to the nation if such an area or target were attacked.
- Excludes certain grant funds to which this legislation would not apply, including (but not limited to) earthquake hazards reduction, veterans, and certain disaster relief.
- Requires that states submit acceptable (as detailed in the legislation) three-year homeland security plans as part of their applications for receiving federal first responder grant funds. The plans would have to, among other things, describe in detail the essential capabilities that communities within the state should possess, or to which they should have access, based upon the terrorism risk factors relevant to such communities.
- States could apply together as a region (subject to certain conditions), and Indian tribes could apply, but only via the states within the boundaries of which any part of an applying tribe is located. No more than 20 tribes could receive direct grants per year, though states could use their own grants in their tribal areas, subject to certain restrictions.
- The DHS Secretary would evaluate grant applications based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons (including transient commuting and tourist populations) and critical infrastructure, based on DHS’ most current risk assessment of the terrorist threats against the United States—and in consultation with the National Advisory Council, the Federal Emergency Management Agency (FEMA), the U.S. Fire Administrator, and various DHS departments.
- Identifies critical infrastructure sectors as (in no particular order):
 - agriculture and food;
 - banking and finance;
 - chemical industries;
 - the defense industrial base;
 - emergency services;
 - energy;
 - government facilities;
 - postal and shipping;
 - public health and health care;
 - information technology;
 - telecommunications;
 - transportation systems;

- water;
- dams;
- commercial facilities; and
- national monuments and icons.

- Identifies the main threats to critical infrastructure as (in no particular order):
 - biological threats;
 - nuclear threats;
 - radiological threats;
 - incendiary threats;
 - chemical threats;
 - explosives;
 - suicide bombers;
 - cyber threats; and
 - any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.
- Sets the minimum funding level for each state that submits an approved homeland security plan (other than the territories) at 0.25% of the total funds available for these grants in any fiscal year (0.45% for states that have an international border). Regional grants would not count toward a state's minimum.
- Sets the minimum funding level for each U.S. territory and Indian tribe that submits an approved homeland security plan at 0.08% of the total funds available for these grants in any fiscal year.
- Specifies in detail what the first responder grant funds could be used for (updating equipment, conducting training exercises, erecting barriers, hiring personnel, etc.) and prohibits funds from being used to supplant state or local funds (including any cost-sharing requirements), to construct buildings or other physical facilities, or to acquire land.
- Allows state and local governments to use homeland security grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, as long as such use assists such governments in achieving essential capabilities for terrorism preparedness established by DHS.
- Prohibits DHS from requiring that equipment paid for, wholly or in part, with funds provided under this legislation be made available for responding to emergencies in surrounding states, regions, or localities, unless DHS pays for the costs directly attributable to transporting and operating such equipment during such response.
- Allows DHS to approve grantees to transfer funds from one approved homeland security use to another homeland security use, regardless of what was originally written in the state plan for the use of funds.

- Requires states to pass through 80% of funds to local governments and other local groups within 45 days of receiving federal grant funds (subject to penalties, such as funding restrictions and terminations, for failure to do so; yet also subject to 15-day extensions).
- Sets at 75% the federal cost share of activities supported by these grants beginning in two years (100% before then). The federal cost share could go as high as 77% for states, tribes, and regions that submit quarterly reports on grant expenditures.
- To access the RSC Legislative Bulletin for H.R. 1544, visit this webpage: <http://www.house.gov/pence/rsc/doc/LB%2005-12-05--first%20responder%20grants.pdf>.

Title II: Ensuring Communications Interoperability for First Responders

- Requires the DHS' Office of Grants and Training to coordinate with the Director of Emergency Communications to **establish the Improve Communications for Emergency Response (ICER) Grant Program** to improve emergency communications among state, regional, national, and in some instances, along the international border communities.
- Authorizes the new program at “such sums as may be necessary” indefinitely.
- Outlines the available use of the ICER grants for planning, design and engineering, training and exercises, technical assistance, and other emergency communication activities deemed appropriate by the Secretary.

Title III: Strengthening Use of a Unified Incident Command During Emergencies

- Increases certain requirements for the National Incident Management System (NIMS) and the Incident Command System (ICS).
- Requires that the National Exercise Program include practical exercises that reinforce unified responses.
- Requires FEMA's regional administrators to assist state, local, and tribal governments in pre-identifying and evaluating sites where a multi-jurisdictional unified command system could be quickly established in the event of a terrorist attack or a natural disaster.

Title IV: Strengthening Aviation Security

- Directs DHS to issue, within thirty days of this bill's enactment, 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.

