

the question of suspending the rules and passing the bill, H.R. 5061, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and pass the bill, H.R. 5061, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 17, as follows:

[Roll No. 508]

YEAS—412

Abercrombie	Cox	Harman
Ackerman	Cramer	Harris
Aderholt	Crane	Hart
Akin	Crenshaw	Hastings (FL)
Alexander	Crowley	Hastings (WA)
Allen	Cubin	Hayes
Andrews	Culberson	Hayworth
Baca	Cummings	Hearling
Bachus	Cunningham	Heger
Baird	Davis (AL)	Herseth
Baker	Davis (CA)	Hill
Baldwin	Davis (FL)	Hinojosa
Balenger	Davis (IL)	Hobson
Barrett (SC)	Davis (TN)	Hoeffel
Bartlett (MD)	Davis, Jo Ann	Hoekstra
Barton (TX)	Davis, Tom	Holden
Bass	Deal (GA)	Holt
Beauprez	DeFazio	Honda
Becerra	DeGette	Hoolley (OR)
Bell	Delahunt	Hostettler
Berkley	DeLauro	Houghton
Berman	DeLay	Hoyer
Berry	DeMint	Hulshof
Biggart	Deutsch	Hunter
Bilirakis	Diaz-Balart, L.	Hyde
Bishop (GA)	Diaz-Balart, M.	Inslee
Bishop (NY)	Dicks	Isakson
Bishop (UT)	Dingell	Israel
Blackburn	Doggett	Issa
Blumenauer	Dooley (CA)	Istook
Blunt	Doolittle	Jackson (IL)
Boehner	Doyle	Jackson-Lee
Bonilla	Dreier	(TX)
Bonner	Duncan	Jefferson
Bono	Dunn	Jenkins
Boozman	Edwards	John
Boswell	Ehlers	Johnson (CT)
Boucher	Emanuel	Johnson (IL)
Boyd	Emerson	Johnson, E. B.
Bradley (NH)	Engel	Johnson, Sam
Brady (PA)	English	Jones (NC)
Brady (TX)	Eshoo	Kanjorski
Brown (OH)	Etheridge	Kaptur
Brown (SC)	Evans	Keller
Brown, Corrine	Everett	Kelly
Brown-Waite,	Farr	Kennedy (MN)
Ginny	Fattah	Kennedy (RI)
Burgess	Feeney	Kildee
Burns	Ferguson	Kind
Burr	Foley	King (IA)
Burton (IN)	Forbes	King (NY)
Butterfield	Ford	Kingston
Calvert	Fossella	Kirk
Camp	Frank (MA)	Kleczka
Cannon	Franks (AZ)	Kline
Cantor	Frelinghuysen	Knollenberg
Capito	Frost	Kolbe
Capps	Gallegly	Kucinich
Capuano	Garrett (NJ)	LaHood
Cardin	Gerlach	Lampson
Cardoza	Gibbons	Langevin
Carson (IN)	Gilchrest	Lantos
Carson (OK)	Gillmor	Larsen (WA)
Carter	Gingrey	Larson (CT)
Case	Gonzalez	Latham
Castle	Goode	LaTourrette
Chabot	Goodlatte	Leach
Chandler	Gordon	Lee
Chocoma	Granger	Levin
Clay	Graves	Lewis (CA)
Clyburn	Green (TX)	Lewis (GA)
Coble	Green (WI)	Lewis (KY)
Cole	Greenwood	Linder
Collins	Grijalva	Lipinski
Conyers	Gutierrez	LoBiondo
Cooper	Gutknecht	Lofgren
Costello	Hall	Lowe

Lucas (KY)	Pence	Smith (MI)
Lucas (OK)	Peterson (MN)	Smith (NJ)
Lynch	Peterson (PA)	Smith (TX)
Maloney	Petri	Smith (WA)
Manzullo	Pickering	Snyder
Markey	Pitts	Solis
Marshall	Platts	Souder
Matheson	Pombo	Spratt
Matsui	Pomeroy	Stark
McCarthy (MO)	Porter	Stearns
McCarthy (NY)	Portman	Stenholm
McCollum	Price (NC)	Strickland
McCotter	Pryce (OH)	Stupak
McCrery	Putnam	Sullivan
McDermott	Radanovich	Sweeney
McGovern	Rahall	Tancredo
McHugh	Ramstad	Tanner
McInnis	Rangel	Tauscher
McIntyre	Regula	Taylor (MS)
McKeon	Rehberg	Taylor (NC)
McNulty	Renzi	Terry
Meehan	Reyes	Thomas
Meek (FL)	Reynolds	Thompson (CA)
Meeks (NY)	Rodriguez	Thompson (MS)
Menendez	Rogers (AL)	Thornberry
Mica	Rogers (KY)	Tiahrt
Michaud	Rogers (MI)	Tiberi
Miller (FL)	Rohrabacher	Tierney
Miller (MI)	Ros-Lehtinen	Toomey
Miller (NC)	Ross	Towns
Miller, George	Rothman	Turner (OH)
Mollohan	Roybal-Allard	Turner (TX)
Moore	Royce	Udall (CO)
Moran (KS)	Ruppersberger	Udall (NM)
Moran (VA)	Ryan (OH)	Upton
Murphy	Ryan (WI)	Van Hollen
Murtha	Ryun (KS)	Velazquez
Murphy	Sabo	Visclosky
Musgrave	Sánchez, Linda	Vitter
Myrick	T.	Walden (OR)
Nadler	Napolitano	Walsh
Neal (MA)	Neal (MA)	Wamp
Nethercutt	Nethercutt	Waters
Neugebauer	Neugebauer	Watson
Ney	Ney	Watt
Northup	Northup	Waxman
Nunes	Nunes	Weiner
Nussle	Nussle	Weldon (FL)
Oberstar	Oberstar	Weldon (PA)
Obey	Oberstar	Wexler
Oliver	Oliver	Whitfield
Ortiz	Ortiz	Wicker
Ose	Ose	Wilson (NM)
Ott	Ott	Wilson (SC)
Owens	Owens	Wolf
Oxley	Oxley	Woolsey
Pallone	Pallone	Wu
Pascarell	Pascarell	Wynn
Pastor	Pastor	Young (AK)
Payne	Payne	Young (FL)
Pearce	Pearce	
Pelosi	Pelosi	

NAYS—3

Flake Hefley Miller, Gary

NOT VOTING—17

Boehler	Kilpatrick	Paul
Buyer	Majette	Quinn
Filner	Millender-	Rush
Gephardt	McDonald	Slaughter
Hinchev	Norwood	Tauzin
Jones (OH)	Osborne	Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1419

So (two thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 508, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 10.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 827 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10.

The Chair designates the gentleman from Idaho (Mr. SIMPSON) as chairman of the Committee of the Whole, and requests the gentleman from Texas (Mr. BONILLA) to assume the chair temporarily.

□ 1419

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, with Mr. BONILLA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 3 hours and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; 30 minutes equally divided and controlled by each chairman and ranking minority member of the Committee on Armed Services, Committee on Financial Services, Committee on Government Reform, and the Committee on the Judiciary; and 20 minutes equally divided and controlled by each chairman and ranking minority member of the Committee on International Relations, Committee on Transportation and Infrastructure, and the Select Committee on Homeland Security.

The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 20 minutes of debate from the Permanent Select Committee on Intelligence.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 10, the 9/11 Recommendations Implementation Act.

Mr. Chairman, H.R. 10 is a bill that reforms the intelligence community of the United States. To be sure, this bill has provisions to improve our Nation's ability to prevent and prosecute terrorism, to improve border security, and to improve international security cooperation and coordination. But it is the specific focus of the intelligence reform that I wish to address.

This bill, very specifically and very wisely, implements the intelligence reform recommendations of the 9/11 Commission and the House/Senate Joint Inquiry Report. H.R. 10, for example, creates a National Intelligence Director who has dramatically improved authorities and capabilities to manage and coordinate the disparate efforts of the various intelligence components and elements of the United States Government. It makes the National Intelligence Director truly the leader of the entire community, and it makes this person responsible for the coordinated efforts of the entire community.

Some will say that H.R. 10 does not follow all of the recommendations of the 9/11 Commission. In constructing this bill, we critically reviewed the ramifications of one of their recommendations, declassifying the budget. We believe that the unintended negative consequences of such a move outweighed any possible benefits. Why, at a time of war, share any information that our enemies might find useful? I want to be clear to the American people. Structural changes and enhanced authorities cannot and will not ensure perfect knowledge about our enemies' plans and intentions. It is important to say that those who would do America harm are clever. They are very secretive. The asymmetric threats that they can both imagine and effect require us to be many fold better at defense than they need to be in offense. That said, I firmly believe the improvements provided in this bill will make significant improvements in the outcomes of our intelligence analysis, collection, and dissemination.

Mr. Chairman, I, like my colleagues on the other side of the aisle, want to ensure the strongest, most empowered intelligence director possible. It is with that specific intent that we met with negotiators from the other affected committees of the House and crafted what I consider to be a very strong bill. H.R. 10 addresses five major improvements for the intelligence community.

First and foremost, the bill creates an empowered National Intelligence Director who is the head of the intelligence community and who is the principal adviser to the President on all intelligence matters.

Second, it provides this new director with enhanced management authorities to coordinate and manage all aspects of intelligence operations. These new authorities are, I believe, unprecedented and strike a careful balance between the equities of the National Intelligence Director and the heads of the departments that contain the elements of the intelligence community.

Third, the National Intelligence Director is vested with the responsibility and authority to dramatically improve information-sharing of intelligence across the government.

Fourth, the National Intelligence Director is made responsible for strengthening intelligence analysis across the community.

And, finally, this bill creates a National counterterrorism Center. This center will be responsible for analyzing and integrating all intelligence pertaining to terrorism and counterterrorism.

Finally, I want to mention that this legislation also addresses several provisions for dramatically improving intelligence community training and education, particularly in the areas of foreign language expertise and analyst proficiency.

Mr. Chairman, I would also be remiss if I did not turn to the gentlewoman from California (Ms. HARMAN), ranking member of the Permanent Select Committee on Intelligence, and thank her for the intelligence reform legislation that she offered earlier this year. I hold in very high regard the bipartisan manner in which the gentlewoman from California (Ms. HARMAN) and her staff have worked with us on the intelligence provisions of H.R. 10 and look forward to working with her staff as we continue moving through this process, move through the process of a conference committee and bring a bill to the desk of the President.

Mr. Chairman, H.R. 10 is real reform of the intelligence community. It is far better and more well thought out than any other legislation we will address today. I urge my colleagues to vote "yes" on H.R. 10.

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

Ms. HARMAN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I thank the gentleman from Michigan (Mr. HOEKSTRA), the new chairman of the Permanent Select Committee on Intelligence, for the comments he just made, not just about me and the members of the minority but about our staff. We work hard, and we welcome the fact that the winds of bipartisanship are again blowing through our committee. It is a good thing for America.

Mr. Chairman, I hail from California, the land of earthquakes. Yesterday, Washington experienced two near simultaneous earthquakes. In California, we would call that "the big one."

The first was the Duelfer report, which conclusively established that we invaded Iraq based on wrong intelligence. Four ancient chemical warheads, one vial of Botox and a centrifuge hidden under a rose bush in 1991 did not and do not constitute an imminent threat.

The second earthquake was last evening's spectacular 96-to-2 victory of the Collins-Lieberman-McCain legislation, S. 2845, implementing the 9/11 Commission recommendations. Kudos to Sen-

ators COLLINS and LIEBERMAN, amazing legislators who presided over 2 days of markup and withstood votes on dozens of floor amendments over 6 days to produce an excellent bipartisan bill.

In contrast, Mr. Chairman, although this House was first to identify our intelligence gaps and could have played the leadership role in fixing them, we are playing catch-up. More than a year ago, former Permanent Select Committee on Intelligence Chairman Porter Goss and I sent a letter to George Tenet detailing our preliminary findings that "there were significant deficiencies" in our intelligence about Iraq's WMD capabilities and that the intelligence community's "judgments were based on too many uncertainties."

Last April, as we heard from our chairman, all nine Democrats on the House Permanent Select Committee on Intelligence introduced H.R. 4104 to provide "Goldwater/Nichols"-style jointness for the intelligence community. Our bill put a dozen intelligence agencies with different rules, cultures and databases under one unified commander for the entire community just the way we put our military services under unified command. We are told our bill formed the basis for many of the 9/11 Commission recommendations on intelligence reform, including the creation of the National Intelligence Director.

Mr. Chairman, the concepts we will debate today were developed from a House bill. It started here, and it stalled here when the Permanent Select Committee on Intelligence majority took no action to mark up our bill. It remains stalled, Mr. Chairman, because the Republican leadership insists on pursuing a highly partisan process. Fortunately, the Menendez substitute has been made in order, and I urge its adoption.

S. 2845, the Collins-Lieberman-McCain bill, which would replace H.R. 10 if the Menendez amendment is adopted, provides full budget execution authority to the National Intelligence Director. In contrast, H.R. 10 creates an "N-I-D" but it is a "Neutered Intelligence Director," passing funding through the NID without giving the NID adequate control.

S. 2845 provides for a National Counterterrorism Center with real power to integrate our counterterrorist operations. H.R. 10 reduces the NCTC's power. S. 2845 provides for an independent Privacy and Civil Liberties Board. H.R. 10 does not.

S. 2845 follows the excellent recommendations of the nonpartisan Markle Foundation and creates a trusted Information Sharing Network so that government agencies can connect the dots about the terrorists but not infringe on the civil liberties of law-abiding Americans. H.R. 10 has no such provision.

S. 2845 allows the public to see the overall amount we spend on intelligence by declassifying the top line,

something we did in 1997 and 1998 without jeopardizing national security. H.R. 10 insists on unnecessary secrecy.

In sum, Mr. Chairman, we are debating the wrong bill. In case anyone missed it, the terrorists did not check our party labels before they attacked us, and they certainly will not care whether we are Democrats or Republicans when they try to attack us again. Mr. Chairman, the American people want us to defend our country, not our turf.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. BLUNT), majority whip and a member of the Permanent Select Committee on Intelligence.

Mr. BLUNT. Mr. Chairman, the House is taking bold steps today to reform the way our intelligence community works for the first time in two generations. The legislation that we are debating here today responds to the 9/11 Commission's look at an unprecedented and horrendous day in American history. The Commission made recommendations for dramatically changing our intelligence operations, and seven House committees of jurisdiction held 20 hearings and five markups. Despite some claims to the contrary, our committees have worked in a bipartisan fashion to contribute with strong bipartisan votes, sweeping and much-needed components of change of the legislation that we are discussing today.

I would like to focus on the intelligence reform for a minute. I have had the privilege of joining the gentleman from Michigan's (Chairman HOEKSTRA'S) and the gentlewoman from California's (Ms. HARMAN'S) committee last week during the Permanent Select Committee on Intelligence's markup of the components of the 9/11 Commission bill. This legislation establishes a strong empowered National Intelligence Director who will coordinate the efforts of all the U.S. intelligence agencies. The National Intelligence Director will head up the U.S. intelligence community and serve as the President's principal adviser on intelligence matters. The new National Intelligence Director will also be responsible for establishing and running a new National Counterterrorism Center. This center will be the primary organization for analyzing and integrating all terrorism and counterterrorism intelligence.

□ 1430

The center will help keep Americans safe by integrating all national efforts to detect, deter and disrupt terrorist activities.

This bill enhances the community wide intelligence budget, operations and personal management authorities for the new National Security Director. The Director will have, for example, increased authority to manage and over-

see execution of the National Intelligence Program and its annual budget.

One of the strengths of this bill is that this bill still keeps that budget secret from our enemies. Divulging the top line of the national intelligence budget to our enemies is not a good idea. If it is a good idea, why not divulge the next to the top line and the line after that and the line after that? This is just simply information that does not need to be disclosed. This is the only option that protects that information.

The 9/11 Commission Implementation Bill will also improve information sharing. The landmark legislation also sharpens intelligence tools, making the National Intelligence Director responsible for the accuracy of intelligence analysis and for ensuring the quality of human intelligence and other intelligence capabilities around globe. This legislation provides a better intelligence structure and improves our national security.

I urge my colleagues to support H.R. 10, to defeat any substitutes, and to move forward toward this important landmark piece of legislation.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES), an excellent senior member of our committee.

Mr. REYES. Mr. Chairman, I thank the ranking member for yielding me time, and want to thank our new chairman for working on a bipartisan basis.

Mr. Chairman, unfortunately, we had passed three amendments that have been stripped out of H.R. 10. Having said that, I have been a member of the Subcommittee on Terrorism and Homeland Security of the Permanent Select Committee on Intelligence for nearly 4 years now. Through that subcommittee's work, I have focused on the issue of strengthening our intelligence response to terrorism. I have also served on the Joint Congressional Inquiry of 9/11, and for almost 8 years on the House Committee on Armed Services. So I understand the importance of intelligence to our troops in the field.

We must reform the intelligence community to avoid another 9/11, but the bill before us today is not the way to do it.

H.R. 10, from my perspective, Mr. Chairman, is just too weak. The National Intelligence Director created under the bill would not have the minimum necessary control over funding and appointment of officials or personnel assignments. For example, if the National Intelligence Director cannot hire and fire people, they do not really work for him or her.

In both the Permanent Select Committee on Intelligence and the Committee on Armed Services markups, I offered amendments to strengthen the hiring and firing authority of our National Intelligence Director, using the language of the Collins-Lieberman bill passed by the Senate and endorsed by our White House, The 9/11 Commission and 9/11 families.

The Senate's completely bipartisan bill would properly implement the Commission's recommendations. The House bill is not bipartisan, and my amendments in committee failed on basically party-line votes.

I believe that today we should be adopting a bill to be closer to the bipartisan Collins-Lieberman effort on the Senate side. The voters, and the 9/11 families, in whose honor we work, deserve the strongest efforts to make this happen.

Our ability to counter future attacks from al Qaeda and other terrorist groups demands a bipartisan effort. Sadly, Mr. Chairman, we fail that test today with H.R. 10. I urge my colleagues to vote against it.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM) a distinguished member of the committee and our "top gun."

Mr. CUNNINGHAM. Mr. Chairman, I could expound to all of what is in H.R. 10, but I would like to go through a few of the differences and why.

I think for anybody to espouse complete acceptance of the 9/11 Commission recommendations is irresponsible, totally irresponsible, and I will be specific.

The bill that the gentlewoman from California (Ms. HARMAN) presented is thoughtful, caring and actually has many, many of the H.R. 10 legislation bullets in it. She has done a good job. But there are many things that I totally disagree with that I think would do more harm for this country than good. The gentlewoman from California (Ms. HARMAN) is a friend and we work side by side. It does not mean we have to agree on every issue.

First of all, putting the National Intelligence Director under the White House, everybody knows how it works around here. The closer you are to the White House, the more political things become. If you have everything that is scrubbed through the National Intelligence Director by the White House, regardless if it is a Republican or a Democrat, that White House is going to be concerned that anything that is done is going to reflect on their next election and it is going to cause gridlock at that level.

It is going to keep our intelligence agents from being flexible and mobile and have initiative. I think that is wrong, and it could harm this country's intelligence services. That is one.

Secondly, control of the NID totally over the defense budget, I think that is wrong. If you look at Senator JOHN KERRY, that is exactly what he tried to do, is gut defense, for 30 years. And if they are able to have a person as a NID control the Secretary of Defense and the entire defense budget, that is exactly what they want. It is politically motivated, and I think it is wrong.

If you take a look, look at the Army Times. Seventy-two percent of the Guard, Reserves and active duty, officer and enlisted, are going to vote for

G.W. Bush, and they want to stymie that.

Ms. HARMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would point out to my friend the last speaker that both in Collins-Lieberman and H.R. 10, the NID is not part of the White House, the Executive Office of the President. It is separate. I agree with his comments on that.

As far as the budget of the NID is concerned, tactical intelligence is totally exempted.

Mr. Chairman, it is my privilege to yield 2 minutes and 10 seconds to the gentleman from Iowa (Mr. BOSWELL), the ranking member on the Subcommittee on Human Intelligence, Analysis and Counterintelligence of the Permanent Select Committee on Intelligence.

(Ms. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Chairman, I, too, would like to say I appreciate the work of the gentleman from Michigan (Mr. HOEKSTRA) with our committee, the fresh leadership, and his working together with the gentlewoman from California (Ms. HARMAN), who is doing a great job for us as ranking member. It is good to see my neighbor and friend, the gentleman from Missouri (Mr. BLUNT) participating as he is standing in for Mr. BOEHLERT.

Mr. Chairman, the 9/11 Commission examined ways that terrorists are trying to attack us and pointed out problems with how our intelligence agencies tackle this threat. Our intelligence community was set up more than 50 years ago to deal with threats from the Soviet Union in the Cold War. I personally participated in rewriting FM 101-5 when I was instructor at Command General Staff. We knew we had to change, we had a new threat, the Cold War.

Today we face new threats and our intelligence agencies need to adapt. The 9/11 Commission showed us a way to do that.

I believe H.R. 10 is too weak. It does not do enough to address the threat from terrorism and weapons of mass destruction our country faces. I offered an amendment in committee last week to improve the bill's provisions on the budget authority of the National Intelligence Director. It was voted down on a party-line vote, even though the same provision is part of the bipartisan Senate bill that passed 96 to 2 yesterday.

I think the issue of budget authority is actually a simple one. The National Intelligence Director needs the authority to do the job we are asking him to do. That means power over the intelligence budget. And to be effective, to be allowed to do his or her job, they must have authority over the budget.

With weak authority, the National Intelligence Director will inevitably be weak, exactly as the Director of Central Intelligence has been weak for half a century.

There have been many, many studies of intelligence reform over the decades, and most of them have urged stronger budgetary authority for the Director of Central Intelligence. The 9/11 Commission strongly recommends that the National Intelligence Director be fully in control of the budget, from developing it to implementing it, to ensuring that the National Intelligence Director has the clout to make decisions.

Over in the Senate, the Collins-Lieberman bill keeps faith with those recommendations. H.R. 10 does not. I hope that we will be able to improve the bill, amending the budget provisions and other provisions that are far too weak.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Virginia (Ms. JO ANN DAVIS), a member of the committee.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise in support of H.R. 10, the 9/11 Recommendations Implementation Act, and I thank my friend and colleague from Michigan for yielding me this time.

The legislation before us today contains the most substantial reform of the United States intelligence community since its inception in 1947 and it contains five major improvements to the current intelligence community.

First and foremost, this legislation creates an empowered National Intelligence Director who is the head of the intelligence community and the principal adviser to the President for all intelligence matters. Because this new position will be separate from that of the director of the Central Intelligence Agency, we will finally have an individual whose sole purpose is to direct the overall functioning of the intelligence community.

Second, the legislation provides a new National Intelligence Director with enhanced management authorities to coordinate and manage all aspects of intelligence operations as well as improved authorities over and control of intelligence budgets.

Third, the legislation vests in the National Intelligence Director the responsibility and authority to dramatically improve information sharing across the government. We are all too familiar with the failure of agencies to communicate vital information with each other prior to 9/11.

Now the head of the intelligence community will have the ability to implement an integrated technology network and establish uniform security standards that can break down stovepipes and promote the fullest information sharing possible.

Fourth, this legislation makes the National Intelligence Director responsible for strengthening analysis across the community and for ensuring the sufficiency and quality of human intelligence and other intelligence capabilities.

Finally, the legislation creates a National Counterterrorism Center that will be responsible for analyzing and

integrating all intelligence pertaining to terrorism and counterterrorism. No longer will the left-hand not know what the right hand is doing with respect to counterterrorism activities.

As the central knowledge bank of all terrorist and counterterrorist information and the central point for strategic operational planning, we can now take the fight to the terrorists in the most coordinated manner possible.

It is vital that the intelligence community reform better align U.S. resources and management authorities to effectively target both the terrorist threats of today, as well as new threats of tomorrow. I strongly urge support of the legislation.

Ms. HARMAN. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), a member of our committee.

Mr. PETERSON of Minnesota. Mr. Chairman, H.R. 10 is not the best bill that this body could produce. H.R. 10, as introduced, included a curious provision in Title V, section 5021 of the bill would give the President the authority to draft a completely new intelligence reform bill and submit it to Congress for only an up or down vote with no ability to amend.

Now, the Permanent Select Committee on Intelligence, the committee with the expertise and jurisdiction on restructuring the intelligence community, voted on a bipartisan basis to strike this provision. But the Committee on Rules overruled the Permanent Select Committee on Intelligence and left section 5021 in the bill before us today.

This provision would create the same mess that we already have when we are dealing with Trade Promotion Authority, a situation where the Congress has almost no say in what the administration does in our trade agreements. Why would we want to set up another system like that? It would undermine Congress' ability for effective oversight of our intelligence operations, and that is clearly not the right thing to do.

In addition, I do not understand why the House Republican leadership is ignoring the President's endorsement of the Senate's bill and so much of what the 9/11 Commission recommended. Their approach is not going to help us get to where we need to go on this bill and get done in a constructive and timely manner.

I believe the proposed National Intelligence Director should have strong authority in the areas of budget control, appointment of senior officials in the intelligence community and assignment and tasking authority of personnel, and we should have a strong National Counterterrorism Center with responsibilities for assigning roles and planning counterterrorist operations.

Mr. Chairman, I think that the bill passed by the other body is much preferable to H.R. 10 in all of those areas, and I think that is the direction that we should go.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the distinguished

gentleman from Texas, (Mr. THORNBERRY), a member of the committee.

Mr. THORNBERRY. Mr. Chairman, understandably in this debate, we tend to emphasize our differences, but I think it is important to step back a little bit and remember that the basic premise upon which the 9/11 Commission report is based and upon which this legislation is based is that the arrangement of the intelligence organizations we had for the Cold War is not necessarily the best arrangement for today or for tomorrow.

□ 1445

That should not be surprising. It has been true of the military, and we are making changes in the organization of the military. It has been true of our homeland security organizations, and we have made changes there; and it is also true of our intelligence organizations, and this bill begins to make those changes as well.

The issues related to whether we need an overall director of national intelligence have been around since the second Hoover Commission of 1955. CRS has documented about a dozen or more studies that have made this point over the years since then. This bill does it.

There has been unanimous agreement since September 11 that we need to have better fusion of intelligence from all sources, and this bill formalizes that with the National Counterterrorism Center.

There is concern about providing intelligence for the warfighters, and this bill tries to strike the balance to make sure that the warfighters on the ground get the information they need but, at the same time, it recognizes that if we are going to be successful in preventing terrorism, not just managing terrorism, but preventing terrorism, we have to do a better job of bringing that intelligence together and getting it to the policymakers.

This is an important step, but it is only a step, because as the 9/11 Commission recognized, moving boxes on an organizational chart is important, but there are other things that need to be done with the border, with economic development assistance, with public diplomacy, and a variety of other issues that they brought out, and this Congress and the government need to follow that up as well.

Ms. HARMAN. Mr. Chairman, I appreciate the comments of the last speaker and welcome him to the committee.

It is now my privilege to yield 2 minutes to the gentlewoman from California (Ms. ESHOO), who is ranking member on one of our subcommittees, a new member of our committee, and my California sister.

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member of the House Select Committee on Intelligence for yielding me this time.

Today I think it is an historic opportunity for the Congress to confront the critical threats to our national secu-

rity. But the House Republican leadership unfortunately has refused to address this problem in a comprehensive and bipartisan manner.

Last April, 6 long months ago, all 9 Democrats of the House Select Committee on Intelligence introduced a reform bill. We incorporated the lessons from the congressional joint inquiry into 9/11 and the intelligence failures on the Iraqi weapons of mass destruction. The 9/11 Commission, inspired by the families of the victims, built on our bill and they developed a comprehensive set of recommendations to overhaul the intelligence community.

The Senate, the other body, embraced the 9/11 Commission recommendations in a bipartisan manner by a vote of 96 to 2 and passed a bill that the 9/11 families support and the Commission fully endorsed. No amendment was accepted that reduced the authority of the national intelligence director or the mission of the National Counterterrorism Center. This is the bill I believe we should be voting on today.

Mr. Chairman, H.R. 10 is not such a bill. It is not endorsed by the 9/11 Commission, and it does not fulfill the mandate of the victims' families, as well as I think the hopes and aspirations of the American people.

Last week, at the House Select Committee on Intelligence markup, I offered an amendment to strengthen the quality of analysis in National Intelligence Estimates. That is the ultimate document that is offered to the President and to the Congress to rank and to determine what the threat is. Have we not learned, I say to my colleagues, the failures that were incorporated in that national intelligence estimate that led us to war, and this country is at war today.

I think we can do better. I believe that we should be emulating what the Senate has done, do this on a bipartisan basis. I do not believe this fits the bill.

Mr. Chairman, I rise with serious concerns about H.R. 10. Today we have a historic opportunity to confront the critical threats to our national security, but the House Republican leadership has refused to address this problem in a comprehensive, bipartisan manner.

Last April, all 6 months ago, Democrats of the House Intelligence Committee introduced an intelligence reform bill.

We incorporated the lessons from the Congressional Joint Inquiry into 9/11 and the intelligence failures on Iraqi weapons of mass destruction. The 9/11 Commission—inspired by the families of victims—built on our bill and developed their comprehensive set of recommendations to overhaul our Intelligence Community and congressional oversight of intelligence.

The other body embraced the 9/11 Commission recommendations in a bipartisan manner, and by a vote of 96–2 passed the bill that the 9/11 families support and the 9/11 Commission fully endorsed. No amendment was accepted that reduced the authority of the National Intelligence Director, or the mission of the National Counter Terrorism Center. This is

the bill we should be voting on today. H.R. 10 is not such a bill. It is not endorsed by the 9/11 Commission, and it doesn't fulfill the mandate of the victims' families and the American people.

Last week at the House Intelligence Committee, I offered an amendment to improve the quality of analysis in National Intelligence Estimates. The amendment required intelligence analysis to provide a better analysis of the quality of their sources and the uncertainties in their judgments. It was defeated on a party-line vote.

Ultimately, I supported Title I of H.R. 10 in Committee markup last week, because it contained 3 bipartisan amendments which made this bill a better reflection of the 9/11 Commission's recommendations.

The bill the Rules Committee brings to the floor today includes none of the bipartisan amendments passed, and rejects many of the core recommendation of the Commission.

This bill falls far short of the 9/11 Commission's recommendations—far short of what the other body passed overwhelmingly. The National Intelligence Director doesn't have the necessary authorities to direct the intelligence community or to move resources when priorities change. The National Counter Terrorism Center will have a director without clout, with a limited mission, and with little ability to coordinate counter terrorism operations across the Federal Government.

And to make matters worse, the Republican leadership has included so-called "poison pills" in the bill—such as anti-immigration policies dressed up as counterterrorism, and a provision that could undue our treaty obligations under the Convention Against Torture. This is nothing but a cynical ploy, an attempt to label those Democrats who will not support this weak legislation as somehow "weak" against terrorism.

Mr. Chairman, our responsibility today is to strengthen our national security as the 9/11 Commission recommended. We can honor the 9/11 families and pass the bill they've been fighting for for 3 years. H.R. 10 simply isn't that bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD).

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, I thank the chairman for yielding me this time.

I tried to focus earlier on, under consideration of the rule, my many long list of things that those of us on this committee have been doing since 9/11, and that the Bush administration has been doing. We have done a lot. We have really tried to do an awful lot to dismantle al Qaeda, to secure America, to secure our airports, and all of it long before there was ever a 9/11 Commission and long before there was a 9/11 Commission report.

This Congress, President Bush and his team, have done an extraordinary job, and the proof of it is that America has not been attacked for 3 years. We deserve this credit for that. We ought to take the credit for it. This was before there was any kind of a report printed. Now, all of a sudden, there is

this report that comes out that says we need another level of bureaucracy. I do not think we need another level of bureaucracy. We do not need anybody else on top.

There has been a lot of coordination and a lot of communication that has taken place since 9/11. The FBI has been reorganized under Director Mueller and he is doing a good job, and we have a new CIA director and he is doing a good job. He has a new team in place. The CIA has embedded agents in the FBI and the FBI has agents embedded in the CIA who have created JTTFs all over the country. We have the TTIC that is operating very well. These acronyms maybe do not mean much to anybody, but there is a lot of activity that has taken place in this government under the leadership of President Bush and under the leadership of Congress, and to put another layer of bureaucracy, another layer of people, I think, makes no sense at all.

One of the criticisms prior to 9/11 is that this kind of bureaucracy, there was too much bureaucracy; we do not need any more bureaucracy, we do not need any other layers of government. This position would not have prevented 9/11. Had this position been in place prior to 9/11, it would not have prohibited 9/11.

I urge Members to look carefully at this bill. I plan to vote against it.

Ms. HARMAN. Mr. Chairman, it is my pleasure to yield 2 minutes to another committee member, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentlewoman for yielding me this time. I commend the chairman and the ranking member for their leadership.

I rise today in opposition to H.R. 10, a partisan and wholly inadequate bill, a pale shadow of the recommendations of the 9/11 Commission. It does not come close to addressing many of the key issues raised by the Commission. I should underscore that this is not an academic exercise, this is not about boxes on a bureaucratic organization chart, Mr. Chairman; these are life and death issues, as the families of more than 100 9/11 victims would attest.

Let us remember why we are here. There are well-publicized failures and shortcomings in our intelligence, failures of intelligence agencies to communicate in the days and months leading up to 9/11, absence of anyone coordinating activities, absence of self-criticality, accepting and perpetuating unfounded reports of weapons in Iraq. That is what we are trying to address.

But this legislation does not give the intelligence director the personnel and budgetary authority to coordinate activities or to direct communications. There is nothing in here to guarantee that the intelligence community does not, once again, fall victim to false assumptions and group think.

Furthermore, H.R. 10 includes other changes unjustified by the 9/11 Commission or by the committee's own findings.

I am grateful that the Committee on Rules has allowed the amendment of my colleague, the gentleman from New Jersey (Mr. MENENDEZ) to come to the floor. It is clearly a superior alternative to H.R. 10 for many reasons, not the least of which it rejects the noxious provisions of H.R. 10 that would mindlessly shred civil liberties while sanctioning the outsourcing of torture of unconvicted terrorist suspects by transferring them to other countries with deplorable human rights records.

I urge my colleagues to reject H.R. 10 and to vote for the Menendez substitute.

Our constituents have asked Congress to reform the intelligence community because of a self-evident lack of coordination among agencies, a confirmed failure to communicate critical threat information, and repeated instances of the use of questionable assumptions and faulty conclusions in key intelligence assessments. The bill before us addresses none of these deficiencies in a meaningful way, and in many cases does not address the key problems at all.

With regard to this legislation's proposed budget and personnel authorities for the National Intelligence Director, I share the view expressed by 9/11 Commission chairman Tom Kean (Washington Post, October 1): "This is not an area where one can compromise," he said. "If you're not going to create a strong national intelligence director, with powers both appointive and over the budget, don't do it."

#### SERIOUS FLAWS WITH H.R. 10

The bill before this House would also add other changes unjustified by the 9/11 Commission or by the committee's own findings. H.R. 10 fails to address the ongoing problems in the intelligence community with regard to information sharing. Congress must craft specific legislative language—not simply vague guidance to the executive branch—to create a mechanism for ensuring the sharing of information. I posed an amendment that would have done that by implementing the thoughtful, bipartisan solution incorporated in the Collins-Lieberman bill.

H.R. 10 also ignores the need for Congress to create an independent capability for judging the veracity of both finished assessments—be they NIE's or PDB's—and the sources that underpin those assessments. The executive branch's past failures in the area of "Red Teams" or "Team B's" have been well documented, including by the 9/11 Commission in its final report. Omitting this glaring necessity is simply irresponsible.

#### HOUSE INTELLIGENCE COMMITTEE MARKUP-UP OF H.R. 10: BIPARTISAN IN NAME ONLY

With very few exceptions, H.R. 10 was not drafted in a bipartisan manner. During September's House Intelligence Committee markup of H.R. 10, a number of amendments offered were in the spirit of strengthening H.R. 10 and strengthening our capabilities against terrorists.

To be accurate, the Committee approved 3 amendments in a bipartisan fashion.

The Gentlelady from California, Jane Harman's amendment to add an independent Privacy and Civil Liberties Oversight Board, similar to a provision of S. 2845, passed on a bipartisan vote of 16–3. An amendment by Representative Gibbons to increase budget-reprogramming authority, modeled on the Intel-

ligence Transformation Act (H.R. 4104), passed 12–7. The Committee also accepted on a voice vote an amendment by U.S. Representatives Peterson and Boswell to strike a provision in Title V of H.R. 10 that would have allowed the President to ignore statutory direction and reorganize the Intelligence Community with only an up-or-down vote from Congress. Such a provision could conceivably be used to erase the reorganization of the intelligence community in Title I. It would also have undermined by HPSCI's oversight of intelligence community reorganization.

I note for the record that when the amended H.R. 10 went before the Rules Committee, these bipartisan provisions were stripped out, thus demolishing any claims that H.R. 10 was a bipartisan bill.

An independent bipartisan commission has determined that systemic problems across multiple agencies contributed to the 9/11 catastrophe, in particular, and that the essential problems that led to 9/11 remain unaddressed. The executive branch has not cleaned up its act. I certainly heard nothing in the multiple hearings in the HPSCI to convince me that the major problems have been solved.

Also, H.R. 10 makes no effort whatsoever to reform how the Congress handles our oversight functions in the national security arena. The Menendez substitute does begin to take some steps in this direction, but I hope my colleagues on both sides of the aisle understand that we have much more work to do in this area, as the Commission has made very clear in its final report.

Mistakenly, H.R. 10 provides new authority allowing the President to completely undo the intelligence reforms mandated by Congress. Under this provision a presidential plan to reorganize the intelligence community would be guaranteed an up or down vote, with no amendments, within 90 days of submission to Congress.

#### BACKSLIDING ON HUMAN RIGHTS

Clearly, supporters of this bill learned nothing from the Abu Chraib prison debacle that stained our efforts in Iraq, when disclosed less than 6 months ago. H.R. 10 makes an exception to America's legal obligations under the U.N. Convention Against Torture and Other Forms of Cruel and Inhuman or Degrading Treatment or Punishment for some aliens as well as terrorists and criminals. Indeed, I have introduced a bill (H.R. 4951) that would allow independent monitoring and mandate that interrogations of prisoners and detainees in the war on terrorism be video recorded, something that I understand that Pentagon has finally started doing, albeit on a limited basis. This proposal in H.R. 10 to potentially sanction further abuse in third world countries is simply unconscionable and it should be categorically rejected by both the House and the Senate.

#### MORE EROSION OF CIVIL LIBERTIES AND PERSONAL PRIVACY

H.R. 10 would allow the U.S. government to spy on individuals without proving they are connected to a foreign government or terrorist group. Since when did we decide to bring back the "good old days" of allowing our intelligence community to spy on Americans without impunity? We know what happened the last time we allowed our intelligence community to run amok here at home: spying on anti-war groups whose only agenda was to end

our nightmare in Vietnam and make the government accountable to the people it was created to serve. This is a back-door effort to create a domestic spy agency without any genuine public debate or examination of the perils of such a proposal, and it too should be roundly rejected.

COLLINS-LIEBERMAN-MCCAIN AND SHAYS-MALONEY: REAL BIPARTISAN REFORM

Let me turn now to a more positive, bipartisan alternative to H.R. 10.

In my view, the Collins-Lieberman-McCain bill provides the best available vehicle for strengthening the intelligence community, and I support Mr. MEMENDEZ's substitute which is based on that. The 9/11 Commission and the 9/11 families have endorsed this approach and it was reported unanimously out of the Senate Government Affairs Committee, and our Senate colleagues are on the verge of passing that bill as we speak. The Administration also released a Statement of Administration Policy supporting that bill, albeit with some caveats.

The Menendez substitute to H.R. 10 establishes a National Intelligence Director with strong authorities over the Intelligence Community's budget and a decisive role in appointing the heads of all elements of the Intelligence Community. In this way, it is consistent with the recommendations of the 9/11 Commission. The creation of a strong National Intelligence Director with strong authorities over budgets and agency heads was also the number one recommendation of the bipartisan, bicameral Congressional Joint Inquiry into 9/11.

If the National Intelligence Director is going to have real power, he or she must have stronger budget and hiring authority than H.R. 10 proposes. The only way to get a dozen intelligence agencies to work together to help defeat the violent, extremist Islamic insurgency we are facing is to have a single director with real power.

The Menendez substitute also has the advantage of being a "clean" bill. It focuses exclusively on the 9/11 Commission's recommendations. In contrast, H.R. 10 is a 543-page bill loaded with provisions unrelated to the 9/11 Commission's recommendations. H.R. 10 makes changes to immigration laws that have nothing to do with the 9/11 Commission's recommendations, and are bad policy. Our legislative purpose must be to make America safer—not to undermine civil liberties, expand authorities for domestic spying, or erode the rights of immigrant communities.

Finally, the Collins-Lieberman-McCain bill is genuinely bipartisan, and thus the Menendez substitute is, by extension, bipartisan. Making America safer is not a Republican issue or a Democratic issue—it is an American issue. As my colleague, the Gentlelady from California, Ms. HARMAN, has observed on numerous occasions, terrorists are not going to check our party labels before they attack us.

I understand that the American Civil Liberties Union and other civil rights advocacy groups expressed concern about the Collins-Lieberman measure that was passed by the Senate. Specifically, the ACLU stated that "senators failed to address concerns about the creation of an "Information Sharing Network," a system that the ACLU said lacks privacy and civil liberties safeguards." I understand and share their concerns, but I believe the Menendez substitute—which does create a civil liberties board—addresses this issue. I

will also encourage the House-Senate conferees on this legislation to strengthen these provisions as well.

I want to close by appealing to my colleagues to remember why we're here: to pass legislation that implements the recommendations of a bipartisan commission that was created out of both the pain and the hopes of the families of 9/11. Those families have endorsed the Collins-Lieberman Bill. They will freely admit it is not perfect, a sentiment I share. But they know, as I do, that it is a far superior proposal to the one we're debating today and it is for those reasons I urge my colleagues to support the Menendez substitute to H.R. 10.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Chairman, in July, the 9/11 Commission released its report. This report detailed the terrorist mindset, the hatred, the religious fanaticism, the unimaginable degree of commitment to harm us and destroy our culture. Today we are considering legislation based on the 9/11 Commission's recommendations that is making the most sweeping changes since the CIA was created more than 50 years ago. I believe the most important part of the bill is the creation of a national intelligence director for intelligence community management, which will unite the intelligence community, leaving the day-to-day duties of running individual agencies to their directors.

This legislation mandates a network designed to share information across agencies and promote the distribution of information. The legislation will also reduce the barriers of our domestic law enforcement and forward intelligence activities by creating a National Counterterrorism Center.

This bill has the strong support of all of the committees of jurisdictions, so I ask my fellow Members to give it their full support. September 11 showed us the danger of Islamic terrorism. It also taught us the deficiencies of our own system. It is important, as Members of Congress, we do not let it happen again, and for that reason I urge that we pass this legislation.

Ms. HARMAN. Mr. Chairman, it is now my privilege to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), a member of our committee.

Mr. RUPPERSBERGER. Mr. Chairman, I applaud Senators COLLINS and LIEBERMAN for their bill which was endorsed by the 9/11 Commission, the 9/11 families, and the President. This bipartisan bill passed the Senate yesterday 96 to 2 and shows us that Congress is capable of getting it right.

The Senate bill is not perfect, but it is tough, historic reform. Of course, there are other important national security issues, like border security, and we must and we will deal with them.

Now is the time to throw partisan politics out the window. Now is the

time to come together on behalf of the American people. This is about life and death. This is about the national security of our families and our communities. The bipartisan 9/11 Commission did an outstanding job for 20 months, with 1,200 witnesses and millions of documents, and reached a unanimous conclusion. The country stands behind their work and their recommendations. We need to move forward and follow the Commission's incredible work.

The most important recommendation we can implement is that of a strong national intelligence director with real authority and budget control. When I was Baltimore County Executive, I managed over 15,000 people. A leader needs real budget authority to be able to give people the resources they need to get the job done and hold them accountable for performance.

We owe it to the 9/11 families, we owe it to the victims, we owe it to the 9/11 Commission, and we owe it to the American people to set our politics aside and get it right.

This should not be about turf battles. I urge all Members to vote their conscience and vote for the Menendez substitute amendment, which is the closest to the Senate bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SWEENEY), my colleague who has fought for the recovery of New York, and a member of the Select Committee on Homeland Security.

Mr. SWEENEY. Mr. Chairman, I thank the chairman for yielding me this time.

In the brief time that I have, I briefly want to say a couple of things. One, this bill is important for a lot of structural reasons, and if we think about the fact that we have, in Congress, not done such a great job, dating back to the 1970s, as the gentleman from Texas (Mr. THORNBERRY) pointed out earlier. This is a huge and significant step.

So for those out there who say we still need to do more, or we have some disagreements and we need to get it right, I would say this. I think this bill strikes a perfect balance at this particular time, and I have every bit of confidence that the new chairman of the Select Committee on Intelligence will be able to get us to exact point that we all can agree on and where we all want to be.

Some would argue let us centralize it more; some would argue let us give it more power. Others on the other side say it is another bit of bureaucracy and we do not need it at all. I will say this simply. Deciding to establish a national intelligence director and establishing a National Counterterrorism Center will end the buck-passing that has occurred all too often around here.

I think it is a bold and significant stroke. I think it is the right balance at this point, and I also would point out for first responders that in this bill, this Congress takes its first steps forward to making those fundings risk-based. I salute the chairman for that.

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Ms. HARMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentlewoman for yielding me time.

It used to be an axiom of American politics that partisanship ended at the water's edge. We have no greater responsibility to our constituents than the security of this Nation.

On September 11, 2001, Republicans and Democrats died together in the World Trade Center and the Pentagon. Today tens of thousands of American troops, Democrats and Republicans alike, are battling insurgents and chasing al Qaeda and the Taliban in Afghanistan. Our police, firefighters and air marshals, Democrats and Republicans alike, are working every day to keep Americans safe.

In return, our troops, our first responders, and the American public expect us to organize the government so that we are better able to perform the mission of the defense of this country. In late July, the 9/11 Commission produced its report and laid out a series of recommendations that they believe would best ensure the security of the country. I said then and I say again today that the 9/11 Commission's recommendations should be the basis for any actions taken by this Congress in reorganizing and best configuring this government's response to the threat of terrorism.

The Menendez substitute closely adheres to the recommendations of the commission. It has no extraneous provisions that are not central to the mission of securing this Nation from terrorism. I also note that it has the support of the 9/11 families and their voices are ones we should not ignore. It grants more authority to the National Intelligence Director to enact real reforms in the intelligence community and creates a more powerful national counterterrorism center than the one proposed by the base bill. And, most important, it includes a mandate supported by the commission to strengthen Nunn-Lugar's cooperative threat reduction and the Proliferation Security Initiative.

The threat of a nuclear weapon falling into the wrong hands is the most significant threat we face.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I rise in support of H.R. 10. I know we have made a lot of changes over the last 3 years in our intelligence community, with the most recent being a change in the DCI, from Mr. Tenet to Mr. Goss. And I think that is probably the most important change that has been made.

The DCI is an important position. It will be replaced by the National Intelligence Director. What concerns me, though, Mr. Chairman, is how far Congress will go in trying to manage or micromanage the intelligence community. The intelligence community is

one of the most important agencies of our government. They gather information. They analyze information. And they present that information to the Commander in Chief. Lives depend on that information and we should never do anything that will stand in the way or weaken the efforts of our war fighters.

I will support this bill. I like this bill much better than I do anything I see from the other body or any substitute that I have heard about. I urge my colleagues to support H.R. 10.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of my time to close the debate.

Mr. Chairman, previous speakers have detailed the strength of the Collins-Lieberman-McCain bill and the weaknesses of H.R. 10, and they have done an excellent job. I would like to close by reminding everyone what is at stake.

We have had multiple intelligence failures over the last 3 years with catastrophic consequences. We failed to anticipate and stop the attacks of September 11. Then our intelligence agencies failed to provide an accurate assessment of Iraq's weapons programs as was conclusively established with the release of the Duelfer Report. And we failed to predict the post-war looting and the strength of the post-war insurgency in Iraq.

The President seems to be in denial. He has not even acknowledged the existence of the Duelfer Report. But we cannot afford to be in denial. The terrorists are preparing their attacks right now. We need to act not as Democrats and not as Republicans, but as Americans.

A spokesman for the Speaker stated last week that the purpose of this exercise is to "spank Democrats." I think the purpose of this exercise is to prevent, deter, and disrupt the next terrorist attack with the best intelligence we can field. I think the purpose of this exercise is to make America safer. I think the American people agree with me, and I urge us to adopt the bipartisan Menendez substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in support of this legislation, and I want to thank the distinguished chairman of the committee for his outstanding work on this issue.

I want to also say that this body has been at the forefront of dealing with issues prior to 9/11 that if the CIA and other agencies had paid attention to us would have allowed us to be better prepared than we were on September 11. In fact, it was the House Committee on Armed Services that put language in three successive defense bills starting in 1999 calling for the creation of an

interoperability center, a data fusion center.

That initiative was not established and set until January of 2003, which today is called the TTIC. We had language in three successive bills to do that in the previous Congress, the previous administration. And the CIA on November 4 of 1999 in my office said, we do not need that capability. That was 2 years before 9/11.

It has been this body and the various committees that have done a good job in allowing us through efforts like the Gillmor Commission to make recommendations that could have helped us. That did not happen. But the bill we have today is a good bill.

The alternative, which I understand was crafted a matter of days ago or hours ago, is certainly not something I can support. I urge my colleagues to support the bill.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am disappointed by some of the partisan tone that at times permeates through this debate. The Permanent Select Committee on Intelligence has been racked by a series of failures over the last 13 years, not the last 3: the failure to anticipate the World Trade Center bombing in 1993; the failure to anticipate the attacks on our barracks in Saudi Arabia; the failure to anticipate the attack on the USS *Cole* or our embassies in Africa.

But there are many hard-working men and women in the CIA and in the intelligence community who have done a phenomenal job. This bill fixes the problems.

We would have had an opportunity in a bipartisan way to move this bill forward, but our colleagues on the other side of the aisle walked away from any bipartisan amendments and only wanted one.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). The time for general debate for the Permanent Select Committee on Intelligence has expired.

Under the rule, the Chair now recognizes from the Committee on Armed Services, the chairman, the gentleman from California (Mr. HUNTER), and the gentleman from Missouri (Mr. SKELTON) each for 15 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand that my partner on the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), will have 15 minutes also.

Mr. Chairman, we do have an opening statement, and we do have a number of Members who wish to speak on the bill.

Mr. Chairman, this is a very important piece of legislation, and the Committee on Armed Services had a very important role here. I think we want to applaud all the other committees that



participated in putting this bill together, but our role was to a large degree a protective role. It was a role of making sure that the men and women who are fighting right now in the war, fighting in theaters in Iraq and Afghanistan have that lifeline between themselves, whether it is a Special Forces team or a Marine platoon in Fallujah or an Army company in Tikrit, that they have that lifeline between the war fighters on the ground and our national platforms, including our aircrafts, our UAVs and our satellites; maintaining that lifeline of immediate information to the war fighters so they can prosecute this war against proper terror and protect their soldiers, sailors, airmen and Marines.

So when we look at this creation of the National Intelligence Director, which I think is a needed thing and is an important step for our country, a director who can set rules for the dissemination of intelligence and information across the broad scope of American agencies so that an agency that can use a piece of information is able to get it without having to go to great length. And so that our classification system, when you decide who is going to be allowed to listen to certain things or hear certain things, it has a set of rules so that they can see what they need to carry out their job in protecting our country.

The National Intelligence Director is going to do all of those things. He is also going to set this broad strategic plan and this blueprint for our intelligence apparatus, and he is going to develop the intelligence budget. And he is going to make sure that that budget is moved through the various wickets of the bureaucracy and ends up buying the right kind of things, developing the right kind of capabilities, and bringing to this important team the right kinds of people.

Now, the Department of Defense, but more specifically people on the ground who wear the uniform of the United States, have an enormous stake here. They need to have that lifeline of intelligence available at all times; and it needs to come from all different sources. So they need to sit at the table in partnership with the National Intelligence Director when we are talking about information that is going to make a difference on the battlefields. And in this bill, different from any other bill, we do that.

We maintain that partnership between people in uniform, and this direction comes from having lots of names, lots of discussions with people from war fighters in the field right up through the directors of our intelligence units. To do that, to make sure that that partnership is maintained, we have maintained the Department of Defense, not in developing the budget but in the execution chain of that budget so that you have informed buyers when you are buying things like satellites and other types of platforms, and also when you are choosing the

head of these agencies like the NSA, the NRO, geospatial, so that while the Department of Defense could overrule the DCI in the old days, today it is going to be a true partnership. It is going to be true concurrence, where the National Intelligence Director and the Secretary of Defense need to concur on a decision or on a recommendation for the head of the NSA, very important intelligence apparatus.

So we have true concurrence, and that is another way to maintain this important partnership. Right now, Mr. Chairman, we have people sitting in rooms deciding where our intelligence assets are going to look next, whether they are going to look at some place over in Africa that is an important area or maybe some place up in the hills of Pakistan and they are making decisions as to what we look at next. And this partnership, this collaboration, is working and this bill today, Mr. Chairman, that we are producing as written does maintain that partnership. I would urge that everybody support it.

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

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant support of H.R. 10. Mr. Chairman, this bill is a bill to reorganize our Nation's intelligence community. This bill proposes to reform the organization and structures of national intelligence capabilities in an effort to better protect us against catastrophic terrorist attacks similar to those of 9/11. Of course, that is a laudable goal.

The bill that is before us is far from perfect. Many of us on this side believe this bill does not go nearly far enough in revamping our national intelligence system. In addition, unnecessary provisions on immigration and the PATRIOT Act have been added.

This bill could and should be a better product. We can make it better if we adopt the Menendez substitute amendment which will bring the bill into line with the recommendations of the 9/11 Commission as well as the Collins-Lieberman-McCain bill in the Senate that was passed yesterday.

The bill before us creates a new National Intelligence Director with the authority to develop, manage, and reprogram the budget of the new intelligence.

□ 1515

The Menendez bill creates real budgetary power. The National Intelligence Director is authorized to transfer personnel and appoint key leaders throughout the intelligence community. Moreover, under this bill the National Intelligence Director is expected to establish the guidelines and priorities of the entire intelligence community. Better coordination is the aim of the Menendez substitute.

Mr. Chairman, the foremost concern that I have about the bill relates to battlefield intelligence. The soldiers,

sailors, airmen and Marines are the ones on the front lines of the war on terror. We all know that. The intelligence community both serves and relies on them. Forward deployed, they are the ones collecting much of the intelligence. In fact, more than 80 percent of our Nation's intelligence capability is derived from Department of Defense resources. I am hoping that whatever conference agreement is achieved on this bill will recognize this and respect the role and unique responsibilities of the Secretary of Defense.

I do, however, want to register my unhappiness over the process that brought us to this point. This bill was written behind closed doors.

I would also like to note that although the Committee on Armed Services marked up this bill, several titles of the bill have made it to the House floor, Mr. Chairman, without any committee consideration of any committee of the House of Representatives. Moreover, several amendments adopted in the committee markup are not included in the text of the bill before us. That is just simply wrong.

One omission is the proposed creation of a civil liberties oversight board to oversee the issuance of intelligence-related legal and regulatory guidance to ensure consistency with our Nation's Constitution and our civil rights law.

Another provision that should be included in this bill would establish an independent Inspector General with the responsibility to investigate alleged fraud, waste and abuse under the new system and within the office of the National Intelligence Director. This is important, but it is not there.

Other provisions that should be in this bill would improve our national ability to reduce the proliferation of weapons of mass destruction around the world. We all know that it is the most dangerous, Damocles' sword that hangs over the head of the free world. H.R. 10 does not go far enough in curbing the flow of nuclear, chemical or biological weapons to terrorists. Robust counterproliferation programs, in my opinion, are essential to winning the war against terror.

In the end, Mr. Chairman, I believe all of us support a better intelligence capability, and toward that end, I will support H.R. 10. However, as I said earlier, reluctantly, in my view, though, this would be a much better, better bill now if the process that led to its consideration had been a full and bipartisan one.

We have a chance to improve this bill today. We can do it simply by adopting the Menendez substitute, and I urge my colleagues to support that amendment when it comes before this body.

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

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON) who is the chairman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities.

Mr. SAXTON. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise in support of H.R. 10. This bill, as it has already been said, creates a National Intelligence Director which I think is extremely important, but I also think it is important that it maintains the director of Central Intelligence as a key player and a Secretary of Defense as the third key player.

This, from our point of view on the Committee on Armed Services, is an extremely important point. That being so, because the Secretary of Defense has traditionally been responsible for managing those defense intelligence agencies such as NGA and NRO and NSA and others which have done a very credible job in their areas of expertise.

This is extremely important today because of the support that is necessary for the intelligence community to give directly to the warfighter. Mr. Chairman, the methods of collection and necessity of collecting have changed dramatically over the last decade or so. Prior to the early 1990s, we had the necessity of collecting information on the Soviet Union with big armies, with an arsenal of weapons that we knew about, with fighting capabilities that we knew about.

Today, we collect on a completely different adversary. We collect on someone who we know little about, with whom and who has been very difficult to infiltrate their organizations because of the nature of the culture. So, intelligence has changed and so have the defense intelligence agencies that collect on the new threat.

Today's intelligence agencies are able to answer questions such as these: Where am I, and what does my environment look like? Where exactly is my adversary, and what does his environment look like? What capabilities does the adversary appear to possess? Are new situations or capabilities emerging from my adversary? What are my adversary's centers of gravity, limitations and vulnerabilities? And this list goes on. These are questions that were important historically, but they are more important today. Our defense intelligence agencies have evolved and changed to answer these questions.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Chairman, I thank the gentleman from Missouri for the time.

Mr. Chairman, this is an extremely important debate. All Americans have a stake in the outcome of this debate, and it is a fascinating set of issues because, on the one hand, basically supporting the provisions of the Menendez substitute, we have none other than the President of the United States, the 9/11 Commission, most all of the 9/11 families, 96 United States Senators, including all 51 Republican Senators. We have such a notable defense expert such as the chairman of the Senate Committee on Armed Services, Mr.

WARNER. That is on one side of the debate.

On the other side of the debate, in favor of H.R. 10, a bill that came out of nowhere, a purely partisan bill, we have the gentleman from California (Mr. HUNTER), the chairman of the House Committee on Armed Services.

Now, which side would most House Members choose to support? The President, the 9/11 Commission, the 9/11 families, 96 Senators, 51 Republican Senators, including Senator WARNER, or our colleague, the gentleman from California (Mr. HUNTER)? I suggest that should be a pretty easy question for most Members of this House to decide.

What really matters is the substance, and our friend, the gentleman from California, has said many times, including in today's Wall Street Journal, that it is vitally important to preserve that link between the warfighter and intelligence asset. I could not agree with the gentleman from California more. I think all Members of the committee are in favor of preserving that link. I would submit to the gentleman that the White House and our President are in favor of preserving that link. That is why they have endorsed basically the Collins-Lieberman bill, which the closest thing we will be allowed to discuss is the Menendez substitute. They have not, to my knowledge, unless the gentleman has gotten a secret submission from the White House in the last few hours, supported the gentleman's approach.

So, for my friends on the other side of the aisle who are standing with our chairman, that puts the White House in a curious position. Are our colleagues on the other side of the aisle counting the White House as being incompetent and somehow supporting a bill that would do bad things to our troops? Or are they accusing the White House of being insincere and not really meaning their endorsement of Collins-Lieberman? Which is it? Because the two sides could not be more at odds.

The American people reading the newspapers today probably thought that the Congress of the United States is well on its way toward intelligence bipartisan reform. Well, if the wrecking crew that is being put forward on this side of the House has its way on this side of the Capitol building, there might not be a conference that can succeed at all. It is very important that the American people get reform so that we can be better protected.

I would urge the Members of this House to not just consider this a routine vote, not just to routinely go along with leadership. These are very complex issues. It is a lot to ask Members to read some 600-page bill that we got handed basically on Monday, a much longer bill than we were dealing with last week. Most of the committees that had jurisdiction were very poorly able to conduct their business.

As the gentleman knows, in the Committee on Armed Services, discussions of weapons of mass destruction was

ruled to be nongermane. So, due to a technicality, the Committee on Armed Services was not allowed to discuss weapons of mass destruction issues. I would ask, what is more important than discussing such issues? What is a better forum than the House Committee on Armed Services? But we were not allowed to discuss it due to a technicality.

Other committees, the Permanent Select Committee on Intelligence, they adopted three amendments in the Permanent Select Committee on Intelligence on a bipartisan basis, but somehow all those amendments were struck before the bill got to the floor.