- Directs DHS to provide analysis of the study, including a list of provisions DHS supports and a schedule to implement them.
 - Extends the authorization, from FY2007 to FY2011, for the Transportation Security Administration (TSA) to issue letters of intent, grants, or other funding vehicles to airports to help support in-line baggage screening (for explosives) projects and removes the \$125 million cap on the level of support that TSA can give airports for such purposes.
 - **Creates a Checkpoint Screening Security Fund** to support the research, development, and deployment of explosives detection checkpoint technologies, to be funded at **\$250 million in FY2008** from the revenues collected from the passenger ticket fees.
 - Directs DHS to issue, within seven days of this bill's enactment, a strategic plan for the deployment of explosive detection equipment at checkpoints that is overdue under the Intelligence Reform and Terrorism Prevention Act of 2004.
 - Reauthorizes, from FY2008 to FY2011, the Aviation Security Capital Fund, to ensure that TSA can continue to collect aviation security fees on tickets purchased by the flying public. Earmarks \$250 million a year over those four years for explosives detection equipment and training.
 - Directs DHS to implement a system (within three years of this bill's enactment) to inspect 100% of cargo carried on passenger aircraft. The measure directs DHS to develop a phased-in approach so that by the end of fiscal year 2007, 35% of cargo carried on passenger aircraft is inspected, 65% by the end of fiscal year 2008; and 100% of cargo is inspected by the end of fiscal year 2009.
 - Directs DHS 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" watch-lists.
- **Gives all TSA employees (including screeners) collective bargaining rights and whistleblower rights. Such rights had been explicitly prohibited in the original law creating the TSA.**
- Directs DHS to submit a plan with milestones to test and implement a system to pre-screen passengers against the automatic selectee and no-fly lists. The plan is due 90 days after enactment of the Act and must (1) describe the system; (2) provide a projected timeline for each phase of testing and implementation of the system; (3) offer an explanation of how the system integrates with the prescreening system for passenger on international flights; and (4) include a description of how the system complies with the Privacy Act.

Title V: Strengthening the Security of Cargo Containers

- Requires that all cargo containers 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.
- Scans would be reviewed by American security personnel before the container is loaded, and as technology becomes available, containers would be sealed with a device that would sound an alarm when tampered with and would notify U.S. officials of a breach before the container enters the Exclusive Economic Zone of the United States.
- Directs DHS to establish standards for scanning and sealing equipment.
- Authorizes “such sums as may be necessary” to carry out this new requirement for fiscal years 2008 through 2013.
- Applies the above new requirement to containers loaded at ports in countries in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels bound or the U.S. in 2005, beginning three years after enactment of this bill. The new requirement would apply to all other containers beginning five years after enactment. Each deadline would be subject to a one-year extension.

Title VI: Strengthening Efforts to Prevent Terrorist Travel

- Directs the Assistant Secretary of Immigration and Customs Enforcement (ICE) to provide administrative and operational support to stem human smuggling, human trafficking, and terrorism travel. Not fewer than thirty full-time-equivalents (FTEs) could be hired and detailed accordingly to support this expanded mission.
- Directs the DHS Secretary, within a week of enactment of this bill, to submit to Congress the overdue plan 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

- Authorizes such sums as may be necessary for each of fiscal years 2008 through 2013 in support of the Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program, which helps state, local, and tribal law enforcement participate in state and local fusion centers (which bring together local law enforcement with criminal intelligence officers at various levels of government).

- A FLEET grant could only pay for up to 80% of a covered activity (subject to waiver), and all law enforcement personnel detailed to a fusion center under FLEET would have to undergo privacy and civil liberties training.
- The FLEET program would have to undergo periodic assessments.
- Authorizes such sums as may be necessary for each of fiscal years 2008 through 2013 in support of a **new Border Intelligence Fusion Center Program**, which would help state, local, and tribal law enforcement participate in state and local fusion centers (which bring together local law enforcement with border intelligence officers at various levels of government). Requires DHS 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 provision also provides for intelligence analysis, privacy, civil liberties training, as well as periodic program assessments.
- Directs the Under Secretary for Intelligence and Analysis to implement an advisory system to relay advisories and alerts (as detailed in the legislation) to the public regarding threats to the homeland. The Under Secretary could **not** use color designations as the exclusive means for warning the public of potential threat conditions.
- Directs DHS to integrate the various intelligence components of the Department 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, the bill:
 - requires the Secretary to appoint “Information Sharing and Knowledge Management Officers” for each intelligence component;
 - establishes processes for the review of information provided by state, local, tribal, and private sector sources and related feedback mechanisms; and
 - establishes a training program** for DHS 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.
- Directs the Under Secretary for Intelligence and Analysis to connect all DHS databases to each other to promote internal information-sharing.
- Directs the Secretary to coordinate the Department’s information sharing efforts with regional information fusion centers. This initiative would have to be reviewed for its impact on privacy and civil liberties concerns.
- **Creates a program** by which state, local, and tribal law enforcement agencies can nominate officers as fellows to work alongside intelligence analysts in DHS to improve information sharing. Fellows could receive “reasonable” (undefined) stipends. The Secretary would have 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.