So the process has been an abomination. Not only did our chairman not consult the ranking member of this committee in formulating H.R. 10, the process has ignored weapons of mass destruction, has struck bipartisan amendments that were reached in other committees. That is not the right way to reform intelligence in this country.

The right way, I would suggest, is the way the other body did it, by working together in a calm and bipartisan fashion to achieve consensus such as a consensus they achieved yesterday with a 96-2 vote, complete unanimity among the Republicans, in agreement with the White House, but that, sadly, is not what we have on this side of the Capitol.

So I would urge my colleagues, in the strongest possible terms, support the Menendez amendment. Oppose H.R. 10, and do the right thing for our country.

Mr. HUNTER. Mr. Chairman, I thank the gentleman, and I thank him for being one of the 59 members of the Committee on Armed Services who voted unanimously for the bill that is before us right now.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the vice chairman of the committee.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished chairman for the time, and I rise in support of the legislation, and I would just like to reemphasize what my colleague and leader said.

The gentleman who just spoke voted with us in support of this legislation in committee. The vote was 59 to zero, and I would further add that I hope the gentleman's not trying to imply that the White House or the President supports the Menendez amendment. Is he implying that?

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. COOPER. Mr. Chairman, the statement of administration policy said they supported H.R. 2840.

Mr. WELDON of Pennsylvania. The gentleman said they were supportive of the Menendez amendment.

Mr. COOPER. The Collins-Lieberman bill, and the closest thing we are allowed to vote on is the Menendez bill. As I said, the Menendez amendment is the closest thing we are allowed to vote on in the House.

Mr. WELDON of Pennsylvania. Mr. Chairman, the gentleman is not being truthful to the Members of the Congress. He said the same thing in committee when he told the Members in committee that the amendment he offered had passed another committee of the House, and one of our colleagues on the Republican side had to correct him, and they had to admonish the gentleman because he gave false information.

He said in the committee that one of the other full committees had passed in markup the bill that we were considering in the Committee on Armed Services, and it was wrong.

The President and the White House is not supporting the Menendez amendment in no way, shape or form, and it is wrong to give that impression to our colleagues.

What I want to do is spend, for a moment, a minute congratulating my distinguished chairman. He is doing what the Committee on Armed Services has done since I have been here for 18 years under Democratic leadership and Republican leadership. He is doing what is right for our soldiers.

It was the Committee on Armed Services in 1995 and 1996 that told the CIA and the Air Force to arm the Predator. Now, back then, the same argument could be made. The Air Force did not want to arm the Predator, neither the CIA, neither the White House. Guess what? We provided leadership, and the Committee on Armed Services required the Predator be armed, and the Predator became a key asset for us. But, now, the previous administration has been trying to take credit for it.

It was the Committee on Armed Services in 1999 that established the Gilmore Commission. The White House at that time did not want the Gilmore Commission. The White House said we do not need that commission. The Gilmore Commission was stood up, chaired by Governor Gilmore, bipartisan members. The Gilmore Commission issued three reports before 9/11. Unfortunately, the previous administration did not listen to the recommendations of the Gilmore Commission, many of which were repeated by the 9/11 Commission. If they had, we would have been better prepared for 9/11.

Third, it was the Committee on Armed Services, three times in three defense bills, that called for the creation of a national collaborative center to fuse intelligence data, three successive bills.

On November 4, 1999, in my office, I had the deputy director of the CIA, deputy director of the FBI, deputy director of Defense. We gave them a 9-page proposal to establish a data collaborative center, a national collabora-

tive center, today called the TTIC. The CIA and the previous administration, 2 years before 9/11, said we do not need it.

So to somehow now say that this committee is not doing right because it is exercising its legitimate authority is absolutely wrong. I am glad our chairman had the guts to stand up for the intelligence needs of the military, and I am glad to stand here and support it, and I am glad the vote was 59 to zero.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today to voice my frustration over H.R. 10, the House Republican leadership's version of intelligence reform. Instead of following in the tradition of the 9/11 Commission, which issued a thorough, bipartisan recommendation, the House leadership shut Democrats out.

□ 1530

We were not allowed to help in drafting this legislation. This legislation actually undercuts the Commission's recommendations, the 9/11 Commission recommendations.

For example, the 9/11 Commission was adamant that an effective National Intelligence Director, or NID, be given powerful personnel authority. This bill does not do that. The 9/11 Commission was adamant that the NID be given substantial authority over the personnel of our national intelligence agencies. This bill does not do that. The 9/11 Commission was adamant that Congress increase its oversight over the intelligence community, but H.R. 10 limits congressional oversight.

I offered an amendment to H.R. 10 in the Committee on Armed Services to partially correct that problem and it was defeated by a party-line vote, but my amendment would have required that the first NID be confirmed by the Senate, a measure that was strongly recommended by the 9/11 Commission. H.R. 10, in contrast, gives the President, whoever he or she may be, the authority to make the CIA director the first NID.

Now, the first NID, the first director, is very important in this process because he or she defines that office. They indicate how serious our government is about intelligence reform, and it sends a message to our enemies that we are determined to root them out at home and abroad. This bill shuts Congress out from finding the best person for that job.

In actuality, this bill does a great disservice to the American people who are counting on and who actually want real reform and meaningful oversight of our intelligence community. I believe that this is the wrong way to move forward on such an important issue.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume to thank the gentlewoman for voting for our bill.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman from California for yielding me this time and giving me the opportunity to speak on this bill.

I rise in strong support of H.R. 10 and the provisions within the legislation that will protect the Department of Defense's vital control of military intelligence capabilities. All of us in Congress must tread carefully as we evaluate how we will reform the United States intelligence community. When I first became a physician and took the Hippocratic Oath, I swore to do no harm. Today I think this oath is very relevant to our current efforts.

I believe that most Members of Congress see the tremendous value of the 9/11 Commission recommendations and they want to enact sound and carefully crafted legislation that will embrace the concept of a National Intelligence Director. However, we must not blindly surrender all authority to this new NID without considering the direct and specific needs of our brave troops stationed around the world. I believe, as written, the House version of the bill embraces this careful balance between giving the new NID "proper" authority over our Nation's intelligence assets and protecting the specific needs of our troops.

In a recent op-ed that the chairman, the gentleman from California (Mr. HUNTER), wrote, he summed up this intricate balance very well when he said, "At stake is more than just a bureaucratic reshuffling exercise inside Washington. The reforms Capitol Hill ultimately endorses could impact how the Department of Defense provides critical up-to-the-minute intelligence to our troops, America's sons and daughters who are fighting insurgents and terrorists worldwide. Before leaping, Congress must be certain that any bill it passes does not endanger their lives and missions."

One specific way that H.R. 10 ensures that the military's intelligence lifeline remains intact is it limits the funds the NID can transfer from the defense agencies that directly support our troops to \$100 million a year, while simultaneously retaining the NID's flexibility to manage the overall funds.

Mr. Chairman, H.R. 10 is a carefully crafted bill, and I believe will go a long way in protecting our troops abroad and our citizens at home, and I urge my colleagues to vote "yes" on the legislation.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, the first time I saw H.R. 10, the base bill, was 5 minutes before markup. As I leafed through all 609 pages of it to see what was in it, I quickly saw there were two glaring deficiencies. The first is the National Intelligence Director. Oh, there is an NID in the base bill, but it

is an NID in name only. This bill does not have the superpowers the 9/11 Commission considered necessary to pull together the 16 component parts of the intelligence community to fuse foreign and domestic intelligence.

This NID is clearly lacking in those powers, and let me give two examples why I say that. One is the power of the purse, the power to make the budget. There is an old adage in the Defense Department called the golden rule, he who has the gold, makes the rules. Well, the NID in this bill does not have the gold, so he will not be making the rules that really matter. He does not have the power to set priorities or to make programmatic budget decisions. He is basically a facilitator; a coordinator.

The same diminished powers apply to personnel, the hiring, firing, and promoting; putting the team together that can get the job done. He is not a CEO. He is not even a coach or a quarterback. He simply does not have the power the Commission conceived necessary. The prime mover in the 9/11 Commission report in this bill has a name but he does not have substantive powers, which begs the question: Can the NID "effect" real change, radical change, without real power? I doubt it.

The other missing piece is nuclear nonproliferation. The other night the President and Senator KERRY agreed on one thing, that nuclear terrorism is the gravest threat facing this country. So what does this bill do about the gravest threat facing this country? Next to nothing. Oh, it calls for a study, but we have had countless studies. Howard Baker and Lloyd Cutler, you do not get more high powered than that in this town, did the last study and they called for us to triple the amount of money we spend on nuclear nonproliferation. It has not happened.

So the base bill slights the single most significant reform, the NID, and it ignores the gravest threat facing the country. That is why the White House, the Senate, and the 9/11 Commission support the substitute, and why I will support it and urge others to do the same.

Mr. SKELTON. May I make an inquiry, Mr. Chairman, as to the time remaining?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 1½ minutes remaining, and the gentleman from California (Mr. HUNTER) has 3 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), who has done a lot of work on this bill and who has been over to theater many times and has a personal stake in this war against terrorism.

Mr. WILSON of South Carolina. Mr. Chairman, I thank the gentleman from California for yielding me this time and, indeed, I am on the Committee on Armed Services, and very grateful to be serving on the Committee. At this time, I would like to take the oppor-

tunity to speak in strong support of H.R. 10, the 9/11 Recommendations Implementation Act.

Mr. Chairman, the House Committee on Armed Services, under the leadership of our chairman, the gentleman from California (Mr. HUNTER), was tasked with the consideration of title I of this measure. We had hearings during the break in August. We had a great deal of input from so many different people. This was an open process, and we achieved, I think, a great deal.

I particularly note we achieved the creation of a National Intelligence Director separate from the director of the CIA. This legislation creates a National Counterterrorism Center within the Office of the National Intelligence Director to integrate all Federal agencies that deal with intelligence services. There are 15 that need to be coordinated.

The Committee on Armed Services considered all the recommendations, and were careful to ensure we were strengthening our national intelligence infrastructure, particularly with respect to the men and women in uniform. The Department of Defense operates the majority of national intelligence capability and uses those assets to support troops engaged in combat in addition to supporting the director of the CIA. It is critical that the Department of Defense maintain the ability to provide the best intelligence directly to our troops on the ground as they wage the war on terrorism.

The Committee on Armed Services, as you heard, 59 to nothing, approved this unanimously in committee. As the father of three sons currently serving in the military, I want to thank again Chairman HUNTER for his leadership on behalf of our troops. He has a special insight, in that our chairman is a veteran himself, and his son has just returned from distinguished service with the U.S. Marines in Iraq.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I rise today in support of this measure, not because I endorse all of its provisions, but because I believe that the Congress must act swiftly to reform our intelligence community and to protect our homeland.

As a member of the House Committee on Armed Services, I do want to point out that H.R. 10 does not go far enough to combat the threat of nuclear weapons proliferation, and it could have. I also have reservations about the potential impact of some of these provisions on civil liberties. However, I am pleased that H.R. 10 recognizes the need to improve our diplomatic, educational, and cultural exchange initiatives with other nations, and would also enhance our human intelligence capabilities, for it is in these areas

that we will help in ensuring that we win the long-term war on terror.

I am deeply, though, disappointed that the House leadership has denied the minority a voice in drafting this bill and has ignored many of the recommendations of the 9/11 Commission while adding extraneous provisions. But I am confident that when the bill gets to conference that we will be able to improve this legislation in negotiations with the Senate and the White House.

Mr. SKELTON. Mr. Chairman, I yield 15 seconds to the gentleman from Tennessee.

Mr. COOPER. Two corrections, Mr. Chairman.

First, the statement of administrative policy is dated September 28 endorses S. 2845. The closest thing we can vote on in the House to that is the Menendez amendment.

Also, in the Committee on Armed Services, we reported out the bill 59 to zero, but the real vote in committee was 33 to 26, a more closely divided issue.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of my time.

Let me make this prediction. Unless the Menendez substitute is adopted by this House, this bill, at the end of the day, will go nowhere and the United States of America will be without intelligence reform.

We saw what the Senate did, we know what the White House wants, we know what the families of 9/11 have endorsed. And I hate to say it, but this may lead to a graveyard for legislation.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, if people are looking at the Menendez substitute, which is going to come up here and is going to, in my estimation, tear apart that partnership that the military has with the intelligence agencies in maintaining the lifeline between our troops and their assets; if the American people are reading that, one thing that may strike them as just remarkable and somewhat illogical is the idea that we will reveal to the world, under the Menendez substitute, under, I guess, what is called a transparent government, our intelligence numbers, or how much we spend on intelligence.

This is a figure we have been trying to keep out of the hands of the bad guys for a long time. Americans who are looking at this bill as a response to the attack on 9/11 on American soil are probably puzzled as they watch from around the Nation saying, let me see, how are we possibly going to prevent an attack on America by telling the bad guys what our intelligence number is and allowing them to peel that onion back and then discover what our priorities are, and what our strengths are, and, ultimately, what our weaknesses are? That makes no sense whatsoever.

The provision we have carefully crafted here maintains that delicate balance for America's security. Support the base bill. Do it for our troops.

The CHAIRMAN. The time for general debate for the Committee on Armed Services has expired.

□ 1545

Under the rule, the Chair recognizes the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK), for 15 minutes each.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume. I rise to address those provisions of H.R. 10 favorably reported by the Committee on Financial Services that have been included in the legislation that we are considering today. The committee's additions to H.R. 10 continue the work it, and Congress, began in the tense hours and days after the tragic attacks of September 11, 2001. During that unsettled time, the committee pulled together to produce comprehensive, bipartisan legislation that aimed to disrupt the financing of terrorism and to strengthen the country's anti-money laundering laws. That bill, H.R. 3004, later became title III, the anti-terror finance title of the USA PATRIOT Act, signed into law less than 7 weeks after the attacks.

It is a testament to that legislation that the 9/11 Commission report issued a month ago cited it with approval and said that on anti-terror finance and anti-money laundering issues, the various elements of the government generally are doing a good job.

But we must not be complacent. The 9/11 Commission's final report states that "vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts." The commission urged Congress and both the law enforcement and intelligence communities to engage in an ongoing and rigorous examination of the financial system for "loopholes that al Qaeda can exploit, and to close them as they are uncovered."

In response to this challenge, the Committee on Financial Services assembled a bipartisan legislative package that centers on four broad themes: one, additional funding for the fight against terrorist financing; two, new tools for the government to combat terrorist financing schemes; three, improved international cooperation and coordination on anti-money laundering and counterterrorist financing initiatives; and, four, enhanced preparedness of the financial services sector in the event of another large-scale terrorist attack.

Among the key provisions in H.R. 10 that reflect contributions by the Committee on Financial Services are the following:

Technical amendments to the anti-terror finance title of the USA PATRIOT Act, which was largely drafted in the Committee on Financial Services;

Authorization of additional funding for Treasury's Financial Crimes En-

forcement Network, which serves as the Federal Government's financial intelligence unit and plays a critical role in the collection and analysis of data on suspicious financial activity;

A reauthorization of the national anti-money laundering strategy, along with grants to State and local law enforcement agencies to investigate the financing of terror and other financial crimes;

Additional enforcement tools to prevent the counterfeiting of U.S. currency;

Enhanced authority for the SEC to respond to extraordinary market disruptions caused by terrorist attacks or other catastrophic events; and

Codification of strong interagency cooperation and communication on international financial standard-setting matters related to anti-terrorist financing where the Treasury Department is in the lead.

At the committee's markup last week, several thoughtful and largely noncontroversial amendments were adopted, including one offered by the gentleman from New York (Mrs. KELLY) that seeks to address the vulnerability identified by the 9/11 Commission of the international funds-transfer system to terrorist financing; related amendments by the gentleman from Illinois (Mrs. BIGGERT) and the gentleman from Illinois (Mr. EMANUEL) to promote greater public-private coordination on preparedness issues relating to the financial services sector; an amendment offered by the gentleman from Illinois (Mrs. BIGGERT) and the gentleman from New York (Mr. KING) to strengthen interagency cooperation and clarify negotiating authorities between the State Department and the Treasury Department with respect to international financial institutions and other multilateral financial policymaking bodies; and a bipartisan amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from New York (Mrs. KELLY) to prohibit Federal bank examiners who serve a lead role in the supervision of an insured depository institution from accepting employment with that institution for 1 year after leaving the government.

In sum, Mr. Chairman, the Financial Services Committee's contribution to H.R. 10 makes needed changes that respond directly to the 9/11 Commission's call for a continuous examination of the U.S. financial system to identify loopholes capable of being exploited by al Qaeda and other terrorist organizations, and to close those loopholes both at home and abroad.

As for the larger body of legislation, I support H.R. 10 and urge its swift passage, a speedy conference, and quick adoption of the conference report. That will require a lot of work over the next several weeks, but it is work that is absolutely vital to the security of our Nation.

Finally, I hope the conferees will be able to resist the suggestions of some

that the final legislative package be limited strictly to reshuffling the intelligence community's architecture. There are very important pieces of anti-terror legislation in H.R. 10 from a number of committees of jurisdiction, and the fact that they do not deal precisely with who directs the course or funding of the intelligence community does not mean they are any less important, or that they can wait for another year.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sections of this bill that are relevant to the jurisdiction of the Committee on Financial Services are useful ones and not controversial. Indeed, in our committee, as the chairman has mentioned, we adopted a couple of amendments which make some improvement. Some of them, while not directly related to terrorism, the amendment by the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from New York (Mrs. KELLY) regarding conflict of interest potential at the Comptroller of the Currency is a very good piece of legislation. It is not directly relevant to terrorism, although it does not detract.

But I am troubled by the choice the House is being forced to make on this in general. I believe that overall, the bill that will be offered by the gentleman from New Jersey, who will be speaking to it shortly, is a far better response to the terrible tragedy of 9/11 and subsequent than the bill that the majority has put forward. It reflects the deliberations of that 9/11 Commission far better on the central issues involving intelligence, involving the way in which the government is organized in the security areas. It has the potential to be genuinely bipartisan as we saw from the other body.

And, in fact, what we are being asked to do is something we have been asked to do all too often recently. What we ought to be doing is what was done in the Senate. We ought to have a bill before us that is amendable. That is what many of us asked to have before us. Instead, we get two packages, and in the end Members will have to choose all or nothing. I will choose the bill when we come to vote on the substitute that more nearly reflects the 9/11 Commission, indeed, very closely tracks the 9/11 Commission.

It has several advantages. It does follow the extensive deliberations of the 9/11 Commission in a thoroughly bipartisan manner. It also makes it likelier that we will get a law passed, because if the bill put forward by the majority passes, the differences between House and Senate versions will be quite substantial and the likelihood of a conference report being adopted before the election in time for that bill to go into effect this year will be slight.

I do not understand why we have not been able to follow in this bill and in

many others the normal democratic process in which a bill comes forward and we are able to amend it and vote on amendments. That is the way it used to be. I can remember when we would do that. Today, what we are told by the rule is you will choose one package or another, and neither package will be perfect. Given that choice, I much prefer the 9/11 bill as opposed to what we are being given by the majority as their version.

But I regret very much the continued loss of democracy in the House. I regret very much the failure to follow what a parliamentary democracy ought to follow. Bring a bill to the floor, and let it be amended. As we try to bring democracy to parts of the world that have not had it before, I fear that we set them a very poor example; and I have to hope, Mr. Chairman, that they are paying less attention to us than I would like to be able to say.

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

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to thank Chairman OXLEY, Ranking Member FRANK, and the staffs of the committee for their work in producing an outstanding package of financial services initiatives that were reported out of committee on a bipartisan basis and included in H.R. 10.

Mr. Chairman, the 9/11 Commission recognized our country's success in tracking and freezing terrorist finances in the post-9/11 period, and that was certainly welcome news. But the sad truth remains that we are only as strong and successful as our weakest link. Our weakest link may be a country, or several countries, with antiquated financial systems, a weak economy, or inadequate oversight and enforcement of the money that flows within their borders.

Through diplomatic and other means, we are aiding other nations and encouraging them to join in our fight against money laundering and terrorist financing. The 9/11 Commission testified before our committee that there must be experts at the forefront of our efforts to continue to counter terrorist financing. We must keep our Treasury experts, in collaboration with our State Department experts, on the front lines in our dealings with international financial bodies, especially when those bodies are making decisions with regard to anti-terrorist financing.

With that in mind, the committee adopted an amendment that I offered along with my colleague from New York (Mr. KING) that seeks to ensure that the Treasury Department's role as the lead Federal agency in international financial matters is clear. By confirming that the Secretary of the Treasury is the lead U.S. representative and negotiator to international financial institutions and multilateral

financial policymaking bodies, we will ensure that the U.S. has consistent financial leadership, a consistent financial message, and endorses consistent financial policies.

Secondly, I want to point out that this bill now contains important language that will encourage best practices in building private-public partnerships to detect counterterrorist financing activities and enhance financial sector disaster preparedness and response. The Department of the Treasury and ChicagoFirst are one such partnership that can serve as a model for other agencies and industries.

I urge my colleagues to support H.R. 10.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3½ minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, today we must undertake the most important task entrusted to us, our responsibility to protect the American people and our country, to defend our borders, and to preserve our way of life against those who already have, and those who would again, do us harm. Specifically, we must address the shortcomings in our Nation's defenses that were exploited by murderers who killed 3,000 unsuspecting, innocent people on American soil on September 11, 2001. Too many of these shortcomings have simply gone unaddressed in the last 3 years.

After months of painstaking and bipartisan work, the 9/11 Commission produced a thoughtful road map to guide our efforts at shoring up our intelligence and homeland security capabilities. The Senate accepted this road map, began working immediately in a bipartisan manner on it, and has produced legislation supported by the families of the 9/11 victims, the commissioners, and 96 Members of the Senate. Regrettably, yet again, the House Republican leadership has chosen to legislate in an exclusionary, partisan process, resulting in a bill that not only falls short of many of the 9/11 Commission's recommendations but also contains divisive, extraneous provisions.

Many of my colleagues on both sides of the aisle have expressed their concerns about the unnecessary expansion of law enforcement authority, the undermining of immigrants' fundamental rights, and the erosion of basic civil liberties contained in H.R. 10. I share those concerns. I am also troubled that this House bill fails to adequately address the gravest threat to our national security, terrorists acquiring weapons of mass destruction. Interestingly enough, both Senator KERRY and President Bush in the last debate made it clear that they thought that was the highest priority. Yet this bill on the floor does not address it. Luckily, the substitute does.

H.R. 10 fails to strengthen the Nunn-Lugar cooperative threat reduction program which is designed to prevent these weapons from falling into the

hands of terrorists, as the commission recommended and as the Senate bill does. The Menendez alternative addresses the issue of expanding our ability to acquire and get off the market for terrorists such as nuclear weapons.

This legislation represents a missed opportunity to learn lessons from September 11 and to implement meaningful improvements to our ability to better detect, prevent, and respond to future terrorist attacks.

I urge my colleagues to support the Menendez substitute. It can clearly pass the Senate; 96 Senators have already supported it.

□ 1600

At a time when time is of the essence, we ought to act in as bipartisan and cooperative a fashion as we can. The Menendez substitute mirrors the bill passed in the Senate which incorporates the recommendations of the 9/11 Commission, and it will allow us to better fulfill our sacred duty of protecting the American people and doing so in a very efficient, effective, and quick fashion. We ought to adopt the Menendez substitute.

And I thank the gentleman from New Jersey for his leadership on this critically important effort. I know that he lost many constituents in that tragic event, and I thank him for following up so diligently since then to ensure that it does not happen again.

Mr. OXLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Financial Institutions and Consumer Credit Subcommittee.

Mr. BACHUS. Mr. Chairman, let me first start out by saying that the 9/11 Commission said that the work of the Committee on Financial Services and the legislation that we passed in the aftermath of 9/11 had worked very well, very well, to make it much harder today, and this is some very good news for all Americans as a result of the Patriot Act and also President Bush's Executive Order 13224, they said the combination of our efforts and the efforts of the Treasury Department, of FinCEN and OFAC, the Justice Department and the State Department and others, that today it is much harder, much harder for al Qaeda to raise money. It is much more difficult for them to conceal that money and it is much more difficult for them to move that money. They said that we had identified almost 400 terrorist financiers or people that facilitated the funding of terrorists. We have made it much harder, and we have chilled donations. We have decreased donations to a great degree.

And let me deal with just two of those. One is the Executive Order that President Bush offered only 2 weeks after 9/11, 13224. As a result of that, we have actually identified millions of dollars, not only here but overseas, of al Qaeda money. We have seized that money. We have designated terrorist facilitators, and, finally, we have actually under that and under PATRIOT

Act title III, section 311, we have identified banks that were actually involved in taking money for the terrorists and transferring that.

We only have seven countries today in the world that have not cooperated with us in one respect or another. We have come from 58 countries at the time of 9/11 that were actively involved in tracking and seizing terrorist financing to about 100 countries that are doing an exceptional job. And, in fact, 209 countries are actually making financing efforts to combat terrorist financing, 174 countries. We have built quite a coalition when it comes to disrupting terrorist financing, 174 countries. Contrast that to 58 countries at the start of our efforts. Today, 174 countries are seizing terrorist finances and have offered freezing orders. We have had great successes.

The 9/11 Commission did say that it was essential that we allow the Treasury Department, FinCEN to have some new ways of working with foreign governments, and the gentleman from Ohio (Chairman OXLEY) has included in this provision, and this is very important that we get this through, actually some implementation legislation that will allow us to better cooperate and coordinate with those foreign governments that want to ally with us and our efforts. As a result of the train bombings in Madrid, the bombings in Moscow, the bombings in Casablanca and Istanbul, these countries are ready to help us, but we do need to change these laws.

I would urge us to pass this legislation. It passed out of committee overwhelmingly in a bipartisan way. It is very important.

And I would close by saying that we have got a counterfeiting measure in this. The law says we have got to catch the counterfeiters. Just the fact that we have counterfeiting equipment is not enough. It is in this provision. We need to pass this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ), who has been a leader on this issue and who is the author of the very important substitute amendment which genuinely embodies the recommendations of the 9/11 Commission. (Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time.

As my colleagues know, the minority party always asks for a substitute to be made in order. To have asked for anything less than the 9/11 Commission's recommendations would have been to do a disservice not only to the 9/11 families but to the memories of over 2,900 people that were murdered on that fateful day over 3 years ago.

And I think there is a real consequence to enacting the Republican bill, legislation whose title suggests enactment of the 9/11 Commission re-

port but that leaves us far short of where the 9/11 Commission and the families have said we need to be. Instead, the People's House needs to serve this Nation and those families well by truly protecting our country from further terrorist attacks. On this issue, we need to put partisanship aside.

I want to be perfectly clear to all my colleagues in the House about what exactly my substitute amendment is and what it does. My substitute is identical to the bipartisan Shays-Maloney substitute amendment that was taken before the Committee on Rules, endorsed by the 9/11 commissioners and the 9/11 families. That is, in essence, the Collins-Lieberman-McCain legislation that passed so rigorously yesterday in the Senate. In fact, the gentleman from Connecticut (Mr. SHAYS) and other Members wrote asking that the Shays-Maloney substitute be made in order, and I would suggest that the Committee on Rules did exactly that by making the Menendez substitute in order. And after a 96 to 2 vote yesterday in the Senate on legislation that is the essence of this substitute, the principles and provisions of this amendment are also supported by Senate Republicans and Senate and House Democrats.

Unfortunately, the House Republican bill, H.R. 10, includes provisions that are unnecessary, unrelated to the bill's stated purpose, which is the reorganization of the intelligence community aimed at strengthening the Nation against terrorist attack. In doing so, there are over 50 extraneous provisions that were not recommended by the Commission included in that bill, many of which are highly controversial.

H.R. 10 also leaves out many of the bipartisan recommendations of the unanimous 9/11 Commission. In fact, out of the 41 recommendations, it appears that only 11 are implemented; 15 are not implemented at all, and 15 others are done incompletely. In fact, the base bill that we consider today is weaker than the 9/11 Commission's recommendation, weaker than what the Senate passed. It does not provide the National Intelligence Director with budget execution authority and only provides the NID the unilateral authority to nominate the CIA Director. That is in direct contravention of the statement of administration policy put out by President Bush where he says that they support the Collins-Lieberman bill and specifically oppose any amendment that weakens the establishment of the NID with full, effective, meaningful budget authority and other authorities to manage the intelligence community, including the statutory authority for the newly created National Counterterrorism Center. They are running against the President on this.

The Director of the National Counterterrorism Center is not appointed by the President, not confirmed by the

Senate, does not have budget authority or hiring authority. Their legislation does not create an information-sharing network, a new trusted network with common standards to share information within the intelligence community.

Their legislation only requires the Transportation Safety Administration to give priority to explosive detection, but it does not, as the commission called for, require improved detection capabilities.

Their legislation does not create an independent civil liberties board. It does not declassify the intelligence budget topline.

So, today, we have an opportunity to see who really supports the 9/11 Commission's recommendations and who does not. Those who support the 9/11 Commission's recommendations will have the opportunity to do so when the Menendez substitute comes to the floor. That is the one that has passed in the Senate. That is the one supported by a unanimous bipartisan vote of the 9/11 Commission. That is the one that is supported by the overwhelming majority of the 9/11 families. That is the one that best protects the Nation and creates the changes necessary to ensure that this Nation is safe, secure, as that Commission, after thousands of hours and thousands of pages, decided.

Mr. OXLEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, my home State of Wyoming is the least populated State in this Nation but a proud provider of many of the resources on which America depends.

Wyoming and our neighboring States produce the bulk of our Nation's agricultural and energy resources. We have vast deposits of coal, uranium, and natural gas. Significant portions of our Nation's power plants, pipelines, highways, and railroads cross Wyoming and rural States. We manage and preserve national parks and landmarks, where countless numbers of visitors can be found at any given time.

But perhaps most importantly, however, rural America houses our military landbased nuclear weapons, which are absolutely necessary for our Nation's defense system.

I had submitted an amendment to the Committee on Rules to ensure our first responders in Wyoming, Montana, North Dakota, Nebraska, and Colorado, which house America's nuclear arsenal, had the resources they needed to prepare for a possible threat against these nuclear weapons. In rural America, first responders cannot even communicate sometimes between one department and another like policemen and firemen. We have not had the money to develop those communication systems yet. We have started, but with lower funding in this bill, we will not be able to finish that. Needless to say, I was gravely disappointed when my amendment was not allowed on the floor for a fair debate today. That decision was

a vote against the safety of Wyoming citizens and the rest of rural America. In fact, I believe rural America became the whipping post for the large populated areas.

While the needs of first responders in high-population States such as California and New York are addressed in this bill, first responders in rural America are left with the scraps. Rural Americans are spread thin over a lot of land. We have 490,000 people in Wyoming spread over about 100,000 square miles. So one can imagine the difficulty of trying to protect resources and people spread over that area. Money to pay for first responders cannot be appropriated on a per capita basis, as has been suggested.

Rural first responders are the brave individuals who protect our communities after an attack, and those men and women deserve the same respect and resources in Wyoming and rural America as they do in New York.

I thank the chairman for yielding me this time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIERREZ), one of the members of the Committee on Financial Services who has been most active on this issue in a very informed way.

Mr. GUTIERREZ. Mr. Chairman, H.R. 10 should be about restructuring our Nation's intelligence agency, strengthening our homeland, and better protecting our citizens by following the framework recommended by the 9/11 Commission. However, as currently written, H.R. 10 violates our Constitution and attacks immigrants by subjecting immigrants living here less than 5 years to expedited deportation at the hands of overworked immigration agents and without access to a judge.

□ 1615

Restricting States from issuing driver's licenses to immigrant drivers, placing public safety at risk.

Prohibiting Federal acceptance of consular cards and other identity documents issued by foreign governments other than passports, no matter how secure these documents are when trying to secure a Federal entrance even to a Federal building.

Deporting asylum seekers to their torturers and authorizing the deportation of immigrants to countries that lack a functioning government, all without judicial review.

Prohibiting habeas corpus review of a variety of immigration issues.

These anti-immigration issues do nothing to protect our homeland. In fact, leaders of the 9/11 Commission wisely called on House Republicans last week to remove these controversial provisions from the bill for fear it would slow its progress through Congress.

As if that is not enough, family members of 9/11 victims recently sent a letter to this body urging a "no" vote if

these provisions that I have mentioned are not stripped from the bill. I applaud the commissioners and the 9/11 families for their courageously speaking out strongly against these dangerous provisions. It is unconscionable that certain Members this body would politicize national security in a misguided attempt to advance their malicious attacks on our Nation's immigrant community in the name of public safety.

Immigrants died and lost family members in the Twin Towers, they helped rebuild the Pentagon, and they serve on the front lines in Afghanistan, Iraq and the global war on terror. It is shameful that legislation that rose directly from the tragedy of 9/11, legislation that bears the name of the darkest day of our Nation's history, legislation designed to ensure that we are never again attacked on our soil, would be so malicious an attempt against a group of serving, sacrificing, and helping people and try to put on their shoulders the responsibility of the post-9/11 world.

Republicans in this House still have time to do what is right and reasonable, as the Senate has done in their legislative package, by capturing the recommendations without attacking our Nation's newcomers.

Republicans and Democrats alike should vote for the Menendez substitute, the components of which have been endorsed by the commission and even the White House. If Republican leaders insist on playing politics with this critical legislation, I will vote against H.R. 10, as it is anti-immigrant, un-American, and flies in the face of 9/11 families and the commission's hard work. I would urge my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentlewoman from New York (Mrs. MALONEY), for the purpose of making a unanimous consent request.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I rise in support of the substitute.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, you have heard from the gentleman from New Jersey and the gentleman from Maryland the criticisms of what are not in the majority's bill. Much of what the 9/11 Commission asked for is not in the bill. I want to talk to my objections about what is in their bill that was not in the 9/11 Commission report, and not just to the specifics, but the procedure.

The House has been put into a position time and time again of being given legislation, and it is kind of like being a dog given a pill. When people want to give medicine to a dog, they wrap it in something the dog wants to eat.

When the majority has controversial pieces of legislation that could not pass on their own, they wrap it in some-

thing which Members will be afraid to vote against. And that is what we have in this bill. Not in our section dealing with financial services, but in the majority's bill is an example of a tactic that has been used repeatedly. You take controversial things, things that ought to be fully debated, things that many Members would not support on their own, and you wrap them in something which has a great deal of political appeal to try and coerce Members into voting for it.

It is in repudiation of that tactic that I and many others, if the substitute fails, will vote against the basic bill, because I am tired of being given legislation that resembles nothing so much as a pill being fed to a dog.

Mr. OXLEY. Mr. Chairman, I yield myself the balance of my time.

This section of the bill we are debating from the Committee on Financial Services was a great bipartisan effort. We had testimony from Lee Hamilton, our former colleague, who was praiseworthy of what our committee was able to do in the PATRIOT Act and moving forward and trying to deal with terrorist financing.

I think this process has been pretty good. I think that, overall, I understand over 200 Members have been able to offer amendments in the committee process, with regular order in the committee process. Our committee was no exception. I think the product that we have come up with in H.R. 10 is positive.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to make it clear that my criticisms do not extend to our part of the bill. I lament that the House in general has not followed the example we have set.

Mr. OXLEY. Mr. Chairman, I yield back my time.

The CHAIRMAN. The time for general debate for the Committee on Financial Services has expired.

The Chair recognizes the Committee on Government Reform. The gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) each will control 15 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

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

Mr. Chairman, I rise today in strong support of H.R. 10, the 9/11 Recommendations Implementation Act. The purpose of this landmark legislation is to address the problems and weaknesses identified by the National Commission on Terrorist Attacks Upon the United States by improving the intelligence and security operations of the Federal Government.

I am proud of what we have achieved in this legislation on behalf of the American people, who understandably are clamoring for change. It accomplishes the goal of revamping our intelligence network and makes other



changes necessary to protect our national security.

I would like to elaborate on a few of the provisions of the larger bill that fall within our jurisdiction at the Committee on Government Reform and why we believe they are critical to this effort.

One is executive reorganization authority for intelligence agencies. H.R. 10 would give the President the power to submit reorganization plans, limited to the intelligence community, to Congress for a guaranteed up-or-down vote.

We cannot afford to assume this legislation is a panacea that will somehow be the last word on intelligence reform. Reorganization authority is authority every President had government-wide from 1932 to 1984. It enables the executive branch to come forward with a plan that would come to Congress for an up-or-down vote without amendment. The President should have the ability to make further tweaks to the organization without having to worry about his proposal getting watered-down or just plain blocked in Congress over petty jurisdictional fights between committees. Congress, of course, retains the ultimate say.

We have enhanced information-sharing. This legislation would task the President with establishing a trusted and secure information-sharing environment to promote the sharing of intelligence information and to change the culture in the Federal Government from a "need to know" to a "need to share" basis. This initiative is the result of collaborative efforts of multiple committees of jurisdiction.

The rationale for this language is straightforward. As a Nation, we must be able to identify terrorist threats and defeat them. Our success depends on collecting, analyzing, and appropriately sharing information found in data bases, transactions, and other sources.

Streamlined financial disclosure for appointees in the intelligence community. Just about anyone who studies the Presidential appointments process realizes that it is broken. It takes too long to confirm individuals to key positions, and the process itself often drives away some of those best qualified to serve. Financial disclosure requirements are supposed to protect against conflicts of interest concerns; but they have become proxy statements for a nominee's net worth, with more detail than is necessary, extending the vetting process so that nominees cannot even move forward to Senate confirmation. This legislation would return to the original intent of financial disclosures.

An improved security clearance process. This legislation would assign security clearance management and oversight to the Office of the National Intelligence Director. The NID would set uniform standards and policies and require reciprocity among agencies. This would enable an individual with a top secret clearance at, say, Treasury to

retain that clearance should he or she move to another agency.

Previous efforts to enforce reciprocity have failed, but this legislation finally addresses this important part of the process by putting an end to the time and money-wasting practice of redundant security clearance investigations and adjudications. This redundancy drives up the cost of doing business, and this cost is ultimately passed on to the taxpayers.

New Federal standards for identification cards and birth certificates. We need to have confidence that when someone shows a State driver's license to board a plane or a State birth certificate to get a passport, that the ID is valid. We need to know that people are who they say they are.

Is this a national ID card? No. We are simply saying the Federal Government must have documents that it can trust, and it is perfectly within its right to establish minimum standards for Federal acceptance.

This important provision would provide grant money to help States meet the new Federal guidelines and gives them 3 years to comply. Though States have made strides in improving the security of driver's licenses and identification since 9/11, the commission outlined the need to establish minimum standards as a framework for improvement.

This language was crafted with the assistance of the American Association of Motor Vehicle Administrators and the National Association For Public Health and Information Systems who administer these programs for the States. They have been hard at work developing studies, best practices and guidelines on this issue, especially since the terrorist attacks on our Nation; and this legislation closely follows those recommendations for action. Importantly, this provision is also strongly supported by the 9/11 victims' families.

A revitalized FBI workforce. H.R. 10 would provide for retention bonuses and critical pay authorities to help the FBI improve its intelligence directorate. It also would allow for delays in mandatory retirements and the creation of a Reserve Service so the agency can reactivate retired employees with very specialized skills.

The improvements to the operations of the Federal Government that are included in H.R. 10 are essential to making this country safer. I urge my colleagues to support this carefully crafted legislation.

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

Mr. WAXMAN. Mr. Chairman, I yield myself 3½ minutes.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, the House is taking up legislation of enormous importance: how to make our Nation safe from future terrorist attacks. Outside of this body the effort to pro-

tect our Nation has been a united, bipartisan effort. Against the odds, the 9/11 Commission produced unanimous recommendations about how to protect our Nation. The Senate has carried their work forward. By an overwhelming 96 to 2 vote, the Senate has approved legislation embodying the commission's recommendations. Unfortunately, this bipartisan process has been hijacked in the House.

There are just three numbers that you need to remember: 41 were the recommendations from the 9/11 Commission; 11 were the number of recommendations out of the 41 that they implemented; and 50 are the number of extraneous provisions inserted into the bill.

The missing components are no minor oversights. H.R. 10 does not give the National Intelligence Director the full authority recommended by the 9/11 Commission. It falls short on border security, on aviation security, and on emergency response.

During the first Presidential debate, both President Bush and Senator KERRY agreed that preventing nuclear proliferation was the single greatest threat facing our Nation, yet incredibly the Republican bill does not implement the recommendations for stopping nuclear proliferation.

For the next 30 minutes we are going to talk about the areas of the bill in the jurisdiction of the Committee on Government Reform. Here the same pattern emerges. Key recommendations from the 9/11 Commission are ignored, while damaging extraneous provisions are inserted.

One of the major recommendations of the 9/11 Commission was to improve information-sharing among intelligence agencies. In our committee we unanimously adopted an amendment to implement the information-sharing provisions recommended by the commission. These essential provisions, however, even though adopted unanimously by the committee, were dropped by the Republican leadership on the way to the House floor.

At the same time, H.R. 10 includes extraneous provisions that are both dangerous and controversial. In one provision, and most people may not even be aware of it, the legislation establishes a fast track legislative procedure that allows the executive branch to undo all of the bill enacted in the legislation. The President can then send legislation to Congress that reverses the reforms we have just enacted, and Congress would be prohibited from amending the President's proposal.

□ 1630

And here is another inexplicable extraneous provision. The bill actually repeals financial disclosure requirements for the intelligence agencies. Under this legislation, top intelligence officials no longer have to reveal if they own assets worth over \$5 million, \$25 million, or even \$50 million.

The substitute amendment that will be offered by the gentleman from New Jersey (Mr. MENENDEZ) addresses all of the Commission's recommendations, it has the same structure and provisions as the Senate legislation that passed 96 to 2. It is that legislation that we should be enacting today.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. SOUDER), an able member of our committee.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. First, I want to thank the gentleman from Virginia (Chairman DAVIS) for his leadership on this bill and the leadership in working with us on a number of amendments. I want to go on record before I get into my particular area on two things.

The 9/11 Commission report is a great book, it is a great starter, but it is not the Bible, and it is not perfect, and we need to forward. On this question of defense intelligence, they completely missed. If we compromise and put the people that vote in my district at risk because we make a mistake in intelligence, they may die because of our error and we have to address that.

Secondly, these immigration reforms and security changes are absolutely essential, because everything we are spending on homeland security breaks down if we do not know that the person actually is the person they say they are. We are dependent then on them telling us the truth about their background. We need secure IDs and we are trying to address that.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, I would like to highlight two provisions of the bill that address the dangers drug trafficking poses to homeland security. Many of us forget that many of the largest anti-narcotics agencies and over 20,000 people in the United States die a year from the narco-terrorism on the streets. Furthermore, this money often funds these terrorist groups, and legacy Customs, legacy Border Patrol, legacy Coast Guard are all in the Department of Homeland Security.

We need two things to make sure it stays part of it. First, that it strengthens and clarifies the role of the counternarcotics officer who is in the Department of Homeland Security to coordinate these efforts; and the second requires that drug enforcement activities be one of the benchmarks for relevant employee performance appraisals at DHS. It was appalling that inside the Department of Homeland Security, narcotics enforcement had been neglected and not even mentioned in the whole system, yet these agencies absolutely are the first line of defense.

Now, specifically, what this does is change the personnel incentives and also takes this counternarcotics officer and makes him a director of counter-

narcotics enforcement subject to Senate confirmation reporting directly to the Secretary assigned specific responsibilities to the new director because, up until now, he has been detailed and had to battle for each employee and authorize permanent staff to be assigned to him as well as detailees from the relevant agencies.

Mr. Chairman, we cannot afford to take our eye off the daily battle on our streets as we try to deal with the new world challenges, particularly when our drug habit is financing many of these terrorists efforts around the world.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 3½ minutes to the gentlewoman from New York (Mrs. MALONEY) who has taken such a strong leadership role in this legislation and is a cosponsor of the Shays-Maloney bill, which is part of the Menendez substitute.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time and for his outstanding leadership in so many areas, especially health. We really appreciate it.

Mr. Chairman, reform for our Nation's security and intelligence is now the sole responsibility of the House of Representatives. The other body, both sides of the aisle, unanimously, almost with complete and total support, passed the strongest intelligence reform in our Nation's history, with a vote of 96 to 2.

The Collins-Lieberman bill is before the House today in the form of a bipartisan substitute, the Menendez substitute. It will make our country safer by creating a strong national intelligence director with full personnel and budgetary authority and a National counterterrorism Center that will share intelligence.

Regrettably, the House leadership bill has no such authority. Last week, the 9/11 Commission chairman, Governor Kean said, "If the National Intelligence Director does not have budgetary authority, you might as well not do anything."

If we pass today the Collins-Lieberman-Menendez bill out of the House, we can get it to the President's desk for his signature before we adjourn. The bipartisan 9/11 Commission members support the substitute. The White House has lined up behind it. So has the 9/11 family members, the steering committee, as well as editorial boards across this Nation. The only lone wolf muddying the process with extraneous, unrelated, controversial provisions is the House Republican leadership.

The Commission made 41 recommendations. Of these, the House Republican leaders fully implemented only 11. This is the exact opposite of what the Commission recommended. They recommended a package. Instead of implementing the key Commission recommendations, the House Republican leaders added over 50 extraneous provisions that are not mentioned any-

where in the 9/11 Commission report. Even the President has asked the House leadership to strip these provisions out of the bill.

Mr. Chairman, I will place in the RECORD a letter from the White House in support of Collins-Lieberman, a Washington Times article, and an L.A. Times article that speaks to the administration's support for Collins-Lieberman and against the many additions that have been loaded on to the Republican bill. Some of the 50 extra provisions are innocuous, but many are controversial poison pills that will only sidetrack and delay the legislation.

The truth of the matter is that if the Republicans really cared about these extra provisions, they could have passed it 3 years ago or added it on later. Yesterday, Chairman Kean said that the Senate bill is a giant step forward and the right vehicle for our recommendations. He called the bill that passed out of the Senate that is before us today a dream, and if this is the dream, then I say that the House leadership bill is an absolute nightmare that will only delay and hurt the process and will make it harder for us to make this country safer and enact a law that implements the 41 recommendations of the 9/11 Commission.

THE WHITE HOUSE,

Washington, October 1, 2004.

TO THE EDITORS OF THE WASHINGTON POST: Yesterday's Washington Post inaccurately reported that the Bush Administration supports a provision in the House intelligence reform bill that would permit the deportation of certain foreign nationals to countries where they are likely to be tortured.

The President did not propose and does not support this provision. He has made clear that the United States stands against and will not tolerate torture, and that the United States remains committed to complying with its obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Consistent with that treaty, the United States does not expel, return or extradite individuals to other countries where the United States believes it is likely they will be tortured.

As the President has said, torture is wrong no matter where it occurs, and the United States will continue to lead the fight to eliminate it everywhere.

Sincerely,

ALBERTO R. GONZALES,

Counsel to the President.

[From the Washington Times, Oct. 4, 2004]

HOUSE TOLD TO ALTER INTELLIGENCE BILL

(By Stephen Dinan)

The White House has told House Republicans that it wants them to remove provisions in their intelligence-overhaul bill that would crack down on illegal aliens' obtaining drivers' licenses, allow easier deportation and limit the use of foreign consular ID cards.

The Senate's bill lacks those provisions, and as the two chambers race toward trying to pass a bill before the Nov. 2 election, the measures are a potential stumbling block.

The White House wants those provisions out, according to a congressional source familiar with the bill.

"They have expressed desire to kill some of the immigration provisions and gut some of

others," the source said, speaking on the condition of anonymity.

Rosemary Jenks, a lobbyist for stricter immigration controls for the group NumbersUSA, who has been tracking the bill, said White House policy officials met with Republican staffers to urge them to remove the provisions, even though White House officials initially had signed off on those same provisions before the bill was introduced officially.

"The White House was involved in the negotiations before the bill was introduced, and now, for some reason, it has come back and decided to insist that the main provisions, the most effective provisions of the bill, be gutted," she said.

She said House Republican leaders appear to be standing firm in refusing the White House demands. A White House spokesman did not return a call for comment yesterday.

Peter Gadiel, spokesman for 9/11 Families for a Secure America, said his organization will drop its endorsement of the bill if the immigration provisions are removed.

"This goes to the very heart of the entire conspiracy of 9/11," he said. "These people entered the country, got driver's licenses, used those driver's licenses to obtain the services they needed, and then used those driver's licenses to get on the plane."

The House bill restricts federal employees' acceptance of consular identification cards issued by other nations, which the Government Accountability Office said last week helps illegal aliens evade immigration law.

The bill also would set standards for driver's licenses that would make it much more difficult for illegal aliens to obtain them and for temporary visitors to keep licenses past their visa expiration.

The legislation also would expedite deportation of immigrants who have entered the United States illegally in the past five years and curtail court reviews of deportation proceedings even when the person faces torture when returned home.

Angela Kelley, deputy director of the National Immigration Forum, said adding those amendments is an attempt to sink the entire bill.

"The piling on of unrelated legislative pet projects, especially by the Republican Party's anti-immigration wing, could throw the carefully reasoned, bipartisan recommendations of the 9/11 commission to the curb," she said.

Members of the National Commission for Terrorist Attacks upon the United States held a press conference last week to complain about some of the House provisions and praise the Senate bill as it now stands. Commission Vice Chairman Lee H. Hamilton singled out some of the House immigration provisions as particularly problematic for commission members.

The White House also has issued a statement praising the Senate bill.

But Mr. Gadiel said removing the immigration provision would be breaking Congress' promise to pass all of the September 11 commission's recommendations.

He said senators should be warned: "If you really have the nerve to kill a final bill—ignore all the recommendations of the 9/11 commission and spit in the faces of the 9/11 families because the final bill [includes] all of the recommendations, not just the ones you find palatable, go ahead, kill the bill. See what the American people feel in November."

[From the Los Angeles Times Oct. 6, 2004]

HOUSE INTELLIGENCE MEASURE TARGETED

(By Mary Curtius)

WASHINGTON—Eager to get an intelligence reform bill through Congress before the Nov.

2 elections, the White House is pressing to get controversial immigration provisions stripped from the House measure, Republican lawmakers said Tuesday.

Both the House and Senate are moving toward final votes this week on differing versions of bills that seek to overhaul the nation's intelligence community by putting a single director in charge of all 15 agencies. Both major parties are eager to take credit for completing the most sweeping intelligence changes since the Cold War.

The more comprehensive House version includes provisions to tighten border controls and make it easier for law enforcement to track and quickly deport suspected terrorists.

Democrats have joined civil libertarians, members of the Sept. 11 commission and families of victims of those attacks in criticizing the measures. Democrats describe the provisions as "poison pills" that threaten the chances for reconciling the two chambers' bills.

House Republicans said Tuesday that they believed the White House was fearful of a backlash against the House bill by immigrant voters.

"I sincerely hope that the White House is not seriously thinking about walking away from this effort in the interest of political expediency in a few states," said Rep. Thomas G. Tancredo (R-Colo.).

Tancredo, chairman of the House Immigration Reform Caucus, and Rep. Steve King (R-Iowa), a member of the House Judiciary Subcommittee on Immigration, Border Security and Claims, said in interviews that their staffs had been told by the House leadership that the White House wanted the immigration provisions removed from the bill. Both men said they urged the leadership to resist the pressure.

The White House, according to the King and Tancredo, has specifically targeted provisions in the House bill that would make it easier to deport illegal immigrants, make it harder to use foreign consular identity cards as forms of identity in the United States and make it harder for illegal immigrants to obtain driver's licenses by imposing federal standards.

The American Civil Liberties Union has denounced those measures as "anti-immigrant policies" it says would "deny immigrants basic judicial review over unfair, arbitrary or otherwise abusive deportations" and allow suspected terrorist to be deported to countries "lacking a functioning government."

The House leadership says it stands behind its bill and all its provisions, and that it will bring it to a floor vote Thursday or Friday. But a White House spokesman said Tuesday that negotiations over the bill's provisions were continuing.

"What I can say is that the president supports strong, effective immigration reform," said Erin Healy, a White House spokesman.

"We will continue to work with members of the House on their proposal. We continue to meet with them—to work with them on the legislation. It is a work in progress."

House Majority Leader Tom DeLay (R-Texas) said no one had spoken to him about removing provisions of the bill.

"Whether it be redesigning our intelligence-gathering capabilities or protecting our borders or going after terrorists," DeLay said, all the measures "are designed to keep Americans safer."

But pressure has been mounting on the House Republican leadership to produce a bill that looks more like the Senate version.

Editorials across the country have criticized the House bill for endangering prospects for quickly completing real reform of the intelligence community.

The Senate, on the other hand, has been praised for producing a bipartisan bill, coau-

thored by Republican Susan Collins of Maine and Democrat Joe Lieberman of Connecticut.

With the political maneuvering around the bills intensifying, Republicans and Democrats in the House held competing news conferences Tuesday, each producing family members of Sept. 11 victims to bolster arguments for or against the legislation.

At one point, family members who support the House bill clashed publicly with family members who gathered with Democrats and Sept. 11 commission members to demand that the controversial provisions be dropped.

Both the Senate and House bills call for the creation of a national intelligence director to oversee the nation's 15 intelligence agencies. But the Senate version would give the director greater control over the intelligence community budgets and personnel than the House version would.

House Democrats have pushed the leadership unsuccessfully to allow a floor debate on a substitute bill that would more closely conform to the Senate version.

The Senate bill, which has survived seven days of floor debate largely intact, is expected to be voted on today. Differences between the final versions of the bill will be dealt with in a conference committee.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I am happy to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER), the former Secretary of State of the State of Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 10 and I urge my colleagues to support this bill in the spirit of bipartisanship exhibited by the 9/11 Commission in their report and their subsequent recommendations as well.

Clearly, our Nation needs to better prepare ourselves for the challenges facing us as we continue to successfully prosecute this war on terror.

And as we examine the intelligence failures in the aftermath of the absolutely horrific attacks on our Nation on 9/11, we see the need to improve our intelligence-gathering and move from the need-to-know to the need-to-share.

It is said that once in a generation is there truly an opportunity to structurally reform government, and this is our opportunity. We remember in the 1940s when we created the Joint Chiefs to better meld our military, and the naysayers had lots of reasons why it would not work but, in fact, it has served our Nation remarkably well. This legislation today will serve our intelligence community well, and so allow us to better protect our homeland.

I am particularly pleased to have helped draft the provisions in this bill which deal with national standards for issuing State driver's licenses and State identification cards. This is long overdue, as are the provisions regarding the breeder documents or identification documentation required before you can obtain a driver's license or a State ID card.

In today's world, the driver's license is the foundation of your identity. It is the photo ID that is most commonly

used to get on an airplane, to enroll in a flight school, or to get a commercial driver's license with perhaps an endorsement for transporting hazardous material.

Mr. Chairman, prior to coming to Congress, I served 8 years as the Michigan Secretary of State with the principal responsibility for motor vehicle administration, and I totally agree with the 9/11 Commission statement, "Sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

Let us remember that 18 of the 19 9/11 terrorists had valid driver's licenses, many acquired through fraudulent documentation. This legislation will allow our States to stop the terrorists from using our freedoms against us.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, the other day I heard the majority leader, the gentleman from Texas (Mr. DELAY) assert on the floor of this House that the 9/11 Commission recommendations legislation were being considered by the various committees in this House on a bipartisan basis.

Well, in the Committee on Government Reform, there were some areas of strong bipartisan agreement. As the gentleman from California (Mr. WAXMAN) said, one of those areas was the need to implement one of the central recommendations of the 9/11 Commission report to develop a system of information-sharing among different Federal Government agencies that collect and analyze information. When you are trying to pull together information about a threat, it makes no sense for one agency to keep hold of its information and not share it. You need all the pieces to put together the puzzle.

Now, this bill, H.R. 10 as it was introduced, had nothing with respect to information-sharing. So I, together with some of my colleagues, offered an amendment in the committee to do exactly that. And on a bipartisan basis in the committee, supported by the chairman of the committee, and echoing the recommendations of the 9/11 Commission, we unanimously supported that amendment and that recommendation.

Well, guess what? The bill left committee and on the way to the floor, that information-sharing amendment was stripped out of the bill by the House Republican leadership and replaced by what is just a hollow shell, virtual dribble, nothing of serious substance on that issue. Apparently, the real test being applied here by the House Republican leadership is not bipartisan cooperation, but where there is bipartisan cooperation on the committee, let us get rid of that provision of the bill, because it does not fit with the overall objective, which is to use this bill and use national security for pure political purposes.

Why would the House leadership remove a provision also contained in the

Senate Collins-Lieberman bill to promote information-sharing? Why are they sticking up for creating separate turf and different fiefdoms among government agencies? That is a question they are going to have to answer to the victims and the families of the victims of 9/11.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would just say to my friend, unfortunately, other committees shared jurisdiction on this, so when the Committee on Rules wrote it, we did not get our committee language.

Mr. Chairman, I am happy to yield 1 minute to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague yielding me this time. I will be rising later in the day to express my very serious concern about the Menendez substitute, but that is for a later time.

But I wanted to take a moment to express the House's deep appreciation for the work being done every day by the men and women who make up our security agencies. We all know that during the 1990s, much of their work was disrupted by undermining, especially of our HUMINT assets in the country, throughout the world, particularly in the Middle East. But between now and then, those men and women who work every day and put their lives on the line on our behalf, those who make up the agencies that are our security agencies, need to know that there is broadly-based bipartisan support for their work here in the Congress.

Mr. WAXMAN. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Menendez substitute.

Mr. Chairman, I rise in support of the Menendez substitute because I believe that its provisions, like those in the Shays-Maloney bill, better reflect the recommendations contained in the bipartisan 9/11 Commission Report: To improve our intelligence gathering and analytical capabilities and create "an enhanced system of checks and balances" to adequately protect civil liberties.

I regret, however, that the options before us today fail to fully embrace available technologies to modernize our driver's license and identification systems. Some States are taking action, for example, as some of my colleagues may have read in today's Washington Times and Washington Post; a plan to use embedded chip technology is currently under consideration in the Virginia legislature. Still, the pace of change remains slow and problems in our driver's license system persist.

The holes in our system continue to support a thriving black market for fake IDs, create se-

curity risks that are national in scope, and therefore warrant adequate Federal resources to repair.

The September 11th hijackings illuminated many holes in our domestic security, for example 13 of the 19 hijackers were able to obtain driver's licenses or ID cards, some from black market "brokers" who often charge \$2,000 for a single fake license.

Utilizing chip technology and biometric identifiers will make a quantum leap in the efficiency of the system and make it significantly harder for criminals and terrorists to obtain fake licenses. Unfortunately, neither side of the aisle took full advantage of this opportunity to utilize on-card biometric technology to repair holes in the system.

In light of the currently available technologies, the bills being considered on the House floor today simply do not go far enough.

The on-card biometric technology we need to adopt in our driver's license system is not entirely new. Private companies and government agencies currently utilize embedded chips in their ID cards. The smart cards have been in use for years in the military with the Common Access Card, or CAC, and Congress sanctioned the use of on-card biometric technology in the US-VISIT visa program.

Both the 9/11 Commission Report and its predecessor, the Markle Foundation Task Force Report, hailed on-card biometrics as an excellent example of how technology can be used to improve the integrity of a number of identification documents.

Why not use it on our driver's licenses? The legislative solution I have proposed retains traditional State authority over non-commercial driver's licenses, but recognizes that disparate standards, outmoded technologies and inadequate security features create risks that are national in scope and therefore justify Federal resources and technical assistance.

Many states are open to adopting the technology, but they need Federal assistance to implement it.

Mr. Chairman, we must not delay any further. The time to act has come. A driver's license is a dangerous tool in the hands of a criminal, or worse, a terrorist. It allows them to easily travel on our roads, open bank accounts, rent vehicles, and take domestic flights. The driver's license has come to represent more than authorization to operate a motor vehicle; it imparts a stamp of legitimacy and is often taken as unquestionable proof of identity. Possession of a driver's license allows terrorists to easily travel and blend into the population.

Of course there are many out there who fear new uses of technology. Civil libertarians, conspiracy theorists and absolutists will attempt to characterize smart cards as a threat to individual privacy. In fact the opposite is true. By reducing identity theft (clearly a privacy concern), controlling access to personal data through encryption and proper regulations, and making it easier to create a digital paper trail on government employees who access your data, smart cards will actually reduce privacy violations.

Smart cards will not allow the government to track people's movements; the chips don't work that way. The best government could do in tracking your movements is maintain records of where and when you are asked to show your license, something it already does by writing down your driver's license number.

Of course it is difficult to completely allay the concerns of civil libertarians and privacy advocates, lest we do away with all forms of identification. But smart cards will not create invasion of privacy risks that do not already exist today. They will, however, significantly reduce the risk of identity theft, and correct current widespread abuses in the system. As an added benefit, the technology will make it easier for law enforcement officials to do their job by eliminating wasted time filling out paperwork, but it will not magically transform every law enforcement officer or civil servant into a voyeur or jackbooted thug bent on harassing you at every turn.