- Makes a variety of DHS reorganizational changes, including redesignating the Directorate for Information Analysis and Infrastructure Protection (IAIP) within the Homeland Security Act of 2002 as Intelligence and Analysis and redesignating the "Under Secretary for Information Analysis and Infrastructure Protection" as the "Under Secretary for Intelligence and Analysis." Certain responsibilities in these areas would be shuffled.
- Establishes the Assistant Secretary for Infrastructure Protection to head the new Office of Infrastructure Protection and lists five key responsibilities for this new Assistant Secretary, including: 1) conducting assessments of key resource and critical infrastructure vulnerabilities; 2) identifying priorities for DHS 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 DHS' homeland security partners.

Title VIII: Protecting Privacy and Civil Liberties While Effectively Fighting Terrorism

- Removes the existing five-member Privacy and Civil Liberties Oversight Board from the Executive Office of the President and makes it an independent agency.
- Requires every Board member to be confirmed by the U.S. Senate. There could 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.
- Gives the Board subpoena powers that will be enforced by the U.S. District Court in the judicial district where the subpoenaed person resides. Requires the Board to file at least two publicly available reports (with classified annexes, if necessary) per year to Congress.
- Increases the power of the DHS privacy officer by giving him the power to:
 - access any records necessary to fulfill the obligations of the office;
 - undertake any appropriate privacy investigation;
 - subpoena documents from the private sector;
 - obtain sworn testimony; and
 - take the same action that DHS' Inspector General can take in order to obtain answers to questions and responsive documents in the course of an investigation.

Title IX: Improving Critical Infrastructure Security

- Directs the Secretary to provide annual comprehensive reports on vulnerability assessments for all critical infrastructure sectors.
- Directs DHS to **maintain two new databases** addressing critical infrastructure: the National Asset Database and the National At-Risk Database (which would be a part of the first database). The first database would track critical infrastructure nationwide, while the second database would track the nation's critical infrastructure most at-risk of a terrorist attack. The Secretary would have to annually update both databases and remove assets and resources that are not verifiable or do not comply with the database requirements.

Title X: Transportation Security Planning and Information Sharing

- Requires the **establishment of a Strategic Transportation Security Information Sharing Plan** to ensure the development of tactical and strategic intelligence products related to transportation security for dissemination to public and private stakeholders. The plan would have to include a description of how TSA intelligence analysts are coordinating their activities with other federal, state, and local analysts.
- Requires DHS to conduct an annual survey on the stakeholder satisfaction concerning the transportation security intelligence reports issued by the Department.
- Directs DHS to complete security plans respectively for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation assets and provide a periodic progress report (as detailed in the legislation).

Title XI: Private Sector Preparedness

- **Establishes a program to enhance private sector preparedness and response** to terrorism and other emergencies and disasters.
- The program would focus on establishing, and encouraging the use of, voluntary consensus standards in a variety of areas.

Title XII: Preventing Weapons of Mass Destruction Proliferation and Terrorism

- Repeals conditions on assistance to Russia and the former Soviet Union for the prevention of the proliferation of weapons of mass destruction (WMD) and eliminates the limits on the use of such funds outside the former Soviet Union.
- Instructs the Secretary of State and the Secretary of Defense to submit defined annual budgets for the Proliferation Security Initiative (PSI), beginning with submissions for fiscal year 2009. Encourages the President to "strive to expand and strengthen" the PSI to further prohibit the spread of WMD.

- 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 and requires the President to notify Congress 30 days before transferring any ship or aircraft with military applications to any country that does not support U.S. interdiction efforts.
- Authorizes such additional appropriations as may be necessary for fiscal year 2007 for the Cooperative Threat Reduction (CTR) Program (aimed at nuclear nonproliferation in the former Soviet Union), particularly for biological weapons proliferation prevention; chemical weapons destruction at Shchuch'ye; and to “accelerate and strengthen” all Cooperative Threat Reduction programs.
- Authorizes such additional appropriations as may be necessary for fiscal year 2007 for the Department of Energy National Nuclear Security Administration to “accelerate and strengthen”:
 - the Global Threat Reduction Initiative;
 - the Nonproliferation and International Security Program;
 - the International Materials Protection, Control, and Accounting Program; and
 - the Research and Development program.
- **Establishes the U.S. Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism** within the Executive Office of the President. The Coordinator’s duties would 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; leading interagency coordination; conducting oversight and evaluation; and overseeing the development of a comprehensive and coordinated budget and carrying out other budgetary authorities.
- A Deputy Coordinator would also be established, and both would be subject to Senate confirmation.
- Directs the President to **create a new nine-member Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism**, which would be a bipartisan commission of experts to assess current activities and programs to prevent WMD proliferation and terrorism, and to provide a clear and comprehensive strategy and concrete recommendations for these activities and programs. The commission would have to produce a final report and then disband 60 days afterward.