Mr. Chairman, I urge this Congress to take the next logical step and implement smart card and biometric technology in driver's licenses and ID cards. I look forward to working with relevant committees in advancing this important policy. In light of the serious problems that persist, we can't afford delay.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the Committee on Government Reform.

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time. I want to just address one part of this bill.

I feel strongly that we ought to go with the substitute amendment that the gentleman from New Jersey (Mr. MENENDEZ) will be presenting, and that this House ought to try, in a bipartisan fashion, to work within the Collins-Lieberman-McCain legislation, and that the surest way to do that and to get a bill now is to make sure that this House acts in a bipartisan way, and not in the manner that seems to be before us today, a poison pill that will tie this issue up and not allow us to have the kind of legislation we need to protect this country.

The 9/11 Commission, in its work, was very adamant about the idea that congressional oversight should be reinforced and strengthened, particularly if there is going to be some strengthening of the legislative and executive branch. Any executive power that is going to be enhanced ought to be met with commensurate increases in congressional oversight.

Section 5021 of this bill authorizes the President to essentially reorganize all of the work that Congress would do in establishing the intelligence regime under this bill. It would have the President be able to submit a reorganization plan with expedited approval, up or down, with no amendments; in essence, abrogating all of our responsibilities as legislators to the White House.

Now, I am surprised that this would get any support and, unfortunately, in the Committee on Government Reform, it did get enough support in a 20 to 21 vote. My amendment that would obliterate this recommendation was defeated. But it did pass. It was successful in the markup of the Permanent Select Committee on Intelligence Community markup, but in the Committee on Rules, as is its penchant for rewriting the law, it reappears with us here today.

□ 1645

The fact of the matter is that allowing the process to just organize and bring us something to vote up or down is an absolute total abrogation of Congress's responsibilities. I am shocked that our colleagues would even consider that premise.

They should look at one another. They should determine whether or not they came here to just give our role to the White House or we came here to do what our constituents elected us to do, which is to deliberate, to debate, to decide, and to vote, and to vote on matters of this significance.

Yes, in one of the issues one of the Members brought up in the committee was that this would take time, we would go from committee to committee and House to House. The fact of the matter is, that is hard work as the President likes to say, but it is the hard work we are supposed to be doing. It is our responsibility to legislate. It is the executive branch's responsibility to give us a recommendation that we should consider. But in the end we need to do our job, and this bill should be done in such a way as to meet the Menendez substitute. We should all vote for that and not for the base bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself 30 seconds.

What abrogates our responsibility is taking the substitute that is offered by the other side. Basically we are saying to the other body, we are going to take your version and adopt your version. We have a lot of good ideas that emanate from this side of the Capitol. Those ideas will then go into a conference, and we can take the best of both.

The Congress does not abrogate their responsibility by allowing the President to submit for an up-or-down vote, the changes they wish to make in the intelligence community; we get to vote them up or down. But we do circumvent some of the jurisdictional battles that so often prolong these fights and make us very inefficient. I might add, this is authority that we had for Presidents for 50 years prior to 1984.

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

Mr. WAXMAN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from California (Mr. WAXMAN) has 4 minutes remaining. The gentleman from Virginia (Mr. TOM DAVIS) has 3½ minutes remaining.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, this House has a choice to make today. It has been more than 3 years since September 11. We can put the safety and security of America first, put the security of its people first and pass the Menendez substitute which has the Shays-Maloney language in it. This substitute bill will protect America, our families, our civil liberties; and it

does not play politics with intelligence reform.

Yesterday, the other body passed a bipartisan intelligence reform bill, 96 to 2. The other body's vote put America first and will help to make America safer, and it abandons cheap partisan politics. The Republican leadership's bill, H.R. 10, is a bipartisan bill intended to derail intelligence reform while al Qaeda plots against us.

H.R. 10 ignores the 9/11 Commission recommendations, and it is a dangerous partisan distraction that should be defeated.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I sat in a committee that I must say tries and often is bipartisan. I kept looking for gravitas of the 9/11 recommendations. One that is not here actually stunned me and that is the recommendation to strengthen our counternuclear proliferation efforts.

During the first Presidential debate there was a moment of rare agreement between KERRY and BUSH. They both said that nuclear proliferation was the single most serious threat facing the United States. The commission agreed. It says that al Qaeda has tried to acquire or make nuclear weapons for the last 10 years and that the maximum effort should be made. H.R. 10 relegates this issue to a study. A study is a way not to do anything.

The Senate knew exactly what to do. You do not study it any more. You expand the proliferation security initiative and the proliferation programs literally on the books now. I represent this city. What a small nuclear device would do to the Nation's capital I do not want to contemplate.

The commission understands what nuclear weapons would do nation-wide. No serious effort can exclude nuclear nonproliferation.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time as I have the right to close.

The CHAIRMAN. The gentleman from Virginia (Mr. TOM DAVIS) has 3½ minutes remaining and the right to close.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, the 9/11 Commission was born of the most brutal attack in this country's history on our soil, and we should remember that the commission was created to investigate our weaknesses and also to make recommendations on strengthening our national security. I think that the commission should be commended and the families that have been involved in making those recommendations at our hearings should be commended for their good work and for remaining above our partisanship.

But what I see here today in this bill is that after that long process of the

commissioners and the involvement of these families, that much of their key recommendations have been set aside, and I think that is a shame. And we should, I think, instead, support the Menendez substitute that agrees with the other branch which I think properly protects American security and brings accountability to our intelligence systems that were so flawed prior to the attacks.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to point out to my colleagues, we are talking about something of the most significant importance to this Nation. We should not allow politics to be played with this matter.

We have had a commission that was set up by a vote of the Congress. They came back with a unanimous recommendation. The other body adopted their recommendations unanimously, Democrats and Republicans. I strongly urge support for the Menendez substitute and a rejection of the Republican partisan bill.

Mr. Chairman, I urge rejection of H.R. 10 and support for the substitute amendment so we can be in sync with the bipartisan vote in the Senate and the bipartisan recommendations before us.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, first of all, let me thank my friends on the other side in the committee for working cordially with us to improve this legislation. I know we have some disagreements.

I want to take up just a minute to correct what I think is misinformation about this legislation, namely, that some of the sections of this are not within the scope of the 9/11 Commission's report. I want to walk through the provisions that were added at the request of our committee. All of these initiatives were things that the committee had been working on to make our country safer prior to the release of the report, but they can also be traced to report language.

Our language on identity security, for example, is identified as an urgent need on page 309 of the report, where it says, "The Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses. Fraud in identity documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

Our language on appointments reform is in direct response to a finding

in the report on page 422: "Since a catastrophic event could occur with little or no notice, we should minimize as much as possible the disruption of national security policymaking during the change of administrations by accelerating the process for national security appointments."

Our security clearance language is based both on work that we have been doing in the committee and the commission's report which said on page 422 that the Federal Government needs uniform application investigation in adjudication procedures, a single database to store clearance information, and an expedited clearing process for Presidential transition team personnel.

Our language to revitalize the FBI workforce responds to a finding in the report on page 425, where it says "a specialized and integrated national security workforce should be established at the FBI consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, rewarded, and retained to ensure a deep expertise in intelligence and national security."

And our language on information-sharing and security addresses the commission's finding on page 400 that we need to unify the many participants in the counterterrorism effort and their knowledge in a network-based information-sharing system that transcends traditional governmental boundaries.

As you can see, Mr. Chairman, all of these provisions that were marked up by our committees and included in the version on H.R. 10 today are direct responses to problems or weaknesses identified by the 9/11 Commission.

I take exception to Members who think the other body had thorough knowledge and exhausted all of the ideas on this.

We look to a good conference where we can iron out some of these, but more importantly I think we thoroughly address some of the concerns raised by the commission. At a time when the terrorists are moving dollars electronically and communicating in nanoseconds, we have to give the executive branch a rapid response for additional reorganization changes as well.

I urge my colleagues to support H.R. 10 and reject the Menendez substitute.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time for general debate for the Committee on Government Reform has expired.

The Chair recognizes from the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) for 15 minutes each.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 10. On September 11, 2001, foreign terrorists attacked the United States

without provocation in a failed effort to crush our spirit and our resolve.

In the last 3 years Congress has taken bold bipartisan steps to strengthen the ability of the law enforcement intelligence community to protect the American people against future terrorist attacks. The Committee on the Judiciary has played a central role in addressing vulnerabilities that the terrorists exploited on 9/11.

Bipartisan passage of the PATRIOT Act, the Barbara Jordan Immigration Reform and Accountability Act, the Homeland Security Act, and other legislation have made America safer; but there is still much more work to be done.

In November of 2002 President Bush created the bipartisan 9/11 Commission. I supported the President's creation of this independent commission, and I am pleased that this bill implements and addresses its recommendations and findings. H.R. 10 provides specific legislative substance to those recommendations. First, the creation of the National Intelligence Director, then the establishment of a National counterterrorism Center in title I are reforms that will ensure that the wall of separation between intelligence and law enforcement is never again exploited by terrorists. In addition, section 1112 codifies the laudable efforts of the FBI to better assist and thwart terrorist attacks before they occur.

The Judiciary sections in title II enhance penalties for terrorism hoaxes; increase penalties for supporting, financing, or cooperating with terrorist organizations; expand the scope of laws that prohibit the shipments or use of weapons of mass destruction; provide additional funding to combat terrorist financing; and enhance the use of biometrics to reduce terrorist threats against air travel.

Several 9/11 hijackers either should not have been admitted to the United States or violated the terms of their visas. Title III of the legislation contains important provisions to enhance border security and reduce opportunities for terrorists who enter and stay in the United States. As the 9/11 staff report on terrorist travel declared, "The challenge for national security in an age of terrorism is to prevent the people who may pose overwhelming risk from entering the United States undetected."

The Judiciary sections of title III require Americans returning from most parts of the Western Hemisphere to possess passports; require Canadians seeking entry into the United States to present a passport or other secure identification; authorize additional immigration agents and investigators; reduce the risk of identity and document fraud; provide for the expedited removal of illegal aliens; limit asylum abuse by terrorists; and streamline the removal of terrorists and other criminal aliens. These provisions reflect both commission recommendations and

legislation that was pending in the House.

Finally, I am pleased that this legislation safeguards the privacy and civil liberties of all Americans. These provisions establish a privacy officer in the office of the NID; require Federal agencies to prepare a privacy impact analysis during rulemaking process; and direct the head of each Federal agency with law enforcement or antiterrorism functions to appoint a chief privacy officer.

□ 1700

The bill reflects careful, thoughtful and principled consideration of the 9/11 Commission's bipartisan recommendations and staff report. Unlike some other proposals, this legislation does not merely transcribe sometimes vague proposals. Rather, it does the hard work of implementing the 9/11 Commission's recommendations with the legislative clarity and depth they deserve.

H.R. 10 also received the full committee deliberation that the House committee process provides. The committee process greatly enhanced the quality of this legislation.

America has so far been spared another large-scale attack within our border since 9/11. Yet the terror in Beslan, Russia, just weeks ago chillingly reminds us that the global threat of terrorism has not receded nor has the need for vigilance and foresight.

While much has already been done, much remains to be done. Passage of H.R. 10 will make America safer still, and I urge my colleagues to support this legislation.

I am also happy to put in the RECORD, a letter dated October 7, 2004, from the 9/11 Families for a Secure America that states, "we strongly support H.R. 10 and oppose all the alternatives that have been proposed. The reason is simple: H.R. 10 is the only bill that addresses the recommendations on pages 385-390 of the 9/11 Commission's report." I would include this letter in the RECORD at this point.

9/11 FAMILIES FOR A SECURE AMERICA,  
*New York, New York, October 7, 2004.*

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: Over the past few weeks, several articles in the press and statements from individuals have implied falsely that the families of victims of the September 11, 2001, attacks support alternatives to H.R. 10. Our organization, 9/11 Families for a Secure America, represents hundreds of families of those murdered on 9/11, and we strongly support H.R. 10 and oppose all the alternatives that have been proposed. The reason is simple: H.R. 10 is the only bill that addresses the recommendations on pages 385-90 of the 9/11 Commission's report.

Family members of 9/11 victims worked long and hard to have an independent commission appointed to investigate the attacks. Now that the Commission has completed its task and presented Congress with its recommendations, we believe that Congress must address all of the 41 recommendations, including those relating to immigration policy. We will be satisfied with nothing less.

All of the 9/11 family members with whom we have been in contact agree that immigra-

tion reform is a key component of the implementation of the Commission's recommendations. Sadly, some of our elected officials have misled 9/11 families by convincing them that no legislation will pass this year if we insist that immigration reform be part of it, because immigration is simply "too controversial." We are appalled that any public official would suggest that national security is "too controversial" to be addressed.

We applaud the House Leadership for making security their top priority and we strongly urge all Members of the House to support H.R. 10. We have read the immigration provisions in H.R. 10, and we have compared them to the Commission's recommendations. The provisions some have labeled "extraneous and unrelated" are, in fact, clearly and directly related to the Commission's findings and to preventing terrorist attacks in this country. The simple fact is that if the 9/11 terrorists have not been able to enter the United States and operate freely in our country—to obtain driver's licenses (over 60 licenses for 19 hijackers), open bank accounts, rent homes and cars, and board airplanes—they would not have been able to murder our loved ones. To pretend otherwise is hypocritical; but more importantly, it is an invitation to future terrorist attacks.

Members of Congress have promised us repeatedly over the last three years that they would honor our loved ones who were murdered by implementing the reforms needed to ensure that Americans will never again face the same horror we live with every day. We ask you to stand by your promise and pass H.R. 10, rather than dishonoring us and our loved ones to protect a status quo that aided the murderers who tore apart our families on September 11, 2001.

#### 9/11 FSA BOARD OF DIRECTORS

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Colette Lafuente, Poughkeepsie, NY, Wife of Juan LaFuente, WTC visitor.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 3 minutes on behalf of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman and the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member, who I am looking to join us soon, of the full Committee on the Judiciary. We did work together. In fact, as our colleagues in America are seeing, we worked together with any number of committees that will be on the floor

today and the very fact that we worked together with so many committees, it looks as if we would have been able to reach maybe a very easy consensus, but it appears that we did not.

Allow me just to offer, as I begin, the words of two of the 9/11 family members, Donald W. Goodrich and Sally Goodrich, in a conversation this morning, words that were offered to me as written by James Joyce seem to be particularly relevant to this debate, and it is particularly relevant based on all of the work and all of the pain and all of the adversity that the 9/11 families have gone through. James Joyce said, it is the now, the here through which all future plunges to the past.

I guess what I would say to my colleagues though we have the responsibility of securing the homeland, we also have the responsibility of a concise, consensus method and format in which to take that journey. I believe the Shays-Maloney legislation, conforming to the Collins-McCain-Lieberman proposal, meets that standard and that test.

In our work of H.R. 10, we have a duty to take into account the families that will be affected. We have in this august body the duty to take into account all American families, and as I have said over and over again, we have a responsibility to take into account that the government failed the American people.

So I wish that we would have come to the floor with this single bill, but yet we have 50 extraneous provisions. Let me just list a few as I close: giving the President fast track authority to reorganize the intelligence agencies; undermining the reforms recommended by the 9/11 Commission; no budgetary authority to the new intelligence director, giving the President authority to bypass Senate confirmation of the director of CIA and other key intelligence and defense officials, weakening congressional oversight; giving Federal law enforcement officials new authority to deport foreign nationals, revoke visas and deny asylum without judicial review, uncalled for by the 9/11 Commission, maybe valid issues to consider later but certainly holding up this legislation; creation of new national databases of driver's licenses, birth certificates and criminal histories, raising civil liberties and privacy concerns; and, of course, expanding a grand jury without oversight.

I thank the distinguished chairman, and I hope that we will pass the substitute of the gentleman from New Jersey (Mr. MENENDEZ), that incorporates the 9/11 Commission report and fixes our broken national intelligence system.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN), my colleague.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, much of the attention on this bill has been focused on intelligence reforms, rightly so because they are absolutely necessary, but I would argue that the provisions under the jurisdiction of the Committee on the Judiciary are every bit as important and every bit as urgent.

A few folks have tried to argue here that somehow these are extraneous. They are wrong. These provisions strike at the support network that makes a terrorist operation possible. They give us the tools to prevent the movement of those who would hide and move in the shadows, who offer support to terrorism, who provide training, logistical information, transportation and so on. Those who provide material support to terrorists are, in many ways, as dangerous as the evil figure who pulls the trigger.

If we attack and remove those who provide such support, we yank at the links in the chain. We break those links, we break the chain of destruction. These are essential provisions to make this Nation safer. They are an essential part of the war on terrorism.

I urge my colleagues to support the work of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that I control the time on the minority side for the purpose of yielding time.

The CHAIRMAN pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

I begin by thanking the gentlewoman from Texas (Ms. JACKSON-LEE) for her brilliant opening statement.

This measure before us today could be called, A Tale of Two Bills. One is our substitute, that reflects both the spirit and the substance of the 9/11 Commission's work, and like the Commission itself, it is bipartisan, a theme that we continue to underscore even in the closing days of the 108th Congress. We are supported by the gentleman from Connecticut (Mr. SHAYS), the gentlewoman from New York (Mrs. MALONEY) and Senators MCCAIN, COLLINS and LIEBERMAN. Yesterday, in the other body, this measure that we will bring forward here this evening passed the other body by a vote of 96 to 2. In substance, it reflects exactly what the 9/11 Commission recommendations contained, and it was endorsed by the commission and by the September 11 families.

On the other hand, we have before us a bill that was cobbled together haphazardly, with only the input of one party. It fails to implement many of the Commission's recommendations, and therein lies our grievance, and contains provisions that the Commission, after months of study, did not ask for at all.

But the main omission is that the 9/11 Commission recommended, at a

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. Why is there no civil liberties board in the majority bill?

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding me time.

September 11, 2001, changed our world. It changed the way in which we must deal with terrorism and the way in which we, as a country, must protect ourselves.

Since then, Congress and the administration have taken steps to help better protect our Nation at home and abroad. We have provided law enforcement with enhanced investigative tools and improved our ability to coordinate activities designed to protect against the future threat of terrorism.

Yet these actions are not enough to guarantee our Nation's security or freedom. The 9/11 Commission report and recommendations showed us that security and freedom can only be accomplished through continued vigilance and a willingness to challenge conventional wisdom.

But these broad antiterrorism efforts do not have to come at the price of our rights here at home. The joint hearing held by the Subcommittee on Commercial and Administrative Law and the Subcommittee on the Constitution reaffirmed that ignoring important civil liberties will not only erode our freedoms but would undermine legitimate efforts to increase our security here at home.

The directives set out in H.R. 10, requiring Federal agencies to consider, for example, the impact that proposed and final rules have on an individual's privacy and establishing chief privacy officers within agencies that conduct law enforcement and antiterrorism activities, and establishing a civil liberties protection officer within the Office of the National Intelligence Director and a Civil Liberties Protection Board, ensures that effective antiterrorism measures do not come at the price of our constitutional principles.

I am confident that both Houses will come together on this issue to ensure that we continue to improve our intelligence capabilities, strengthen our defenses, and stay one step ahead of the terrorists.

I want to again thank and commend the gentleman from Wisconsin (Congressman SENSENBRENNER), the Committee on the Judiciary's chair, for his leadership on these issues.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this bill is not the 9/11 Commission recommendations. This bill is John Ashcroft's wish list.

Ground Zero is in my district, and I understand the grave danger and harsh reality of terrorism. It is absolutely imperative that we implement the recommendations of the 9/11 Commission, and strengthen our security and win the war on terrorism. Unfortunately, House Republicans would rather play partisan political games on the eve of the election.

The 9/11 Commission recommended that homeland security grants be distributed based on risk, but this bill contains a political pork barrel funding formula that directs funds away from key targets like New York and Washington, D.C.

The 9/11 Commission recommended that we strengthen counterproliferation efforts to prevent al Qaeda from getting nuclear weapons. This bill ignores that recommendation and does little to prevent the terrorists from exploding atomic bombs in our cities.

This bill even fails to establish a strong, independent National Intelligence, by not providing that office with sufficient authority over the budget and personnel of other intelligence agencies.

House Republicans are once again wrapping themselves in the flag and in 9/11 to hide the fact that they are loading up this bill with questionable provisions that will not make us safer but will undermine our civil liberties. For example, this bill would permit people to be deported to countries that engage in torture. This will not stop terrorists from entering the United States. It would not have stopped the 9/11 terrorists. If we do have suspected terrorists among us, we should not deport them. We should charge them, interrogate them and convict them.

This bill includes egregious provisions that would expand the secret surveillance powers of the Federal Government and relax grand jury secrecy requirements while depriving people of their constitutionally protected right to due process and to the writ of habeas corpus. It would give the Federal Government new authority to revoke visas and deny asylum without judicial review.

This legislation is a betrayal of the families and the hard and thorough work of the 9/11 Commission. Commission Chairman THOMAS KEAN and Vice Chairman Lee Hamilton have asked the House Republicans to remove extraneous provisions and pass a clean bill. The New York Times, The Washington Post, and Miami Herald, to name a few, call this bill a "political sideshow" and "election-year posturing." They see this bill for what it is, a step in the wrong direction that in many cases does the opposite of what the 9/11 Commission recommended.



The House Republicans should stop playing politics with the war on terrorism and start protecting the American people. As those of us from New York know all too well, we must do everything we can to prevent another September 11. I urge my colleagues to defeat this legislation and pass a bill that will actually make us safer.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Ms. WATERS).

□ 1715

Ms. WATERS. Mr. Chairman, I wish to thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time to talk on this most important piece of legislation.

Mr. Chairman, this bill should have been voted on and passed a long time ago, but the President and the Republican leadership have simply dragged their feet. We must not forget that Republicans opposed the creation of the 9/11 Commission. Now, House Republicans are pushing a bill that does not make all the necessary reforms that will help ensure the safety of this Nation.

The 9/11 Commission has done outstanding work. It spent months interviewing members of the intelligence community, hearing testimony and reviewing documents. After all that, the Commission unanimously approved its report and the recommendations included in it. Most importantly, the families of those who lost loved ones on September 11 have endorsed the Commission's report. Unfortunately, the House Republicans continue to delay and to refuse to embrace the Commission's work.

I find it appalling that the Republican leadership thinks it has a monopoly on the wisdom needed to make our country safe. I urge my colleagues to support a bill that incorporates the recommendations of the 9/11 Commission.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding me this time.

Much has been mentioned on this floor about what has been left out of this report and things put in that were extraneous. Well, I do not know how those of us on the Committee on the Judiciary can support this bill when so much of the work we included in the bill was stripped out of it.

My colleagues on the other side of the aisle, when they visited New York, were amazed and awestruck about the level of preparedness we in New York had, and I think even the Speaker said that we need to do more for New York. In the September 11 report, they said we need to do more. In our committee we included a provision to fund the anti-terrorism cops. Stripped out in this bill on the floor. We included a provision to allow all localities to

make retroactive application for funds. Stripped out in this bill. We certainly did not include any language to have a minimum guaranty for cities like New York, to make sure if the list grows too long, they still have the basic amount they need.

What we did manage to do is do the opposite of what the September 11 Commission recommended, which was to have a minimum guaranty for all States irrespective of their needs. I just hope my colleagues remember that when the agriculture bill comes on the floor and those of us from Brooklyn and Queens and Manhattan come and we say we want a minimum guaranty of wheat subsidies or corn subsidies.

But I will tell my colleagues something that certainly did get included in the bill, is a provision on page 395 of the bill, saying "it is the sense of Congress we should have a more robust dialogue between the government of the United States and the government of Saudi Arabia in order to provide a reevaluation and improvements to the relationship by both sides." What is it with the love affair that you have with the Saudi Arabians?

The problems with our relationship on both sides? Have we jacked up their gas prices? Did we not be thankful to them when they defended our country? Did we send 15 of 19 bombers to their country?

Why do you keep doing this, every time we stand up in this House and say, enough with the Saudis, you stick language like this back in. What is with the love affair of President Bush and your party with the Saudi Arabian government? They are not our allies. They have not behaved like our allies. Yet, in the September 11 report, in the ultimate sign of contempt for the victims, you are laying down and prostrate at the feet of the Saudi Arabians. It is a shame.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for yielding me this time.

Mr. Chairman, I strongly support H.R. 10. This legislation includes important immigration provisions that are vital to improving homeland security. The expansion of expedited removal is particularly important to me because it is a provision I originally authored in the Illegal Immigration Reform and Immigrant Responsibilities Act of 1996.

Back in the mid 1990s, thousands of aliens arrived at our airports without valid documents and then made fraudulent asylum claims. They knew they would be released into the community pending their asylum hearing, and few were ever heard from again. We created expedited removal to allow us to immediately return an alien to their country of origin if they showed up in the U.S. without proper documentation. The re-

sult is that we no longer have a serious problem of aliens arriving with false documents at airports.

The situation is much different on our land borders. Every day thousands of aliens enter the country illegally, and because we do not have adequate detention space, they are released pending a hearing. A high percentage of these aliens, and this should not surprise anybody, are not from Mexico, they are from every other country you can imagine.

The Department of Homeland Security recently reported that aliens have been apprehended on our borders from such countries as Iran, Saudi Arabia, and Syria. The 1996 Act created authority for the administration to use expedited removal for any alien in the country illegally, but until recently, they have not made use of that authority. The 9/11 Commissioners expressly pointed out how dangerous it is not to have expedited removal at our land borders. Potential terrorists will attempt to cross our land borders, and we should help the administration stop these terrorists from entering the United States. Mr. Chairman, I am pleased that section 3006 of this legislation would expand expedited removal to our land borders.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. SCHIFF), a former U.S. attorney and a distinguished member of the California bar.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Menendez substitute, a substitute that closely adheres to the recommendations of the 9/11 Commission, and most importantly, from my point of view, incorporates the 9/11 Commission's recommendation that we strengthen our efforts to prevent the proliferation of nuclear material, technology, and expertise around the world.

In the Committee on the Judiciary, I offered a series of amendments, some which adopt the language now found in the Menendez substitute, which was in McCain-Lieberman, to strengthen our nonproliferation efforts; others that identify and prioritize the sites of highly-enriched uranium around the world, those amendments were adopted. I want to thank the chairman and the ranking member for their support in committee. They were also supported by the Chair of the Committee on International Relations.

But for some reason, Mr. Chairman, they were stripped out of this bill prior to its arrival on the floor, leaving this base bill far weaker than the substitute when it comes to the number one danger facing this country, as the President and Senator KERRY outlined in the debates, the threat of nuclear terrorism. The Menendez substitute addresses this problem, and I support it.

Mr. CONYERS. Mr. Chairman, I am now pleased to yield 30 seconds to the gentleman from California (Ms. LOFGREN), a distinguished member of the Committee on the Judiciary.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, if you just read the title of this bill, you might think the House is finally acting on the 9/11 Commission. But if you read the bill's content, you find, sadly, no.

Out of the 41 recommendations by the Commission, only 11 are in the bill, 15 are incomplete, 15 were totally ignored, and there are 50 extraneous poison pill provisions.

The Menendez substitute is the 9/11 Commission recommendations. This bill is not. And I hope that we will support the 9/11 families and the Commission by adopting the Menendez substitute instead of this flawed measure.

The independent, bipartisan 9/11 Commission, issued its report on July 22nd. A full 78 days have passed since this important document was published. Today we are voting on a bill entitled, "9/11 Recommendations Implementation Act." If you just read the title of the bill, you might think the House is finally acting on the recommendations of the 9/11 Commission.

Yet, upon closer examination of the bill, you realize the title has little to do with the bill's content.

There are several provisions in this bill that have absolutely nothing to do with the recommendations by the bipartisan, independent 9/11 Commission. There are others that simply miss the point made by recommendations of the 9/11 Commission. Worse yet, there are several Commission recommendations that are totally ignored.

Out of 41 recommendations made by the 9/11 Commission, only 11 are addressed in the bill, 15 are incomplete, and 15 were totally ignored. Over 50 extraneous "poison pill" provisions that were not recommended by the Commission are included.

In H.R. 10, the Republican leadership simply ignored some of the most important recommendations made by the 9/11 Commission. H.R. 10:

Fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies; fails to strengthen U.S. efforts to prevent the proliferation of nuclear weapons; fails to secure U.S. borders by integrating disparate screening systems; fails to mandate and fund the use of explosive detection devices for airline safety; fails to provide radio spectrum for first responders to communicate during emergencies; fails to provide additional security assistance to Afghanistan or economic development assistance to Arab and Muslim countries.

H.R. 10 contains several provisions that undermine Commission recommendations by weakening Congressional oversight and giving the President too much power in reorganizing the intelligence agencies. The bill includes controversial immigration and tort provisions that had nothing to do with 9/11 Commission recommendations. They will delay or ultimately frustrate enactment of 9/11 Commission recommendations.

The bipartisan, independent 9/11 Commission should not be exploited today to enact the majority party's agenda that has very little to do with the Commission's recommendations.

It is time for the Republican leadership in this House to take the 9/11 Commission seri-

ously. We should pass a bill that truly implements the 9/11 Commission recommendations, such as the bill that was passed by the Senate yesterday, or the Menendez amendment in the House today. Unlike H.R. 10, the Senate bill was worked out in a bipartisan fashion with a vote of 96-2, and has been endorsed by the 9/11 Commission.

More importantly, the Menendez substitute has the strong support of the 9/11 families, who know too well the tremendous suffering that comes with a terrorist attack.

The republican leadership in this House is ignoring the families of the 9/11 victims, the 9/11 Commission, and a strong agreement reached in the Senate in a bipartisan fashion. It is time for the Republicans to stop playing politics with our Nation's security. Let's vote against H.R. 10 and instead for a bill that represents a consensus across the political spectrum.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from North Carolina (Mr. WATTS), the ranking member on the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, to close for our side.

(Mr. WATT asked and was given permission to revise and extend his remarks.)

Mr. WATT. Mr. Chairman, since 9/11, numerous groups have found that, along with the imperative to enhance the flow of information necessary to detect, combat, and prevent future acts of terrorism, comes a parallel and increased imperative to protect the privacy and civil liberties of individuals. These groups believe that balancing security and liberty is not only possible but fundamental to the fight against terror. In other words, they believe that individuals should have personal rights and privacy even after 9/11.

The report of the 9/11 Commission was equally clear on this point, stating that, "The shift of power and authority to the government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life."

Chief among the Commission's recommendations was the recommendation that an entity within the executive branch be established "to look across the government at the actions we are taking to protect ourselves to ensure that liberty concerns are appropriately considered." That was a clear unequivocal recommendation of the 9/11 Commission.

I find it astonishing that this bill that we are considering today completely ignores this recommendation and fails to create a board to protect the civil liberties of the American people. Refusing to establish a civil liberties watchdog is an insult to the unanimous bipartisan 9/11 Commission report and an affront to the values we cherish.

Further, by refusing to establish a civil liberties watchdog in this bill, the bill is also inconsistent with the bill reported favorably from the Committee on the Judiciary and it is inconsistent with the Senate Bill.

Last month, at a joint hearing of the Subcommittee on Commercial and Administrative Law and the Subcommittee on the Constitution, two members of the Commission testified that the board should have quite robust powers, and that the board should be independent and should be powerful enough so that it gets listened to.

Consistent with these views of the distinguished members of the 9/11 Commission, during the markup of H.R. 10 in the Committee on the Judiciary, I offered an amendment to create a strong bipartisan board to supervise civil liberties compliance. After substantial debate about one aspect of the amendment, whether the board should have subpoena power, the Committee on the Judiciary passed a bill that included a version of my amendment. But it did include a civil liberties board.

It is, therefore, unbelievable that this bill, while giving the government even broader powers that may affect the freedoms of our citizens, flatly rejects the obligations to protect those freedoms from abuse. The American people should not be asked to sacrifice the very liberties they are defending against terrorist attack without the benefit of a board with genuine oversight authority. I request my colleagues to reject this bill and support the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time to close.

Mr. Chairman, I have been listening to this debate since it began several hours ago. And those who are promoting the Menendez substitute, time and time again, criticize the base bill, H.R. 10, for extraneous and unrelated issues. Mr. Chairman, let me be blunt. Many of these extraneous and unrelated issues are designed to prevent terrorists from coming to our borders; or, if they get inside the United States, making sure that they do not game the system to be able to stay here and have the time to plot to do ill to America and its people and its values.

I would like to talk about a couple of these issues. First of all, aliens who apply for American drivers' licenses will have to present a passport. We know that the driver's license is the type of ID that is used at airports and other transportation facilities, as well as to prove a person's age when they are buying alcohol or tobacco. If the driver's license that is issued by a State Department of Motor Vehicles is based on phony and insecure identification, then that person can use the result of the use of the phony and insecure identification to be able to do a lot of things, including hijack airplanes and get on them and fly those airplanes into buildings.

We have heard a lot about some of the changes in the immigration law that are contained in the base bill but not in the Menendez substitute. Let me say that those changes in the immigration law are designed to get at people

who are criminals, and not United States citizens, and deal with them, like the deportation of criminal aliens and those that wish to use the asylum laws to game our system, like Sheikh Rahman did when he was plotting the bombing of the World Trade Center in 1993.

□ 1730

There is a difference between illegal aliens who wish to game the system and those that overstay their visas and those people from other countries who wish to come here to live legally and peacefully. And unless we tighten up the system, it is this latter group that are going to end up being tarred with the sins of the former group. The provisions in the base H.R. 10 bill that deal with expedited removal, et cetera, are designed to protect legal immigrants to the United States so that they do not have to pay for the sins of those who wish to commit crimes and acts of terrorism. That is why those provisions ought to stay in this bill and not be stricken out during the amendatory process.

The base bill is a good bill. It makes America safer than the Menendez substitute and the Senate-passed bill and ought to be approved.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). All time having expired for the Committee on the Judiciary, it is now in order to recognize the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for 10 minutes each.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

The final report of the 9/11 Commission made recommendations on how best to confront the threat of terrorism in the 21st century. Of these 44 recommendations, one-third of them fell within the jurisdiction of the House Committee on International Relations.

H.R. 10 will prepare us to better respond to this threat using all available tools as recommended by the commission, including diplomacy, public diplomacy, international cooperation, foreign aid, sanctions, covert action, security enhancement, and military force when necessary. H.R. 10 goes beyond the mere urging of the issuance of a report or a "sense of Congress" as many of the other legislative initiatives propose.

It offers practical, focused, and concrete initiatives that take effect immediately. Although some foreign policy issues are addressed in the Menendez substitute, it mainly addresses only intelligence reform efforts while H.R. 10 delves more deeply into foreign policy and diplomacy efforts which, I might add, were developed in a bipartisan

fashion with my good friend from California, the ranking member of the House Committee on International Relations.

For example, I refer Members to the response to the commission's recommendation to define and defend our ideals abroad. H.R. 10 places the emphasis on training, language proficiency, and a creative recruitment process to fulfill our various public diplomacy needs. The Menendez substitute has no comparable provisions.

The commission remarked on the need to develop a comprehensive coalition strategy against Islamist terrorism. The Menendez substitute offers no comparable response, while H.R. 10 has a series of provisions to strengthen the capabilities of the State Department to engage in multilateral diplomacy and to build working relationships with like-minded democratic nations.

Another difference between H.R. 10 and the Menendez substitute is how we propose to deal with countries that provide sanctuary for terrorists. H.R. 10 requires the President to develop a strategy to eliminate terrorist sanctuaries and, most importantly, requires that U.S. exports be regulated to countries that act as sanctuaries. The Menendez substitute includes no such provision.

Another example of how H.R. 10 translates the broad recommendations of the 9/11 Commission into concrete action is the creation of a terrorism interdiction initiative modeled after the successful proliferation security initiative, and the establishment of regional counterterrorism centers and terrorism prevention teams. The Menendez substitute contains no such provisions.

The commission could not have been clearer that targeting travel is at least as powerful a weapon against terrorists as targeting money. H.R. 10 includes specific language which expands two important programs that screen passengers and inspect passports and visas of U.S.-bound visitors prior to their departure at foreign airports. The Menendez substitute has no comparable provisions.

H.R. 10 also increases staffing and improves training of our consular officers who are the first line of defense in screening out potential terrorists. In addition, it increases penalties for convictions involving fraudulent government-issued visas and passports. Again, the Menendez substitute is silent.

In line with the 9/11 Commission's recommendations, H.R. 10 explicitly requires the State Department to make denial of terrorist mobility a top priority of the Department's chief counterterrorist official. No similar provision exists in the other legislative option.

With regard to Afghanistan, which is just 2 days away from its first national elections, the provisions included in H.R. 10 are far superior to those in the Menendez substitute. The commission

concluded that the allocation of reconstruction funds in Afghanistan was too compartmentalized. We have solved that problem with the appointment of a coordinator tasked with broad authority. H.R. 10 also restates our commitment to the rule of law and vital education programs in Afghanistan.

Mr. Chairman, although the Menendez substitute represents a serious effort to address a few of the problems posed by terrorists to the security of this country, its unspoken premise is that difficult problems can be easily solved by the simple act of throwing money at them. In the final analysis, we cannot substitute money for careful thought, nor can we buy our way out of the difficult task of crafting wise and effective policies. H.R. 10 does not just throw money at the problem, it defines priorities by which to eliminate fragmented management and operations structures, redirecting resources to where they are most necessary in order to build intelligence capabilities to counter terrorist threats through the best possible means, exactly as the commission recommended. It is time to enact these concrete solutions to confront the threat head-on.

The National Commission on Terrorist Attacks upon the United States criticized the United States Government on its fragmented management and operations structures and questioned its ability to direct resources where necessary to best build intelligence capabilities to counter terrorist threats or to address broader issues of national security challenges. The final report issued 44 recommendations on how to best confront this threat. Of these 44 recommendations, one-third of them, or fifteen, fall within the jurisdiction of the House International Relations Committee.

In sum, these recommendations suggest that the United States use all tools available to respond to this threat, including: diplomacy, public diplomacy, international cooperation and coordination, foreign aid, sanctions, covert action, security enhancement and military force when necessary. With each of these instruments, the United States should focus its efforts on attacking terrorists and their organizations, preventing the continued growth of terrorism, and protecting against and preparing for future attacks.

H.R. 10 goes beyond the mere urging of the issuance of a report or a "Sense of Congress," as many of the other legislative initiatives propose. It offers practical, focused and concrete initiatives that take effect immediately, rather than waiting for another study to determine whether the full recommendation of the Commission should be implemented. To put it simply, the authors of H.R. 10 did not stop reading the Commission's report halfway through, but instead, crafted thoughtful solutions to the tough recommendations. We took the abstract and made it concrete.

Although some foreign policy issues are addressed in the Menendez Amendment, it mainly addresses the first "track" on the intelligence reform efforts, while H.R. 10 delves more deeply into foreign policy and diplomacy efforts. In fact, many of the provisions of H.R. 10 were developed in a bipartisan fashion, gaining the expertise and guidance of my dear friend from California, the Ranking Member of

the House International Relations Committee, TOM LANTOS.

For example, I refer you to the response to the Commission's recommendation to "define and defend our ideals abroad," or conduct better public diplomacy. H.R. 10 places the emphasis on training and the creative recruitment process to find the skill-set needed, such as language proficiency, for the various public diplomacy needs. The Menendez Substitute does not offer anything more than reporting requirement or non-binding "Sense of Congress" language. H.R. 10 directs the State Department, in coordination with other government agencies involved with communications or public outreach, to collaborate on a strategic plan and conduct annual assessments to measure progress.

Expanded broadcasting to the Muslim world is too new to fairly evaluate. Sufficient time is necessary to determine the appropriate course corrections, if any. However, I recognize that professional, contemporary communications are "a must" as we compete against satellite networks feeding misleading news to the region.

The Commission remarked on the need to engage other nations in developing a comprehensive coalition strategy against Islamist terrorism. The Menendez Substitute offers virtually no response to this suggestion, while H.R. 10 has a series of provisions designated to specifically strengthen the capabilities of the State Department in the multilateral arena. It addresses the systemic weaknesses of the Department on the multilateral front by increasing training and education. H.R. 10 also addresses the importance of building working relationships with like-minded democratic nations through the work of such organizations as the Community of Democracies and through the establishment of a democracy caucus at the United Nations.

Another difference between H.R. 10 and the Menendez Substitute is how we propose to deal with countries that provide sanctuary to terrorists. H.R. 10 provides a clear policy statement on terrorist sanctuaries, requires the President to develop a strategy to address and eliminate terrorist sanctuaries and, most importantly, requires that U.S. exports be regulated to countries that are found to be terrorist sanctuaries. This provision puts meat on the bones. It directly implements the 9-11 Commission charge to "use all elements of national power" by saying that if a foreign country provides sanctuary for terrorists, then we will condition the trade of our goods and services with that country. There is no such provision in the Menendez Substitute. It contains only identical findings, non-binding policy language and a one-time report.

Another example of how H.R. 10 translates the broad recommendations of the 9-11 Commission into concrete actions is the creation of a Terrorism Interdiction Initiative, modeled after the successful Proliferation Security Initiative. The 9-11 Commission calls for expanded collaboration with other governments on terrorism. Other legislative initiatives only have "Sense of Congress" provisions suggesting the establishment of a contact group. By contrast, H.R. 10 mandates the negotiation, on a bilateral basis, of international agreements to secure global support, cooperation and coordination, and to maximize and integrate resources for attacking terrorists and terrorist organizations. It establishes specific

requirements for these agreements under the Terrorism Interdiction Initiative which include "Interdiction Principles;" establishment of Regional Counter-terrorism Centers; and establishment of Terrorism Prevention Teams to address current and emerging terrorist threats.

On the important question of curtailing terrorist travel, the Menendez Substitute falls short of the provisions contained in H.R. 10. The Commission could not have been clearer that "targeting travel is at least as powerful a weapon against terrorists as targeting money." H.R. 10 includes specific language which expands two important programs that screen passengers and inspect passports and visas of U.S.-bound visitors prior to their departure from foreign airports. This keeps terrorists away from our shores, and perhaps most importantly, it prevents those who want to do us harm from even boarding flights headed for the United States. The Menendez Substitute has no comparable provisions.

H.R. 10 also increases staffing and improves training of our consular officers who are the first line of defense in screening out potential terrorists. In addition, the legislation increases penalties for convictions involving fraudulent, government-issued visas and passports. Again, the Menendez Substitute does not address these problems.

In line with the 9-11 Commission's recommendation, H.R. 10 explicitly requires the State Department to make denial of terrorist mobility a top priority of the Department's chief counterterrorist official. No similar provision exists in other legislative options.

With regard to Afghanistan, which I might add is just two days away from its first national elections, the provisions included in H.R. 10 are far superior to the Menendez Substitute. The Commission concluded that the allocation of reconstruction funds in Afghanistan was too compartmentalized. We have solved that problem with the appointment of a coordinator tasked with broad authority. H.R. 10 also restates our commitment to the rule of law and vital educational programs in Afghanistan.

Mr. Chairman, although the Menendez Substitute represents a serious effort to address a few of the problems posed by terrorists to the security of the United States, its unspoken premise is that difficult problems can be easily solved by the simple act of throwing money at them. We have no shortage of examples of government programs where this approach has not only failed, but actually rendered our problems worse. Here, the greatest danger stems from the complacency that will result from our merely having increased spending while congratulating ourselves for having taken swift action.

In the final analysis, we cannot substitute money for careful thought, nor can we buy our way out of the difficult task of crafting wise and effective policies. H.R. 10 doesn't just throw money at the problem. Instead, it defines priorities by which to eliminate fragmented management and operations structures, redirecting resources to where they are most necessary in order to build intelligence capabilities to counter terrorist threats through the best possible means—exactly as the Commission recommended. It is time to enact these concrete solutions to confront the threat head-on.

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

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the country is at war, and the first requirement of a country at war is unity. Yesterday, the other body voted 96 to 2 to approve legislation that the 9/11 Commission's chairman, former Republican Governor of New Jersey Tom Kean, hailed as "a dream come true." Afterward, one of the Republican authors of that legislation, a universally respected and admired war hero, said, "This is one of my prouder moments because of the way this entire body has acted in the national interest."

Mr. Chairman, what will we in what is known as the people's House be able to say of our debate today when it is done? That we pulled together in the same spirit that all Americans showed when we came together after September 11? Or that we deepened divisions by subjecting this process to rancorous and divisive partisanship?

Later in this debate, we will have the perfect framework to bring unity to our Nation that experienced such unspeakable loss of life on September 11, a Nation that in the heat of an election season is becoming divided even over things that once brought us together. The Menendez substitute reflects the recommendations of the bipartisan 9/11 Commission which in turn have been strongly endorsed by those who lost the most on that tragic autumn day, the families of the victims of September 11.

The Menendez substitute, Mr. Chairman, minutely follows the unanimous recommendations of the bipartisan 9/11 Commission and of the legislation approved yesterday by the other body, let me repeat, by a vote of 96 to 2. The most conservative Republicans and the most liberal Democrats saw fit to vote for that legislation which is the Menendez substitute. The two dissenters raised no substantive concerns whatsoever. They simply believed that the bill was moving too fast through the legislative process.

Mr. Chairman, if there are no major substantive problems with the legislation approved by the other body, why do we need to reinvent the wheel? Or perhaps more aptly, spin our wheels on legislation with divisive additional measures and legislation that does not reflect the 9/11 Commission's report?

The American people do not wish to see further divisions in Washington. Troops are bleeding in Afghanistan and Iraq, tens of thousands of military families have been affected dramatically, but the bill before the House only exacerbates divisions that are fueled by the fervor of a national election. We may disagree on the virtues and shortcomings of the two major proposals, but we can all agree that divisiveness and partisanship are contrary to our national interest in the autumn of 2004. Soon we will hear some severe criticism of the Menendez substitute, but I ask my friends across the aisle, how can the Menendez legislation be so terrible since every single Republican Senator voted for it?

While I strongly support the Menendez substitute, I would be remiss if I did not acknowledge the bipartisan spirit in which the distinguished chairman of the Committee on International Relations, my dear friend from Illinois (Mr. HYDE), approached the provisions of this legislation which are within the jurisdiction of the Committee on International Relations. Chairman HYDE took into account Democratic views in crafting title IV of this bill; and I support many of its provisions, although some measures the Democrats had proposed were left out.

Mr. Chairman, we are at the hinge of history. The 9/11 Commission has spoken and the Nation is waiting. Now Congress must move assertively to further protect our Nation's security by enacting legislation in line with the commission's findings and what the American people want: well-laid plans for our security that do not sacrifice our solidarity.

Mr. Chairman, in a short while we will have the opportunity to vote for a bill strongly endorsed by the bipartisan 9/11 Commission, the families of the victims, and 96 Members of the other body, and to speed this critically important bill to the President's desk. The other choice is a partisan bill that does not embody all of the 9/11 Commission's intentions. I urge all of my colleagues to support the Menendez substitute.

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

ANNOUNCEMENT BY THE CHAIRMAN PRO  
TEMPORE

The CHAIRMAN pro tempore. The Chair reminds all Members that it is not in order to cast reflections on the actions of the Senate or its Members, individually or collectively.

□ 1745

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, at the appropriate time, I intend to offer amendments to strike two provisions of H.R. 10, section 3006 and 3007, which, if enacted, would radically alter U.S. immigration law and put true refugees, bona fide refugees, at risk of injury or harm.

My amendments are supported by approximately 40 religious, refugee and human rights organizations, including the Catholic Bishops Conference, Hebrew Immigrant Aid Society, Human Rights First, Boat People SOS, Refugees International, and many others.

I want to point out to my colleagues that the Bush administration in its statement of administration policy, SAP, which I just received a few minutes ago, makes clear that the administration strongly opposes the overbroad expansion of expedited removal authority which is contained in the underlying bill. These sweeping changes that I would strike, Mr. Chair-

man, were not recommended by the 9/11 Commission nor have these provisions been sufficiently vetted and analyzed to fully understand their effect.

What we do know is that section 3006 drastically alters and expands existing authority known as "expedited removal" and it could put hundreds of thousands of refugees at risk of immediate deportation.

What we do know is that section 3007, among other things, replaces a clear, longstanding defined "burden of proof" standard for proving an asylum claim with a brand new unfair test that will almost certainly result in deportation regardless of merit.

One might ask, what is wrong with expanding expedited removal? A lot. Expedited removal takes away the rights of legitimate asylum seekers to a fair hearing before the proper authorities.

Tomorrow, we will take this up or perhaps later on tonight. I hope Members will support the amendments.

Mr. LANTOS. Mr. Chairman, I yield 1½ minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the ranking member of the Committee on International Relations for yielding me this time and also for continuing to forge bipartisan consensus on Committee on International Relations issues.

Let me just say today that I rise in strong opposition to H.R. 10, which is the fundamentally flawed bill before us today, and in support of the Menendez substitute.

What a shame that the Republicans decided really to take, as I say, the partisan low road in crafting this bill and opted to play politics with the single most important issue facing this Nation today, our homeland security. What a shame, Mr. Chairman, that the Republicans inserted anti-immigrant and other controversial and really extraneous provisions into this bill. What a shame that the Republicans ignored at least 16, 16 provisions of the bipartisan 9/11 Commission's recommendations. And, yes, what a shame that this Republican bill is so weak, especially when it did not have to be.

But I guess, really, we should not be shocked by these actions. After all, the White House resisted the 9/11 Commission in the first place and really have taken every opportunity to politicize the most important of issues before this House.

Fortunately, we do have a stronger bipartisan alternative to H.R. 10. Fortunately, we have an alternative which respects civil liberties by creating a Civil Liberties Oversight Board. Fortunately, we have a bill which recognizes the true threat of nuclear proliferation by taking steps to strengthen efforts to secure nuclear materials. It is a bill that reflects the input of both sides of the aisle, days of consideration and debate and fully implements the 9/11 Commission recommendations.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to the gen-

tleman from New Jersey (Mr. MENENDEZ), the distinguished chairman of the Democratic Caucus, the author of the Democratic substitute.

Mr. MENENDEZ. Mr. Chairman, as a senior member of the Committee on International Relations, I am shocked that the Republican bill falls well short of the Commission's recommendations. On four key international relations proposals designed to reduce the threat of terrorism, our Democratic amendment provides new money while the House Republican bill does virtually nothing. On prioritizing efforts in Afghanistan, reforming education in the Middle East, promoting American ideals abroad, encouraging economic development in the Middle East, our bill provides real support, and their bill does virtually nothing.

Like the 9/11 Commission's recommendations, the Menendez substitute protects the United States by taking real action to secure the peace in Afghanistan, the home of the Taliban and breeding ground for bin Laden and al Qaeda. Our bill puts new money on the table to fight terror and promote democracy in Afghanistan. Their bill asks for new reports. When will we learn that Osama bin Laden attacked the United States, not Saddam Hussein?

Like the 9/11 Commission's recommendations, the Menendez substitute recognizes that the gravest threat our Nation faces today is the potential for a nuclear weapon to land in the hands of terrorists. That is why we must stop the spread of nuclear weapons and secure the world's existing stockpiles. Our amendment requires a plan to do exactly that. It also pushes the administration to secure loose nuclear material in the former Soviet Union and allows for increased funding to deal with proliferation threats elsewhere.

At a time when this country has secured less weapons material in the 2 years after September 11 than in the 2 years before it, the House Republican bill only calls for a study.

Vote for the Menendez substitute, which embodies the 9/11 Commission's recommendations on international relations and nuclear nonproliferation. That is, in essence, the way in which we strengthen America.

And I thank the distinguished ranking Democrat for his very strong statement and his expertise, and I only wish that we can get our substitute passed because it embodies his views.

Mr. HYDE. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I thank the gentleman from Illinois (Chairman HYDE) for yielding me this time.

And I want to commend the gentleman from Illinois (Chairman HYDE) for putting together a comprehensive package of reforms to reinvigorate U.S. diplomacy in our war against Islamist terror.

I think that this comprehensive legislation includes many provisions to

improve our safety, including cracking down on illegal U.S. visas and passports, and it gets the ball rolling towards the use of biometric, tamper-resistant machine-readable passports. Clearly, border security is national security.

I also wanted to speak in opposition to the amendment suggested by the gentleman from New Jersey (Mr. SMITH) for expedited removal. And I do that because an illegal alien who has been in the United States for less than 5 years under this proposal is subject to expedited removal unless he applies for asylum and shows a credible fear of persecution. Then he is exempted. So this bill addresses that issue.

But what the amendment proposed by the gentleman from New Jersey (Mr. SMITH) would do is eliminate the expedited removal provision. The reason we have the provision is that, currently, many of the illegal aliens picked up on the border have to be released, and they have to be released because of lack of detention space. So they are asked to show up to a special hearing, and, of course, 87 percent, as we know, do not show up for that deportation hearing. This bill was crafted to solve the problem. The gentleman from New Jersey's (Chairman SMITH's) amendment would prevent that.

Secondly, the Ninth Circuit in California has given asylum to illegal aliens whose home governments believe they are terrorists on the theory that they are being persecuted because of the political beliefs of the terrorist organization. So the provision of the bill provides that if the alien applying for asylum is believed to be a terrorist, the alien has to show that a central reason is persecution for race, gender, political beliefs or religion.

The CHAIRMAN pro tempore (Mr. LINDER). All time for debate has expired for the Committee on International Relations.

It is now in order to recognize the Committee on Transportation and Infrastructure. The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 10 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise to speak regarding H.R. 10, the 9/11 Recommendations Implementation Act.

I realize the importance of this legislation and understand the need for improving our intelligence gathering and coordination. The failure of our intelligence and law enforcement agencies to communicate has been demonstrated on numerous occasions. However, while there is no doubt that we must protect our country and our people from the threat of terrorism, we

must also protect the viability of our economy. I want to stress that, the viability of our economy, and if we do not do so, especially in our Nation's transportation, the bad guys have won.

The Committee on Transportation and Infrastructure has worked very hard on a bipartisan basis for the last 3 years to develop the best transportation security possible. It was our committee that proposed and passed the first legislation to create the Transportation Security Administration, TSA. We have improved that legislation and moved other bills that improved security as well. We have exercised our oversight jurisdiction both thoroughly and prudently and with due respect to the concerns of the Department of Homeland Security and other federal agencies.

H.R. 10 contains new recommendations from our committee regarding improvements in aviation security and additional improvements in the area of maritime security. The Committee on Transportation and Infrastructure also reported recommendations regarding the funding of first responders.

Recently, I personally experienced how it felt to be on TSA's no-fly list when I was confused with another person with the same name. This was not a pleasant experience, but I was able to clear up the confusion fairly quickly and continued on my trip. H.R. 10 includes recommendations from the Committee on Transportation and Infrastructure that will provide travelers who are misidentified by the TSA an opportunity to appeal.

I have serious concerns regarding section 5027, encouraging the Committee on Rules to act on the recommendation regarding committee jurisdiction prior to the next Congress. This House should have an opportunity for full and fair debate on any changes to the structure of the standing committees or any changes to their jurisdiction. There should be regular order and a fair process for consideration of changes that could have seriously impacts on all the stakeholders and industries who will be affected by the way we exercise our jurisdiction and carry out our oversight.

The decision regarding the rules of the House should be made at the beginning of the next Congress. This is not a fight about turf as some might claim. It is about doing the best job for legislating that we can for the American people and that requires both expertise and balance. The committee with a single focus only on security, not balanced by concern for the economic and other consequences, could result in posing unreasonable burdens on the taxpayers and our economic base.

The current recommendations of the Select Committee on Homeland Security eliminate the ability of the Committee on Transportation and Infrastructure to exercise legislation or oversight jurisdiction over transportation security. The Select Committee on Homeland Security's recommenda-

tion has extremely serious consequences and deserves full consideration over the coming months.

Should this bill go to conference, I strongly encourage the conferees and the Committee on Rules to refrain from taking action that would prevent a full and fair debate on the changes to the rules. As we legislate to protect the homeland security in all areas of our national life, we must look at the whole picture and find the right balance between security and economic stability.

And may I respectfully suggest to the leadership of the House on both sides of the aisle and those that might be in the conference, and I will be one of them, if we, in fact, change the rules without going through the due process, I will vote and work against this legislation. Because if we disrupt our economic base, if we cannot continue the mission of moving our goods and people, then the bad guys have won. So we have to be very careful what we do. As we rush to judgment to pass a piece of legislation recommended by the 9/11 Commission, I will assure the Members that I want to study it very closely to make sure that we provide the security that is necessary but keep in mind the economic well-being of our people in this Nation.

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

□ 1800

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I join at the outset with our chairman, the gentleman from Alaska, in expressing support for reserving to the next Congress the issue of jurisdiction of homeland security and how the matter of legislative authority over these issues should be handled. The gentleman is absolutely correct, and we are in full agreement.

Unfortunately, the bill we are considering, H.R. 10, implements only 11 of the 41 recommendations of the bipartisan 9/11 Commission. Our committee actually reported stronger language and better provisions than are in the vehicle before us today, and, had the process provided for it, our committee proposals in aviation and in transit would have been superior to what is in the pending legislation.

Actually the Menendez amendment in the nature of a substitute is superior. It implements all of the Commission recommendations and borrows from the other body's approach, which passed the other body 96 to 2. We are not likely to have that kind of outcome on the House floor today.

In a process where 50 items not recommended in the September 11 Commission report are added to this bill, our side is not allowed to offer amendments to the Menendez substitute in which we could have made major improvements, including not only those recommendations of our Committee on Transportation and Infrastructure, but many that we considered but have not yet acted upon.

Gaps exist, and, unfortunately, the September 11 Commission did not deal with highway, bridge, transit, rail and port facilities. We passed a port facility bill. We got it enacted, but it has not been funded.

The administration has not seen fit to put money into the port security requests that have come in the nature of some \$2.9 billion requested by ports, both saltwater, fresh water and river ports in the United States. They are woefully inadequately funded, and yet all of us recall the tragedy of the USS Cole and the merchant vessel Limburg just 2 years ago. I can envision a scenario when the same type of attack is made upon cruise ships or LNG tankers or chemical tankers.

There are also threats from the 6 million containers that enter U.S. ports every year. We have no comprehensive means of screening containers. We need to do that. We need to invest maybe not the \$7 billion the Coast Guard proposed, but something in that nature, and this H.R. 10 document does not move us in that direction.

Mr. YOUNG of Alaska. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MICA), and ask unanimous consent that he be allowed to control it.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 10. In fact, I think one of the most important parts of this legislation deals with aviation security. We have worked very hard over the past 2 years to try to come up with bipartisan solutions, things that really would make a difference. Many of those recommendations are contained in the 9/11 report.

Now, the 9/11 report is not perfect. It is put together by 10 people, and it does have some flaws in it. I want to talk about, unfortunately, the adoption and anatomy of adopting one of those flaws in the Menendez substitute which weakens the provisions of H.R. 10.

First of all, the Menendez substitute would strip vital provisions from H.R. 10. We have \$60 million in mandatory funding for checkpoint explosive detection devices. Nothing is more important or no greater risk.

Actually, there are two risks. One is someone walking through a 1950s metal detector technology, metal detectors we have at our airports, with explosives strapped to themselves, and those metal detectors will not detect that. We need to deploy them now. The Menendez amendment strips that.

Second is biometric identification. We cannot tell today Mohammad Atta from Sam Hill. We need a biometric identification provision. We have a bipartisan provision, which the Menendez substitute drops from this bill.

Another potential threat is shoulder-launched missile nonproliferation pro-

grams. We have worked hard in a bipartisan fashion to eliminate that threat, and we have a four-part, well-thought-out, well-reasoned approach to dealing with that threat. Again, the Menendez substitute weakens and destroys things that we have been working on.

We have improvements in arming our pilots, one of the most effective protective measures, and secondary cockpit barriers. We paid attention to looking at those weaknesses. And also the Menendez substitute weakens international air marshal deployment.

So, again, I rise in strong support of the provisions of H.R. 10.

One of the things that I wanted to address tonight, and, unfortunately, it has even reached the presidential debates, to those uninformed candidates and some of my colleagues on this floor who continue to try to scare the traveling public to suggest that our air cargo carried in on a passenger aircraft is not screened and that we must take extreme measures and build a bureaucracy and march forward in different directions. As a result, they have put forward proposals that are not only unworkable, but would bring this Nation's economy to a grinding halt.

In fact, the facts are that we have a risk-based system in place now. Is it flawless? No. The facts are that building a larger TSA bureaucracy is not going to solve the problem. In fact, it will make the problem worse. The facts are that scaring people and running around the country and saying "the sky is falling" is just wrong and irresponsible.

Let us talk about the Menendez amendment and how it deals with hardened containers. Let me give you the anatomy of the development. Turn to page 393 of the report and see what the Commission recommended. Our committee has worked on these issues day and night, weekends, tirelessly, and our staff, since September 11, and even before that, on aviation security issues.