Title XIII: Nuclear Black Market Counter-Terrorism Act

- Mandates that the President impose sanctions on any foreign person who transfers 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 Additional Protocol with the International Atomic Energy Agency (IAEA) for nonproliferation; or is already 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 (which should be for not less than two years) could 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 the President certifies to Congress that such waiver is “important to the national security interests of the United States” and would further the purposes of this title.

- Instructs the President to direct 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 nuclear transfer activities described above.
- Stipulates that U.S. assistance should only be provided to countries that are not cooperating with countries, 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, are taking all necessary measures to prevent their nationals or persons under their control from participating in such cooperation, and are fully cooperating with the U.S. in its efforts to eliminate nuclear black-market networks.
- 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. The bill also requires that the President submit information as to whether such countries are fully cooperating with the U.S., including providing access to individuals involved in such networks.
- Instructs the President to prohibit exports or other activities under the Arms Export Control Act to any country hosting nuclear proliferation activities, unless the President certifies that such country is fully investigating the nuclear black market networks described above, is taking effective steps to halt such activities, and is fully cooperating with the U.S. and other appropriate international organization in investigations regarding such networks. These prohibitions may be waived if the President certifies to Congress that such waiver is “important to the national security interests of the United States” and at least five days have passed since making such certification.

Title XIV: 9/11 Commission International Implementation

- States that it is U.S. policy 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 (see below), 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.

- **Establishes an International Arab and Muslim Youth Opportunity Fund** to strengthen the public educational systems in Arab and predominantly Muslim countries. The Fund, authorized at “such sums” for fiscal years 2008 through 2010, could either be a separate fund in the U.S. Treasury or exist through an international organization or international financial institution.
- 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.
- Extends the program for FY2007 and FY2008 to provide grants to American-sponsored schools in Arab and predominantly Muslim countries to provide scholarships and removes the program’s “pilot” status (thereby making it permanent).
- States that it is U.S. policy 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.” The Secretary of State would also be directed to prepare a report with a country-by-country five-year strategy to promote this U.S. policy, including an estimate of the funds necessary.
- Authorizes the Secretary of State to **designate an appropriate private, non-profit United States organization as the Middle East Foundation** and to provide it funding through the State Department’s Middle East Partnership Initiative. The Foundation, which would remain a private entity, would **award grants** to people located in the Middle East or working with local partners based in the region to carry out projects that support the pro-democracy purposes above. The Foundation and funds disbursed would be subject to annual, independent, private audits, as well as audits by the Government Accountability Office.
- Amends the United States International Broadcasting Act of 1994 to establish special authority for surge capacity (i.e. additional financial and technical resources) for U.S. international broadcasting activities to support U.S. foreign policy objectives during a crisis abroad, and authorizes such sums to carry out the surge capacity authority (so long as total surge capacity spending does not exceed \$25 million).
- Authorizes such sums as may be necessary for FY2008 for U.S. broadcasting activities, including broadcasting capital improvements.
- Directs the Secretary of State to certify that the 9/11 Commission’s recommendations for expanding U.S. scholarship, exchange, and library programs in Arab and predominantly Muslim countries have been met (or what steps are being made to ensure they are met).

- Directs the Secretary of State to certify that the 9/11 Commission's recommendations for maintaining a consistent and humane policy toward detained terrorists have been met (or what steps are being made to ensure they are met).
- States that it is U.S. policy to maintain its long-term commitment to Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan. 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 delivery of electricity to major cities and provinces in Afghanistan.
- States that it is U.S. policy 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. Prohibits the provision of U.S. 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 (subject to national security waiver authority). Authorizes such sums as may be necessary for assistance for Pakistan in various accounts, and extends waivers of foreign assistance restrictions with respect to Pakistan through the end of FY2008.

Additional Background: To access the website of the 9-11 Commission, visit this website: <http://www.9-11commission.gov/>.

Committee Action: On January 5, 2007, the bill was referred to eight House committees, none of which took official public action.

Possible Conservative Concerns: Conservatives might be concerned by provisions giving TSA employees collective bargaining rights, that the authorizations throughout the bill are all "such sums," and at the creation of a variety of new offices and programs in a Department that many observers already claim is bloated.

Cost to Taxpayers: A CBO cost estimate of the billions of dollars of authorizations in this legislation is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would create a variety of new programs, offices, and authorities.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: A CBO analysis of the mandates in this legislation is unavailable. There are a variety of mandates, mostly involving cargo and container inspections.

Constitutional Authority: Although a committee report citing constitutional authority is unavailable, Article I, Section 8, Clause 1 grants Congress the power to provide for the common defense and general welfare of the United States.

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