The Commission recommends, "The TSA should require that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo."

That is not our recommendation. We met with these folks. Who in their right mind would allow suspect cargo on an aircraft? We have provisions already that do not allow "suspect cargo" on an aircraft. They also put "one hardened container." What a goofy idea. "One hardened container."

First of all, the current law that we have a definition of and we have used again to define what we want is "blast resistant container." So they just copied a recommendation without actually having it make sense.

Now, most of our aircraft that you fly on, a 737 that I fly on usually, an Airbus, regional jets that are our biggest proliferation of new aircraft, do not have aircraft containers. So what are we going to have to do, build one to put on there? They do not have containers. 737s have a container.

Think of how goofy this is. A 737, I am told, has 30 containers, so which container are we going to make blast resistant and allow suspicious cargo in violation of our current rules that do not even allow that? We are going to do "eenie, meenie, minie, moe, in which one would the explosive cargo go?"

And I am pleased that the gentle-lady from California, Ms. MILLENDER-MCDONALD, whose district includes the manufacturer of these containers, supported the testing proposal when it was unanimously approved by the Transportation Committee.

TSA is currently drafting new, comprehensive standards for air cargo security, which should be finalized in the next several weeks. TSA has in place risk based, layered air cargo security system.

These directives include key components on the Known Shipper Program, the Indirect Air Carrier Program, the Freight Assessment Program and other increased oversight initiatives.

In addition, the airline industry has taken steps to upgrade their extensive "known shipper" program, which is currently the basis for air cargo screening procedures.

Right now we have a risk-based security system that targets high-risk shipments for additional screening, and combines layers of security along the supply chain.

Contrary to rhetoric, the Department of Homeland Security pre-screens 100 percent of all cargo that comes into the United States and conducts 100 percent inspections of high-risk shipments.

Rushing ahead without carefully considering all the risks and all the implications of security mandates would be destructive to ongoing efforts and have far-reaching and damaging implications.

The Department of Homeland Security's (DHS) has warned that some mandates could "damage their efforts to provide security in the aviation environment and ensure the smooth flow of legitimate goods and people."

DHS has also warned that due to "significant technology limitations," ". . . there is no practical way to achieve 100 percent manual screening and inspection of all air cargo."

Only with technology can we effectively screen air cargo. Why do we not have that technology—I ask Senator PATTY MURRAY who in 2002 diverted R&D funds.

Therefore, given the lack of technology for screening air cargo, any mandate to screen 100 percent of cargo on passenger aircraft would require actual physical inspection of each piece of cargo placed aboard a passenger aircraft.

Now I know that my colleagues from the other side of the aisle would like this approach, because then we could hire thousands more screeners to do this work. According to the IG manual screening for weapons and explosives is the least effective means of detection.

This type of requirement would grind the transportation of air cargo to a virtual halt, or it would also result in a situation where passenger carriers would be denied the ability to transport cargo and guarantees the final nail in the bankruptcy coffin of our ailing major airlines.

Just as important, communities who rely on air cargo to receive much needed supplies, medicines, food, mail, and other necessities of life will be left high and dry.

We've spent \$10 billion dollars since 9/11—just for passenger screening. And \$6 billion of that on labor-costs alone—48,000 Federal screeners. All for a screening system that the DHS Inspector General reports fails to detect the most dangerous items most of the time.

We let the Fear-mongers push an unworkable deadline for baggage screening. Consequently, in our haste, we've wasted billions on ineffective, labor-intensive stand-alone and ineffective manual trace systems. If we had done it right in the first place, we would already have highly effective and highly efficient systems for passengers, baggage and cargo.

You would think that we would have learned from our mistakes—and not react in a knee jerk fashion. We need to be smarter about where we place our scarce and limited resources.

We must find the proper balance between enhancing air cargo security while ensuring that the flow of air commerce is not disrupted.

The Department of Homeland Security is doing all it can to find additional ways to enhance air cargo screening while technology catches up.

TSA budgeted about \$55 million for fiscal year 2004 for research and development projects to enhance air cargo security.

Projects being funded include a pre-screening system to identify high-risk cargo, and technology and equipment to screen containerized air cargo and mail.

TSA also budgeted an additional \$45 million in fiscal year 2004 for key initiatives in air cargo security oversight, including known shipper enhancements, canine explosives detection and 100 additional cargo inspectors.

And, both the House and the other body have allocated \$75 million in research and development funds for air cargo security in fiscal year 2005.

Clearly air cargo security is being given much attention by both the Congress and the Administration.

Bottom line, the Department of Homeland Security is the proper entity to lead this effort and Congress should refrain from micro-managing this process.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. MICA) has expired.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, yesterday the Senate overwhelmingly passed a bipartisan bill that would make needed changes to our Nation's intelligence community. Ninety-six Senators voted for it and the 9/11 Commission supported it. Whether you read the executive commission report, the executive summary or the full report, it is quite specific what they recommend.

Everyone recommends it, except the leadership of the House of Representatives. Once again, the important work of this body has morphed into a political exercise, and it is an additional tragedy that this comes as no surprise to any of us.

The leadership had their chance to proceed on this critical endeavor in a judicious, fair and thoughtful manner.

H.R. 10 fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies. H.R. 10 fails to fully address transportation modes, such as inner-city rail and public transit. H.R. 10 fails to provide additional security assistance to Afghanistan or economic development assistance to Arab and Muslim countries. Yet somehow 50 extraneous provisions, none of which were recommended by the 9/11 Commission, have been added.

So today I will support the Menendez substitute. This substitute is based on the bipartisan Senate bill to fully implement the 9/11 Commission recommendations. It is the most effective approach to ensure that this process does not get sidetracked or enmeshed in a superfluous quagmire.

The safety and security of our Nation deserves more than the political ploys of the House leadership. I implore my colleagues to vote for the Menendez substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the ranking member for yielding me time and for his work on this issue, and I thank the gentleman from Florida (Chairman MICA) too.

I believe the chairman and I share an opinion, and that is that the greatest threat to today's civil aviation is explosive devices. There are several ways in which the explosive devices can get on the plane. One is cargo. We have already talked about the inadequacies there. This bill does nothing to deal with that. Another is baggage. I had hoped this bill would deal with that.

In fact, our committee dealt with it. We doubled the annual investment in in-line automated baggage screening, but, strangely enough, that money disappeared before this bill came before us today. That is unfortunate.

When you link that to the fact that the majority party has arbitrarily limited the number of screeners we can have so they are not even utilizing the inadequate trace equipment and other things they have, and we have reports on how sometimes they cannot even operate the machines they have because they do not have enough people, we are not investing in the people and we are leaving gaps.

The bill does improve and begins to deal with the threat of suicide bombers and carry-on explosives, \$30 million a year. We should do more. The Transportation Security Administration's own expert on this says it is a mature technology, we are using it to guard nuclear plants, military bases, we do not need to be testing it, we need to deploy it.

The \$30 million a year in this bill is a lot better than what the administration is doing today. It is still not enough. We should have a goal of immediately purchasing and deploying explosives detection for all passenger checkpoints and carry-on bags, dou-

bling at least the budget for in-line explosive screening, and doing a bottom-up survey to find out how many people we really need to do this job. It has never been done.

We had an arbitrary cut in the number of screeners. 11,000 were cut by the chairman of the Committee on Appropriations of jurisdiction. For what reason? Well, he said because we are going to buy new equipment. Then, of course, he did not fund the new equipment.

So we are leaving extraordinary gaps in our Nation's security. This is of tremendous concern and it should be, to the traveling public. This is a foolish place to save money. We can borrow money to give tax cuts to millionaires and billionaires. We can borrow to build infrastructure and provide security in Iraq. But we cannot afford the investment we need in the United States of America to do the things we need to do to make flying safe and prevent a tragedy like happened in Russia, which we have been predicting for more than 2 years is likely to happen here.

□ 1815

I wish that we could get the vote on a bill that would do all of those things. They will not let us do it.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy for yielding me this time, and his leadership.

Indeed, following on the heels of my friend, the gentleman from Oregon (Mr. DEFAZIO), our distinguished ranking member on the Subcommittee on Aviation, with the gentleman from Florida (Chairman MICA) and with the gentleman from Florida (Chairman YOUNG), we know in our committee how to work together to solve problems. We should be celebrating today what should be the ultimate expression of bipartisan support to make America safer.

Sadly, as has been chronicled by my friend, the gentleman from Oregon and others, that is not what we are doing today. We bypassed these opportunities and, instead, we have inserted in this bill provisions that would allow the deportation of suspects to countries where they can be tortured, enshrining a bizarre and despicable practice, even after the debacle at Abu Ghraib. It is not just immoral and in violation of treaties we have signed; it is a terrible risk to American lives.

If we were working together the way we know we can in our Committee on Transportation and Infrastructure, we would not have provisions like this. We would have been able to work through the Commission recommendations, not leaving out 14 that are incomplete and 16 not included at all, but the way the other body has done, supported by the administration.

We would not have failed to take action to strengthen nuclear counter proliferation efforts. We would find a way



to provide additional security assistance in Afghanistan, and we would not be in a situation where we failed to bring together, to give the National Intelligence Director sufficient authority over the budget and personnel of all of the intelligence agencies. We still have not remedied a fundamental flaw in our system that was made so evident in the report from the 9-11 Commission, what every Member of this House who has looked at it has discovered, that the FBI and the CIA could not communicate with each other, let alone with people within their chain of command.

Mr. Chairman, we can do better. The America public deserves better. We need to reject this proposal, adopt the Menendez amendment, and use that as a point of departure to give the American public the security they need, want, and deserve.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, all in all, unfortunately, we had a great opportunity to do something really good with this H.R. 10 from the recommendations of our committee. Had we gone further to deal with Amtrak and other rail protections, include our transit security provisions, and expand that to port security, we could have had a really good bill if our committee had been permitted to participate in the full, open process, instead of spending an enormous amount of time, like we have done over the last couple of days, naming post offices and other minuscule resolutions.

We have not achieved the goal that we should have of a really substantive bill.

The CHAIRMAN. All time has expired for the Committee on Transportation and Infrastructure.

It is now in order to recognize the Select Committee on Homeland Security. The gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I yield myself 3 minutes and 45 seconds.

I rise in strong support of H.R. 10, the 9/11 Recommendations Implementation Act.

Mr. Chairman, as chairman of the Select Committee on Homeland Security, I want to begin by thanking my ranking member, the gentleman from Texas (Mr. TURNER). The significant portions of H.R. 10 that were produced by the Select Committee on Homeland Security will represent the lasting contribution of our retiring colleague, and he is to be congratulated for his hard work in this effort.

I am sponsoring this legislation, H.R. 10, because I believe it represents a significant step in our ongoing battle to protect our Nation from terrorism. It is a truly comprehensive response to the 9-11 Commission recommendations.

Although the Commission's report and its recommendations are only 2

months old, the Select Committee on Homeland Security has been working on these very issues for 2 entire years; issues such as reforming our first responder funding system, enhancing interoperable communications, integrating intelligence and operational information to better track terrorists and frustrate their planned attacks, and improving information-sharing and cyber security. All have been the work of this committee.

Building on this work in over 50 hearings over 2 years, the Select Committee on Homeland Security has held hearings this August with the 9/11 Commission. We took testimony from Chairman Kean and Vice Chairman Hamilton, and from the Secretary of the Department of Homeland Security, Tom Ridge, among others, about the substance of these recommendations and the substance of this legislation. Based on this work, the Select Committee on Homeland Security has included in this legislation several proposals that comprise the bulk of H.R. 10.

First, reform of first responder grant funding, Title V, subtitle (a) of H.R. 10, fully incorporates H.R. 3266, the Faster and Smarter Funding For First Responders Act. This legislation satisfies each and every one of the 9/11 Commission's recommendations concerning the delivery of Federal homeland security assistance to State and local governments. Of all the proposals to reform Federal terrorism preparedness funding, H.R. 10 best exemplifies the spirit and intent of the Commission's recommendations in this area.

Specifically, H.R. 10 will require the Department of Homeland Security to prioritize homeland security assistance grants based upon risk to persons and to critical infrastructure. That is a key Commission recommendation. H.R. 10 requires the Department of Homeland Security to establish specific and measurable essential capabilities for State and local government terrorism preparedness, based on the recommendations of a 25-member advisory body comprised of first responders themselves, another key Commission recommendation that will help to control and prioritize spending in this area.

H.R. 10 requires States to allocate their Department of Homeland Security grant funding according to these prioritized criteria, as the 9/11 Commission recommends. And, H.R. 10 guarantees that each State will receive a sufficient minimum amount each year.

Mr. Chairman, beyond the Commission's recommendations, the Select Committee on Homeland Security also found that billions of dollars authorized and appropriated by this Congress and granted by the Department of Homeland Security, intended for first responders, are stuck in the pipeline. That money is not being spent. Only 29 percent of the billions of dollars of assistance from 2003 that this Congress has authorized only 29 percent of that

assistance from fiscal 2003 has yet been spent. This legislation will unplug that pipeline and make sure the money gets to the front lines, the men and women who need it most.

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

Mr. TURNER of Texas. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I want to commend my chairman, the gentleman from California (Mr. COX) for the bipartisan effort that he has put in with me on the Faster and Smarter Funding For First Responders Act, which is included in H.R. 10. I might say it has been an honor and a pleasure to serve with him over the last 2 years in what is I think the most important challenge of our time: making America safe.

We took 2 bills and we made them into one. It was a truly bipartisan effort. We are going to, for the first time, use the billions of dollars in first responder grants to build the essential capabilities that we need in this country to make America safer. We do not know today what we are getting for our investment; we certainly do not know what progress we are making. That will change with this bill. Instead of basing funding on arbitrary formulas, we will, for the first time, base funding on the risk and vulnerabilities that our communities, our regions, and our States are facing.

The bill before us improves our grant system in 2 ways. It builds a system of planning and accountability that does not exist today, and it allocates a much higher percentage of first responder funds to the areas that face the greatest threats and vulnerabilities. I appreciate the good work the chairman and I have been able to do together on this bill, as well as the work of the other members of our committee.

Unfortunately, Mr. Chairman, there are many other issues of critical importance that have not been addressed in H.R. 10. The Menendez substitute is a much more comprehensive effort to implement all 41 recommendations of the bipartisan 9/11 Commission. H.R. 10 is, in fact, a missed opportunity to take concrete steps to win the war against our terrorist enemies.

As the bipartisan 9/11 Commission stated, and virtually everyone has agreed, to defeat radical Islamic terrorism over the long term requires pursuing three strategies simultaneously. First, we must aggressively attack the terrorist cells wherever they exist. Secondly, we must protect the homeland. And third, we must create conditions to prevent the rise of future terrorists. Any legislation that purports to implement the findings of the 9/11 Commission must contain meaningful provisions on all three strategies.

The 9/11 Commissioners have strongly urged that all 41 of their recommendations be enacted. Unfortunately, our Republican colleagues who drafted H.R. 10 did not heed the advice

of the 9/11 Commission. We looked at the recommendations of H.R. 10 and found that it implements only 10 of the 41 fully, it implements 15 of the recommendations only partially and, of the final 15, they are either completely ignored or dealt with in no meaningful way.

In contrast, the bipartisan bills coming out of the Senate and the Menendez substitute implement all of the recommendations of the 9/11 Commission. H.R. 10 falls short in moving us forward faster and stronger in the war on terror.

Three years after 9/11, Mr. Chairman, bin Laden, the enemy who attacked us, is still on the loose, and al Qaeda is expanding its reach. Just last week, General Abizaid warned us about the growing threat in the Middle East and Central Asia region. We must double our special forces to go after the terrorists in over 60 countries around the world.

Three years after 9/11, we still do not have a fully integrated terrorist watch list. Three years after 9/11, the government still checks the watch list on airline flights that come from overseas after the plane is in the air, rather than before the passengers board. And we still do not check all of the air cargo for explosives that fly on the airplanes with us every day.

The greatest threat, Mr. Chairman, we face is a nuclear weapon in the hands of a terrorist. Yet, 3 years after 9/11, we still have not installed sufficient numbers of radiation detectors to check all of the cargo containers that come into our country by sea, land, and air. Three years after 9/11, our first responders still cannot communicate with one another in the event of an emergency, even though technology exists that allows them to do so. Three years after 9/11, our intelligence agencies can still not communicate one with another and share an integrated database so that a border inspector or a law enforcement officer can identify whether the person standing before them is a suspected terrorist or not.

Three years after 9/11, we still have 120,000 hours of untranslated terrorist-related wiretaps at the FBI that may contain information about the next terrorist attack. Three years after 9/11, our borders are still porous. A recent investigation by our committee revealed that over 25,000 illegal immigrants from countries other than Mexico came into this country, were released on their own personal bond, and 90 percent of them never showed up again.

Mr. Chairman, it has been 2 years since we were attacked with anthrax here on Capitol Hill and the administration said we need anthrax vaccines to vaccinate up to 25 million Americans. Today, in our national stockpile, we have enough vaccine for anthrax to vaccinate 500 people.

It is all about choices. The fiscal year 2004 appropriation is \$20 billion more than we spent in the year of 9/11. Last year alone, the top 1 percent of Ameri-

cans by income received 4 times as much in tax cuts as we spent in increased funding for homeland security over that 4-year period. Just today on this floor, we moved to instruct the FY 2005 homeland security appropriations bill and in it, the President had requested a half a billion dollars more. Fortunately, we gave him \$1 billion more, and yet we spend \$1 billion every week in Iraq.

□ 1830

It is all a matter of priorities. And, Mr. Chairman, we must get our priorities straight and make America safe again.

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

Mr. COX. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Washington (Ms. DUNN), the vice chairman of the Select Committee on Homeland Security.

Ms. DUNN. Mr. Chairman, I rise today in support of H.R. 10, the 9/11 Commission Implementation Act of 2004.

As the vice chairman of the Select Committee on Homeland Security, I am especially pleased that the Faster Smarter Funding for First Responders bill is part of this legislation.

Our committee traveled throughout the country to learn firsthand from first responders about the tools they need to protect our homeland. The message we consistently received was, our current system for funding is broken and needs to be fixed.

Despite unprecedented appropriations immediately following 9/11, our Nation's first responders were not receiving the funds on the ground fast enough, and some were not receiving any money at all.

They know and we know that, as terrorists are not arbitrary in selecting their targets, the Federal Government cannot afford arbitrary formulas for distributing the money. Dollars must be handed out on risk-based reasons, not population, not politics. The first responder section of H.R. 10 will fix the flaws in the current system.

The 9/11 Commission agreed and supported the committee's recommendation that "homeland security assistance should be based strictly on an assessment of risks and vulnerabilities."

Mr. Chairman, we owe it to our first responders, those law enforcement and emergency personnel who put their lives at risk every single day to protect American citizens. Our committee crafted the legislation that will fix current funding problems by, one, creating a streamlined funding system; two, supporting partnership and mutual aid agreements; and, three, by assisting local officials in setting preparedness goals.

These innovative solutions are endorsed by 26 first responders organizations across the country, and I applaud the House leadership for making them part of this bill.

Mr. Chairman, the bill before us today, H.R. 10, deserves the support of

every Member of our body and I urge its passage.

Mr. TURNER of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Texas (Mr. TURNER) for yielding me time. I would like to congratulate and thank the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) for their outstanding leadership. The gentleman from Texas (Mr. TURNER) will be missed. I know he will contribute to this country in many ways in the future.

The underlying bill represents a squandered opportunity to advance a consensus of the 9/11 Commission's report. The Menendez substitute represents that consensus, and it ought to be adopted.

The 9/11 Commission said that one of the flaws that led up to the 9/11 attack was that our intelligence agencies did not have incentives to share information with each other. The Menendez substitute provides those incentives. The underlying bill does not.

The 9/11 Commission acknowledged the fact that terrorists will strike a variety of targets. It acknowledged the fact that 90 percent of the critical infrastructure of this country is in private lands, nuclear power plants, chemical plants and other such facilities. The Menendez substitute picks up the 9/11 Commission's report and requires an analytical toughening of our defenses of that critical infrastructure. The underlying bill ignores that problem.

The 9/11 Commission report pointed out the travesty that on 9/11 police officers and fire fighters in New York City literally could not talk to each other because of the problem of the interoperability lacking among first responders. The Menendez substitute directs that that problem be fixed and funds it as per the 9/11 Commission. The underlying bill does not.

This bill will be back before us as a conference report. I hope that a strong vote for the Menendez substitute will add impetus for that conference to add here to the recommendations of the 9/11 Commission report and fix these problems.

Let us not squander an opportunity to advance a national consensus as set forward by Governor Kean and Congressman Hamilton. Let us advance that consensus tonight by voting "yes" on the Menendez substitute.

Mr. COX. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. THORNBERRY), the chairman of the Subcommittee on Cyber Security, Science and Research and Development.

Mr. THORNBERRY. Mr. Chairman, as I mentioned earlier in the debate, I think understandably the debate here

on the floor emphasizes differences we have with the underlying bill; but when you look at it, there is a lot of agreement in the general thrust of this bill and in the specific provisions.

One of those specific provisions is one that the ranking member, the gentlewoman from California (Ms. LOFGREN), and I have worked on to elevate the position of the Director of the National Cyber Division to an Assistant Secretary position in the Department of Homeland Security.

The reason we think that is a good idea is so that cybersecurity as an issue does not get lost in the bureaucracy; secondly, so that you can attract the kind of person one needs to attract that has the trust of industry and academia to do the kind of work that needs to be done in that position. But also, thirdly, so you can be at a level to deal with other elements of the government at an appropriate level and have other folks and other Departments treat you and treat the issues you bring before them appropriately.

Now, that is one provision. It has widespread support among the industry groups. We have worked with the Committee on Government Reform, the Committee on Science, the Committee on the Judiciary to formulate this provision; and it has, as far as I know, complete support on both sides of the aisle. There is a lot in this bill that helps make America safer, and I believe it deserves the support of all Members.

Mr. TURNER of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, there are many items in this legislation that could make us safe, but we would be much safer if we had focus and kept our eye on the target in support of the 9/11 Commission legislation under Shays-Maloney and, of course, under Collins-Lieberman-McCain.

These are the extraneous provisions: expedited removal of aliens without judicial review; extraneous provision, revocation of visas; extraneous provision, making it more difficult to obtain asylum; extraneous provision, limiting judicial review of orders of removal.

All of these have been condemned by the White House. All of these are extraneous and do not keep our eye on the target.

Extraneous provision, deportation of suspected terrorists to countries that engage in torture. We still have not corrected that. Extraneous provision, national driver's license and birth certificate requirements. We can do all of this better. We just need to do it in a more directed manner. Putting extraneous immigration matters into the bill does not make us safer. The 9/11 terrorists came in on legal documents. We can do a better job of comprehensive immigration reform in a bipartisan manner. This is just not the bill to do it.

Pass the Menendez substitute, the Shays-Maloney bill.

H.R. 10 lacks focus. It does not keep its eye on the target, which is the need to implement the recommendations of the 9/11 commission.

Extraneous Provision: Expedited Removal of Aliens

House Bill: Section 3006 directs immigration officers to order the expedited removal "from the United States without further hearing or review" of (a) arriving aliens and (b) aliens already in the United States who have false travel documents, who have not been admitted or paroled into the United States, and who have not been living continuously in the United States for the previous five years. This does not apply of the alien in question is applying for asylum. However, an alien applying for asylum cannot avoid expedited removal if he or she has been in the United States for more than a year.

Analysis: Under this provision, asylum-seekers with legally valid claims of persecution could be removed to their countries of origin to face that persecution. The provision also extends the use of expedited removal to aliens who have lived in the United States for several years. This is the first time expedited removal will be used against aliens already in the United States. Under current law, only arriving aliens are subject to expedited removal.

Extraneous Provision: Revocation of Visas

House Bill: Section 3008 eliminates all judicial review of a revoked visa, including habeas corpus review. The provision also makes an alien deportable if his or her visa has been revoked. In addition, this section eliminates the requirement that a petitioner receive notice of the revocation of his or her immigration petition. This provision also transfers the authority to review petitions of revocation from the Attorney General to the Secretary of Homeland Security.

Analysis: Aliens who used a fraudulent visa to enter the country can already be removed based on unlawful admission. The provision eliminates the basic protections of notice and judicial review for discretionary decisions made by the Justice or State Department.

Extraneous Provision: Making It More Difficult To Obtain Asylum

House Bill: Section 3007 amends the Immigration and Nationality Act to change evidentiary requirements for all asylum-seekers. Under the provision, the burden of proof is on the asylum-seeker to establish that he or she is a "refugee" under the statute. In order to sustain this burden, the applicant must (a) corroborate his or her testimony or (b) at the discretion of the trier of fact, provide an explanation as to why such corroborating evidence cannot be presented. Judicial review of a determination as to the availability of corroborating evidence is limited.

Analysis: Many of this provision's requirements are not tailored to suspected terrorists, but apply to all asylum-seekers. The new evidentiary standards will make it more difficult for legitimate asylum-seekers to obtain asylum and may do nothing to prevent terrorists from entering the country.

Extraneous Provision: Limiting Judicial Review of Orders of Removal

House Bill: Section 3009 amends the Immigration and Naturalization Act to eliminate habeas corpus review of certain orders of removal. Under the provision, circuit courts of appeal may only hear petitions based on constitutional claims or pure questions of law and are the sole and exclusive means of defense against an order of removal.

Analysis: This provision further restricts federal court review of discretionary immigration decisions and applies these restrictions to pending cases.

Extraneous Provision: Deportation of Suspected Terrorists to Countries that Engage in Torture

House Bill: Section 3031 amends the Immigration and Nationality Act to permit individuals whom the Secretary of Homeland Security determines to be "a danger to the security of the United States" to be removed to a country where they are likely to be persecuted or threatened. Section 3032 excludes suspected terrorists from protection under the Convention Against Torture.

Analysis: These sections conflict with the Convention Against Torture by allowing the Administration to turn suspected terrorists over to countries where they can be tortured.

Extraneous Provision: National Drivers License and Birth Certificate Requirements

House Bill: Sections 3051 through 3067 place a long list of requirements on the states relating to drivers licenses and birth certificates, including what information must appear on drivers licenses and birth certificates and what documents must be required to receive a state authenticated drivers license or birth certificate. The provisions require the verification of all identity documents before a drivers license or birth certificate is issued, as well as the creation of a national database of state drivers license records accessible by all states and the federal government. The provisions also require that states create a national network of electronic birth and death registration information.

Analysis: These provisions go well beyond the 9/11 Commission recommendation that the federal government "set standards for the issuance of birth certificates and sources of identification," which could be achieved without the elaborate and overly burdensome requirements set forth in the bill. They are opposed by the National Governors Association and the National Association of State Legislators, which predict that the new paperwork burdens will result in individuals waiting hours, if not days, to get a new drivers license or birth certificate. Civil liberties groups object to the potential loss of privacy created by the new national databases. Moreover, the linkage of all state databases, without any requirements for security or privacy protection, creates a severe risk of identity theft.

Mr. COX. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Subcommittee on Emergency Preparedness and Response.

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the underlying bill, H.R. 10; and I want to thank all of those who were involved in crafting its provisions. I think it is important to our Nation.

As a member of the Select Committee on Homeland Security and Chair of the Subcommittee on Emergency Preparedness and Response, I am extremely pleased that H.R. 10 includes critically important provisions regarding the funding for our first responders. My colleague, the gentlewoman from Washington (Ms. DUNN), the full committee vice chairman, talked about these issues.

I strongly believe, as does the chairman of the full committee and I think the 9/11 Commission, that it is important that we dispense homeland security funds not based on politics or peanut butter to every Member's district, but rather based on risk, to where we face a real threat. The provisions of that bill which are incorporated in this legislation moved through my subcommittee, and they ensure that States are awarded grant money to locals in a timely and efficient manner by establishing stringent timelines and incentives for grant disbursement, along with penalties for failure to disburse those funds.

They require States to pass through at least 80 percent of their funds to local government so that first responders actually get the money and get it no later than 45 days after receiving the funds from the Federal Government.

They establish clear benchmarks for terrorism preparedness to help localities determine spending priorities with confidence. And they require parties to make spending decisions before the money is even allocated, thus facilitating quicker distribution of these funds to all recipients.

We move the planning process to the front end. The Senate bill does not fix this problem of back-ended distribution fights that slow distribution.

The 9/11 Commission supported this language. I think it is critically important, and I urge my colleagues to support the legislation.

Mr. TURNER of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ), the chairman of the Subcommittee on Border Security and Infrastructure of the Select Committee on Homeland Security.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank our ranking member, the gentleman from Texas (Mr. TURNER). He has been doing a great job, and we are going to miss him.

What do we need to do to be safer? I think there are three things we need to fix the intelligence system: we need to protect our infrastructure; we need to protect our assets in this country; and we need to prepare. We need to know how to react to an attack that is called the First Responders Issue, but I think this bill falls very, very short of really helping America. For example, protection of our ports still remains a glaring vulnerability in our Nation, and H.R. 10 largely ignores maritime security imposing a deadline or two, but really as far as things not really getting to what the problem is.

The Coast Guard estimates that required port security upgrades will cost \$5.4 billion over the next 10 years; and despite this estimate, the administration has requested less than 1 percent of that amount for port security improvements. A terrorist attack involving a container at our ports could result in substantial loss of life and billions of dollars of economic losses.

This is not the first time this administration has ignored our vulnerabilities.

Mr. COX. Mr. Chairman, I yield myself 1 minute.

H.R. 10 includes several different provisions that the Select Committee on Homeland Security produced and assisted in drafting in this final product.

One is the provisions responsive to the 9/11 Commission's concerns about terrorist travel. H.R. 10 includes specific activities to be undertaken by several Federal agencies. It establishes a program within DHS to focus exclusively on terrorist travel. It ensures that this critical information will be shared with frontline personnel at our borders, our ports, and our consulates.

The Menendez bill, unfortunately, does not include these vital provisions and simply requires DHS to submit a strategy. H.R. 10 and the Select Committee on Homeland Security produced recommendations, legislative recommendations, to increase the number of border patrol agents, immigration and customs and enforcement investigators on our Nation's borders.

The ranking minority member on the Select Committee on Homeland Security produced a very thorough report highlighting the vulnerability of our Nation's borders. This is a very real concern to which H.R. 10 responds, but the Menendez bill strips out all of these provisions.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we have learned a lot about politics today, but this debate should be and ultimately is not about politics but about policy. Unfortunately, politics seems to come in every now and then. The 9/11 Commission's report is a substantive document describing and examining the circumstances that 3 years ago allowed 19 men to conceive, plan, and execute the murder of 3,000 Americans right under our noses. It is a highly detailed, exhaustive, thorough report, 567 pages; and Congress has the responsibility to respond with equal gravity and vigor, and now we have.

The bill before us now is the product of seven committees and more than 20 subcommittees. It is a substantive document that solves the substantive problems laid out by the 9/11 Commission report. Every provision, every word, Mr. Chairman, of this bill will make Americans safer and help to prevent terrorism from ever striking our soil again as it did on 9/11. It makes tough choices, it sets tough policy, and it will reaffirm the one fact that too often is ignored by too many: we are at war.

□ 1845

The first priority in this war is the protection of the American people, the first priority.

I know some have portrayed the House bill as controversial, but the more information about its contents that is revealed, the more support it garners.

The policies set forth in this bill before us are so obvious, so self-evidently necessary that most Americans would probably be surprised to learn that they are not already on the books. Forget the spin for a moment and look at the policies.

The House bill creates the National Intelligence Director and the National counterterrorism Center. It authorizes law enforcement authorities to track lone wolf terrorists. It cuts off material support for terrorists. It strengthens laws against weapons of mass destruction and enhances airline security.

It doubles the number of border patrol officers and triples the number of immigration enforcement agents.

It targets terrorist travel and ensures terrorists and violent criminals from other countries are deported, instead of released back on our streets.

It streamlines our homeland security and intelligence agency, and it improves Federal funding for first responders.

These provisions are not outside the scope of the 9/11 Commission report. They are the 9/11 Commission report. Those eight provisions alone that I just mentioned answer 18 separate commission recommendations, and I just chose them at random.

By contrast, consider one of the principal policy initiatives of the proposal preferred by the Democrats, the disclosure and publicizing of the United States intelligence budget. Just think about what that means for a second. Not only would an al Qaeda be able to track every last dollar we are spending to capture and kill them, but Iraqi insurgents, the governments of Iran, North Korea, Communist China, they will know exactly when and where and how our Nation defends itself.

The words of President Bush on this issue are worth repeating: "Disclosing to the Nation's enemies, especially during wartime, the amounts requested by the President, and provided by the Congress, for the conduct of the Nation's intelligence activities would be a mistake."

In other words, we do not tell the bad guys how exactly we plan to capture and kill them.

Those who have crafted the alternative proposal have done so in good faith, I guess, but their final product, Mr. Chairman, is woefully insufficient. It does not secure our borders. It does not provide law enforcement authorities with enough tools to catch and prosecute terrorists, and it does not engage the international community in the diplomatic front on our war on terror.

I might say, the substitute that is going to be offered by the Democrats and claim to be bipartisan is a fraud. If it were bipartisan, then why did the

Democrats take the Shays-Maloney bipartisan bill, copy it and introduce it as the Menendez Democrat bill? That is not bipartisan. It is a cynical attempt to play politics with the safety of our families.

No, Mr. Chairman, this is the bill. This is the bill that will make every citizen in this country safer and make every terrorist hunting our citizens less safe. This is the bill that calls a war a war and a terrorist a terrorist. This is the bill that will help America stay one step ahead of the men who, if they could, would kill every last one of us, regardless of party, race, creed or color. This is the bill that will help us defeat an enemy, win a war and secure a future of freedom for our children.

I urge all my colleagues to do the right thing, make the difficult choices they were elected to make and vote for this bill and vote against the substitute.

Mr. COOPER. Mr. Chairman, during floor debate on H.R. 10, Mr. WELDON referred to me as being "untruthful" regarding two matters: (a) White House support for, as I described it during the debate, "basically the Collins-Lieberman bill; the closest thing to which we will be able to discuss is the Menendez substitute", and (b) my description during the Armed Services Committee markup of H.R. 10 of a voice vote on an amendment I offered in another committee, the Government Reform Committee.

As I stated during the floor debate, but I was unsure the official reporter heard, since Mr. WELDON refused to yield time to me, I felt strongly Mr. WELDON was mistaken in his characterization.

(a) What is the White House's position? According to the White House's Statement of Administration Policy of Sept. 28, 2004, "the Administration supports Senate passage of S. 2845 (the Collins-Lieberman bill)." Since the Rules Committee did not allow the Collins-Lieberman bill to be voted on by the House, the Menendez substitute was the closest approximation of the Collins-Lieberman legislation. In fact, as described by the Rules Committee, the Menendez substitute "merges two bills endorsed by the 9/11 Commission: Collins-Lieberman (S. 2845) . . . and McCain/Lieberman (S. 2774). . . ."

(b) What happened in the Government Reform Committee? The draft transcript of the Government Reform markup of Sept. 29, 2004 includes the following statement from Chairman TOM DAVIS on my amendment, "In the opinion of the Chair, the ayes have it. I will ask for a rollcall on that."

Later in the Government Reform markup, when I asked Chairman DAVIS for his recollection of the voice vote, he said, as reported in the draft transcript, "Let the record show the ayes had it at the time, but I had the right to request a rollcall. . . ."

In summary, it is clear from the record that the White House supports S. 2845, and that a voice vote in my favor occurred in the Government Reform Committee.

Mr. TIAHRT. Mr. Chairman, I rise in strong support of H.R. 10—the 9/11 Recommendations Implementation Act.

On September 11, 2001, life in America was irreversibly changed. That day we were quickly drawn into a war to confront a threat we did not fully understand.

In July, after months of hearings and research, the 9–11 Commission released its report on the events leading up to, including, and following that infamous day. The report laid it all out in a straightforward manner that the public easily understand. I don't think any government publication has ever landed on the bestseller list, which speaks not only to the Commission's work but also the level of commitment of Americans to understanding and stemming terrorist activity. I'd like to thank the Commission for their work and also the families of the victims for their unwavering commitment to improving national security.

The 9–11 Commission report detailed the terrorist mindset; the hatred, the religious fanaticism, the unimaginable degree of commitment to do us harm and destroy our culture. Osama bin Ladin's Letter to America of November 24, 2002 states that the Islamic nation "desires death more than you [America] desire life."

The 9–11 report tells us that: "Plans to attack the United States were developed with unwavering single-mindedness throughout the 1990s. Bin Ladin saw himself as called to . . . serve as the rallying point and organizer of a new kind of war to destroy America and bring the world to Islam."

We are fighting a war like this country has never seen. A war against an enemy that doesn't value life, that does not in their own words "differentiate between those dressed in military uniforms and civilians; they are all targets in this fatwa." This makes our job to literally protect our way of life much harder.

Today we are considering legislation that addresses the recommendations made by the 9/11 Commission. It proposes the most sweeping changes to our national security apparatus since the CIA was created more than 50 years ago. Most importantly, we are creating a position, the National Intelligence Director, that will have broad authority over the entire intelligence community. Divisions and tensions between the different intelligence agencies have hampered our ability to effectively target al Qaeda. This legislation will provide the authority necessary to unite the intelligence community and address problems before they materialize.

The new National Intelligence Director will have enhanced budgetary and personnel authority over the elements of the intelligence community—and will dedicate his full attention to the job of intelligence community management. This will leave the day to day duties of running intelligence agencies to their directors.

The 9–11 Commission identified deficiencies in the ability to share information that is essential to preventing future terrorist activities—and we are fixing that.

This legislation mandates the National Intelligence Director to create a network designed to share information across agencies and break down the barriers. There will be uniform security policies that will promote sharing information rather than hoarding it for one agency's use.

This legislation will also reduce the barriers between our domestic law enforcement activities and our foreign intelligence activities by creating a National Counter Terrorism Center.

There are many additional provisions in this act that will strengthen our capability to protect Americans at home and abroad.

This bill has the strong support of all the committees of jurisdiction.

So, I ask my fellow Members to give it their full support.

If Osama bin Ladin was here today, he would surely oppose it. For a divided intelligence community, and a divided America would allow him to operate more freely in carrying out his war against our culture and our people.

September 11, 2001 showed us in the danger of Islamic terrorism. It also taught us that deficiencies in our own system made it possible for terrorists to operate right under our noses.

Our most important duty as Members of Congress is to protect our Nation from ever experiencing that lesson again. For that reason, we must pass this legislation and improve our intelligence capabilities.

Mr. EVERETT. Mr. Chairman, the terrorist attacks on our homeland that occurred on September 11th, 2001 changed the world forever for all Americans. The collective national loss we felt on that day is no less painful today, and ranks as one of the darkest moments in our national history. In that solemn hour, our President was rightly resolved to take the fight to the terrorists and not to stop until justice prevailed and the threat was mitigated.

Today, 3 years later, we are still very much engaged in the war on terror. Since the release of the 9/11 Commission report in July, the national media and many politicians have called for the immediate adoption of all the report's 41 recommendations, which is the path being taken by the other body. Mr. Chairman, I fear that we are moving too fast to implement a solution that does not match the problem. Moreover, election year politics are driving us to address the shortfalls between foreign and domestic intelligence by unwisely tinkering with the military. This could prove to have grave and unintended consequences to our troops currently in battle and our future military operations.

Long before the 9/11 Commission report hit bookstores and the commissioners launched their book tours, this Republican-led Congress and the Bush Administration took many measures designed to enhance our Nation's homeland security. I feel it is important to highlight these accomplishments that clearly illustrate Congress's dedication to keep our Nation safe. At an August hearing held by the House Permanent Select Committee on Intelligence, Vice-Chairman of the Commission, Lee Hamilton admitted that a lot of progress has been made in many areas, including hurting al Qaeda and inhibiting their ability to respond, while also beefing up security here at home. In fact, it has been disclosed that our security efforts have since prevented several post 9/11 terrorist incidents.

Furthermore, we have already taken action through Operations Enduring Freedom and Iraq Freedom to eliminate safe havens for terrorists in foreign lands—including Al Qaeda's top sanctuary, Afghanistan. Additionally, we have made progress in blocking sources of weapons of mass destruction from terrorists, including the elimination of the A.Q. Khan nuclear proliferation network and Libya's WMD and long-range missile programs.

On a more positive note, this legislation does encompass many of the recommendations adopted by the Committees on Armed Services and Intelligence to improve intelligence operations. This measure reforms the

intelligence community consistent with the framework established by the 9/11 Commission by creating a National Intelligence Director (NID) with substantial budget and personnel authority as well as a National Counterterrorism Center (NCTC).

Specifically, the NID will have expanded statutory, budgetary, and personnel powers over the National Intelligence Program (NIP). The NIP is composed of CIA, parts of the National Security Agency (NSA), the National Reconnaissance Office (NRO), the National Geospatial Agency (NGA), FBI, State, and Homeland Security. This excludes the Pentagon's joint military and tactical intelligence programs, which allows the Secretary of Defense to continue to directly support the joint and tactical requirements of military intelligence. The budget authorities given to the NID were carefully crafted to preserve the ability of the Secretary of Defense to rely on these agencies to provide the best military intelligence directly to combatant commanders, which in my view makes this superior to the other proposal adopted by the other body.

Mr. Chairman, it is important to note that the 9/11 Commission did not suggest that DoD management of intelligence agencies contributed to 9/11. In fact, when testifying before the House Armed Services Committee, Mr. Hamilton suggested that the military intelligence system is not broken. As such, it is imperative that we preserve the intelligence lifeline to our troops by ensuring that more bureaucracy, distance and unnecessary obstacles do not come between our troops and strategic and tactical intelligence; an increasingly critical tool in today's battlefield. Specifically, Mr. Hamilton said, "I think the committee has helped us in understanding the importance of tactical military intelligence. And I think some of our recommendations can be refined." He also added, "I think the questions that are being asked here are helpful to us and causes me to think that we need to refine some of our thinking in this very important area, and we will try to do that."

Mr. Chairman, there are 158,000 troops currently in theater and their combatant commanders need to know they can count on the military chain of command to quickly access critical intelligence resources. As has been said before, first do no harm. The balance maintained in this bill can be literally a matter of life and death for these brave men and women serving overseas. My support of this legislation is predicated upon my strong reservations about the measure adopted by the other body, and with the hope that the provisions of H.R. 10 that I outlined will prevail in conference.

Mr. PEARCE. Mr. Chairman, I rise in support of H.R. 10, the 9/11 Recommendations Implementation Act.

I appreciate the Judiciary Subcommittee on Immigration, Border Security and Claims' efforts to include additional full-time border patrol agents in this legislation. I also appreciate the fine work of your staff to create awareness about the significant need for additional resources to the Mexico-New Mexico border.

As Customs and Border Protection augments its efforts through additional money, agents and technology to the more high-profiled southern Border States such as California, Arizona and Texas, New Mexico's border law enforcement agencies are left understaffed and unprepared for the increased drug

trafficking and human smuggling resulting from the crackdown in neighboring states.

Today, after \$19 billion spent for border security and technology in the last 2 years, DHS has increased its emphasis on Arizona border security through its Arizona Border Control Initiative.

This Initiative invests \$10 million in the Tucson Customs and Border Protection region to hire more border agents, improve technology and provide unmanned aerial vehicles (UAVs). As a result, more than 2,000 border patrol agents will be assigned to the region. This makes an average of six agents for each mile of border in Arizona.

However, with only 425 border patrol agents in New Mexico, there are fewer than 2 agents per mile of border. Yet, increasing pressure against illegal activity on the Arizona border has resulted in increasing drug and human trafficking spilling over into New Mexico.

For example, in FY 2004, agents in Lordsburg, New Mexico made 141 percent more apprehensions than all of last year.

I strongly encourage my colleagues to consider providing New Mexico with additional resources to make our border more secure. I look forward to working with the Committee to ensure the necessary resources are provided to protect our border.

Mr. Chairman, I urge passage of H.R. 10.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today greatly disappointed, but unfortunately not surprised, that the majority has once again decided to trump substantive policy with petty politics. As we are well aware, in late August the bipartisan 9/11 Commission issued the report they diligently prepared regarding the circumstances surrounding the horrific and tragic terrorist attacks that took place on September 11, 2001. I immediately called upon the Majority to bring Congress back in session to respond to the 9/11 Commission Report. Sadly, the Majority has ignored a great number of the recommendations of the bipartisan report.

As part of their report, the 10 members of the commission made 41 recommendations to prevent future terrorist attacks. In fact, H.R. 10 contains only 11 of these recommendations. Equally alarming to the number of recommendations made by the 9/11 Commission that are not included in this bill, is the number of recommendations not made by the 9/11 Commission that are included in this bill. Amazingly, the Majority has inserted over 50 extraneous provisions not found anywhere in the 9/11 Commission Report. Several of these are so controversial that even the 9/11 Commission itself and families of victims of the tragic events of 9/11 have voiced their opposition to H.R. 10.

Mr. Chairman, thankfully for those of us who recognize this legislation for what it is, a partisan attempt at political gain, we can take solace in the fact that the Senate just yesterday passed the bipartisan Collins-Lieberman-McCain legislation. This legislation reflects the unanimous, bipartisan recommendations of the 9/11 Commission and is also similar to Mr. Menendez's substitute that I will support today. It is my hope that the legislative product that emerges from conference with the Senate will much more accurately reflect the 9/11 Commission recommendations that H.R. 10 does today. The future security of our Nation depends on it.

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to H.R. 10. This is a bad bill. This

is a partisan bill. This is an arrogant bill. Unlike the other body, the majority excluded Democrats from the process. They met behind closed doors and came up with their bill. They did this with the Medicare Bill. They did this with the Energy Bill. Now they are doing this with important Intelligence Reform bill.

The Commission made 41 recommendations. These were unanimous. There were 5 Republican and 5 Democratic Commissioners. There was no dissent. This bill implements only 11 recommendations. It ignores 15 recommendations of those recommendations. Worst of all, this bill includes over 50 extraneous provisions that were not in the final 9/11 Commission report. This bill does not meet the important requirements of the 9/11 Commission report.

Mr. Speaker, the Congress handed the bipartisan 9/11 Commission the task to thoroughly investigate Osama bin Laden's al Qaeda network and how it financed, trained, and aided the terrorist hijackers.

We asked them to create a report of their findings. They did. We asked the commission to come back with recommendations. They did. We must not pick and choose recommendations based upon the election season. As the 9/11 Commissioners repeatedly emphasized before our congressional committees, it is important to enact the recommendations as a complete package.

This bill fails to create the government wide civil liberties board recommended by the commission and contained in the Senate bill. This bill fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies. This bill fails to secure U.S. borders by integrating disparate screening systems. Worst of all, it includes over 50 provisions that were not part of the report.

Of those additional provisions, three are particularly appalling. It gives the President "fast track" authority to reorganize the intelligence agencies, undermining the reforms recommended by the 9/11 Commission. It gives the President authority to bypass Senate confirmation of the Director of the CIA and other key intelligence and defense officials, weakening congressional oversight. Finally, it gives Federal law enforcement officials new authority to deport foreign nationals, revoke visas, and deny asylum without judicial review.

If we brought up the bipartisan bill offered by Congresswoman MALONEY and Congressman SHAYS we could avoid the wrangling of a conference committee. We could avoid the delays and avoid weeks of uncertainty. Most of all, we could provide the American people some peace of mind.

Mr. Chairman, we must not play politics with the national security of our country. We must work on a bipartisan basis to reform the system to make us more secure. This bill does not meet the important requirements of the 9/11 Commission report. This bill will not make us safe. I urge my colleagues to vote against this arrogant, partisan bill.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 10, the 9/11 Recommendations Implementation Act and the provisions included in the legislation that ensure the privacy and integrity of Social Security numbers.

According to the 9-11 Commission report, "secure identification should begin in the United States." A critical step toward that goal must include safeguarding the Social Security number from theft and misuse.

When the Social Security number—commonly known as the “SSN”—was created 68 years ago, its only purpose was to track a worker’s earnings so that Social Security Taxes could be collected and benefits could be calculated. But today, use of the SSN is rampant.

Although SSNs are used for many legitimate purposes, their widespread use has made them very valuable to criminals. Someone who steals your Social Security number can literally steal your identity.

Victims can have their credit ruined, be harassed by bill collectors, be denied loans or even be mistakenly arrested because of the identity thief’s crimes. And the number of victims is growing. In 2002 almost five percent of Americans were identity theft victims.

Worse yet, we have heard repeated testimony on how terrorists use identity theft or fraudulently obtained SSNs to gain employment, engage in financial transactions and assimilate into our society. Preventing identity thieves from obtaining SSNs will help to protect Americans and our Nation from this threat.

For these reasons I introduced bipartisan legislation, H.R. 2971, the “Social Security Number Privacy and Identity Theft Prevention Act of 2004.” This legislation would restrict the sale and public display of SSNs, tighten procedures for issuing new SSNs, and establish penalties for violations.

This bill was unanimously approved by the Commission on Ways and Means on July 21, 2004. In addition, because of its far reaching impact, the bill was also referred to the Committees on Financial Services, Energy and Commerce, and Judiciary, whose thorough deliberations are necessary and important. Based on consultation with these committees, several provisions to ensure the privacy and integrity of SSNs have been included in the “9/11 Recommendations Implementation Act.”

One provision would prohibit States from placing a person’s full or partial SSN on a driver’s license or ID card. While many States have done this voluntarily, it is only an option in other States. Enacting this provision will help prevent identity theft if a wallet is stolen or lost and help prevent rogue employees from accessing the SSN when a driver’s license is presented for ID.

Two provisions would tighten the standards for issuing an SSN by preventing fraud in the process of assigning SSNs to newborns and requiring the Social Security Administration to verify birth certificates’ authenticity. The Government Accountability Office’s investigators showed how easy it would be for identity thieves or terrorists to get an official SSN by submitting a fraudulent birth certificate for a baby, and the Social Security Administration’s Inspector General reported on lack of checks and balances and other weaknesses in the process parents use to sign up their newborns for an SSN while still in the hospital.

Another provision would limit the number of SSN replacement cards a person may receive to 3 per year and 10 per lifetime. Both the GAO and the SSA Inspector General recommended limiting SSN replacement cards to prevent their misuse by individuals working illegally in the United States or seeking to hide their identities.

Finally, two provisions would mandate studies on requiring photo ID when applying for Social Security benefits or an SSN card and

on modifying the SSN to help employers identify individuals who are potentially not authorized to work in the United States.

Some of my colleagues may believe these provisions don’t go far enough, and they’re right. Providing for uses of SSNs that benefit the public while protecting these numbers from being used by criminals, or even terrorists, is a complex balancing act. There are powerful consumer and commerce benefits from business use of SSNs as a common identifier. It takes time to achieve legislation that is responsible, and balances privacy concerns with concerns over efficiency, but we are making progress.

Others would like to see the Social Security card become an identification card, adding a photo or other biometric information encoded electronically in the card. Such proposals represent a new purpose for the Social Security card and a new role for the Social Security Administration. We must carefully consider the ramifications of such change, which the Ways and Means Subcommittee on Social Security will explore in hearings early next year.

The Social Security number measures in H.R. 10 are important steps in our fight to prevent terrorism. I urge my colleagues to support this bill.

Mrs. MALONEY. Mr. Chairman, as I have said, I oppose H.R. 10. But I have to give the Financial Services Committee this: They didn’t add anything affirmatively harmful to this bill. Indeed, several of these provisions are things that this body has passed before and I support, such as providing the SEC with increased emergency authority, or authorizing Treasury to produce secure currency for other countries.

Indeed, one provision of the bill builds on recent legislation I cosponsored. I worked with Rep. KELLY to pass an appropriation of \$25 million in funding for FinCEN to make key technological improvements in FinCEN systems. This bill authorizes no-year funding for that purpose, and that is commendable.

Other provisions are unobjectionable, such as making technical corrections to money laundering statutes, or requiring Treasury to prepare an annual Money Laundering Strategy. These are things we should have done some time ago.

My bigger concern in this Committee is with what we have not done as we come to the end of this session. There is financial services legislation we should be passing—but the majority has failed to give this body a chance to vote on it.

The Financial Services Committee voted out legislation extending the Terrorism Risk Insurance Act—but the leadership has failed to bring this to the floor. This is critical to the district I represent. We were attacked on 9/11 and we cannot rebuild and remake our commercial district without terrorism insurance. Together with many of my colleagues I have signed a letter asking that TRIA be brought to the floor and I hope that can still happen.

Similarly, the Financial Services Committee voted out legislation revising the bankruptcy laws to provide an orderly unwinding of financial contracts. This legislation is strongly supported by the Treasury Department. But again, it’s missing in action.

We must set better priorities. We should pass TRIA and netting in this Congress.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to express my deep concerns about

H.R. 10, the Republican Leadership’s intelligence reorganization bill. There are many problems with this bill.

As the Ranking Democrat on the Intelligence Subcommittee on Terrorism and Homeland Security, I have been engaged in the debate on intelligence reorganization ever since 9/11. I was privileged to join 8 of my colleagues in April to introduce H.R. 4104, the Intelligence Transformation Act, which helped to inform the 9/11 Commission and was a precursor to the great debate we have had on intelligence reform over the last two months.

The bill the House is now being asked to consider does not come close to reflecting the legislation that I and others introduced this April, and its flaws are many.

The provisions contained in Title I are intended to strengthen intelligence, but they are far too weak. Where is the strong budget authority for the National Intelligence Director? Where is the strong hiring and firing authority for the National Intelligence Director? Where are the detailed provisions necessary for improving counterterrorism information sharing? Where is the National Counterterrorism Center’s real power to coordinate counterterrorism operations? They are not in the Republican Leadership bill.

Senators COLLINS and LIEBERMAN have led a remarkable, bipartisan effort in the other body. They consulted with the 9/11 Commission and the 9/11 families. Their bill is a battle-tested product.

If the House of Representatives is going to undertake a serious effort to improve our response to terrorism, we must do so seriously. We must improve this seriously-flawed bill.

Mr. EVERETT. Mr. Chairman, the terrorist attacks on our homeland that occurred on September 11th, 2001 changed the world forever for all Americans. The collective national loss we felt on that day is no less painful today, and ranks as one of the darkest moments in our national history. In that solemn hour, our President was rightly resolved to take the fight to the terrorists and not to stop until justice prevailed and the threat was mitigated.

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Long before the 9/11 Commission report hit bookstores and the commissioners launched their book tours, this Republican-led Congress and the Bush Administration took many measures designed to enhance our nation’s homeland security. I feel it is important to highlight these accomplishments that clearly illustrates Congress’ dedication to keep our nation safe. At an August hearing held by the House Permanent Select Committee on Intelligence, Vice-Chairman of the Commission, Lee Hamilton admitted that a lot of progress has been made in many areas, including hurting Al

Qaeda and inhibiting their ability to respond, while also beefing up security here at home. In fact, it has been disclosed that our security efforts have since prevented several post 9/11 terrorist incidents.

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On a more positive note, this legislation does encompass many of the recommendations adopted by the Committees on Armed Services and Intelligence to improve intelligence operations. This measure reforms the intelligence community consistent with the framework established by the 9/11 Commission by creating a National Intelligence Director (NID) with substantial budget and personnel authority as well as a National Counterterrorism Center (NCTC).

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Mr. Chairman, it is important to note that the 9/11 Commission did not suggest that DoD management of intelligence agencies contributed to 9/11. In fact, when testifying before the House Armed Services Committee, Mr. Hamilton suggested that the military intelligence support is not broken. As such, it is imperative that we preserve the intelligence lifeline to our troops by ensuring that more bureaucracy, distance and unnecessary obstacles do not come between our troops and strategic and tactical intelligence; an increasingly critical tool in today's battlefield. Specifically, Mr. Hamilton said, "I think the committee has helped us in understanding the importance of tactical military intelligence. And I think some of our recommendations can be refined." He also added, "I think the questions that are being asked here are helpful to us and causes me to think that we need to refine some of our thinking in this very important area, and we will try to do that."

Mr. Chairman, there are 158,000 troops currently in theater and their combatant commanders need to know they can count on the military chain of command to quickly access critical intelligence resources. As has been said before, first do no harm. The balance maintained in this bill can be literally a matter of life and death for these brave men and women serving overseas. My support of this legislation is predicated upon my strong reservations about the measure adopted by the

other body and with the hope that the provisions of H.R. 10 that I outlined will prevail in conference.

Mr. BARR. Mr. Chairman, I rise today in strong support of H.R. 10. This bill represents the hard work and coordination of many Committees' of jurisdiction. The level of cooperation and collaboration that went into creating this bill demonstrates our commitment to bringing about real Intelligence Reform. This bill responds in a very serious way to the 9/11 Commission report.

As a member of the Intelligence Committee I have seen "first-hand" the needs facing the Intelligence Community. The intelligence reforms proposed by H.R. 10 go to the heart of these issues—and provide the remedies to correct many of the organizational problems that contributed to the tragedy of September 11th.

H.R. 10 addresses the major findings of the 9/11 Commission, in particular: It creates a strong and empowered National Intelligence Director; it enhances budget and management authorities of the national director; it improves information sharing by giving the director the mandate and authority to establish community-wide standards; it sharpens intelligence tools, particularly analytic capabilities; and it improves our ability to detect and deter terrorist threats.

Taken together—the new organization, these capabilities, and enhanced authorities—provide the foundation necessary to empower the National Intelligence Director to effect real transformation throughout the Intelligence Community.

While providing these new authorities, H.R. 10 carefully balances the authorities required to empower the National Intelligence Director to conduct the nation's intelligence analysis and collection operations, with the authorities of the Department heads who have to administer the intelligence elements that conduct and execute those operations.

Those checks and balances ensure that the equities of the various departments are not unintentionally harmed—and I will point out that, unlike other legislation that we will consider here today, H.R. 10 carefully and rightfully ensures unfettered intelligence support to our armed forces deployed around the world.

H.R. 10 also eliminates the creation of unnecessary new bureaucracies, unlike two substitute amendments that we will debate. The other major proposals being considered add layers of management between the Intelligence Community agencies and the National Intelligence Director. These layers create duplicative auditing agencies and burden intelligence operations with unnecessary review boards and councils. These layers will hamper the process of change not enhance it, and may even serve to prevent the dramatic changes that are needed.

Finally, H.R. 10 creates an Information Sharing Environment which will handle the sharing of all intelligence data, not just that which deals with terrorism.

The other proposals being considered limit the scope of technological change to simply one set of intelligence data. I can tell you first-hand—my experience on the Intelligence Committee has demonstrated to me that technological reform will come from the fusion and sharing of all intelligence data. Only H.R. 10 proposes to do this.

It is a very good bill, and I strongly urge my colleagues on both sides of the aisle to support H.R. 10.

Mr. MEEHAN. Mr. Chairman, I rise today in strong support of the substitute amendment to bring the House bill in line with the bipartisan recommendations of the September 11th Commission.

All Members of Congress should reflect on the events that have brought us here. We lost over 3,000 Americans on 9/11. 30 families from my district lost loved ones on that day.

Our government failed us on 9/11. It failed John Ogonowski, the Captain of American Airlines Flight 11, a constituent of mine who lived in Dracut, Massachusetts. Captain Ogonowski was an Air Force pilot and a Vietnam Veteran. But because of the massive failure of intelligence, and our failure to stop the terrorists and secure the cockpit door, Captain Ogonowski became a "sitting duck" in the words of his wife Peg.

There are thousands of families we failed on 9/11. And many of them have turned their grief into resolve—they are demanding action so that no family suffers a similar tragedy because of the failures of this government.

Some of those families are here in Washington today. On 9/11, Sally and Don Goodrich lost their son Peter, who lived with his wife Rachel in Sudbury, MA. Both Sally and Don are in Washington today urging that Congress move forward on the Commission's recommendations on a bipartisan basis as soon as possible.

Last week I met with Carrie Lemack of Framingham, MA, who along with Don Goodrich helped to found "Families of September 11." Carrie and her sister, Danielle, lost their mom, Judy. Carrie came to Washington to attend the committee markups. She is urging Congress to put aside partisanship for once and do what we have to do to make America safer.

Loretta Filipov of Concord, MA, lost her husband Al on 9/11. Three years later, she believes the world is no safer. But as she says, "I refuse to live in fear." She's been writing and calling members of Congress urging us to work together to make the belated changes that will make us safer.

After 9/11, all of us recognized the need to improve our intelligence—but it was the families who lost loved ones on 9/11 who demanded action. The 9/11 families are the reason we had a bipartisan 9/11 Commission in the first place.

In July, the September 11th Commission gave Congress a blueprint for action. Its report included 43 very specific recommendations to fix the problems in our intelligence community and improve our homeland defense. All of the recommendations were bipartisan and unanimous.

The Senate is working on a bipartisan basis to follow the recommendations. Unfortunately, the House is taking a different approach. The Republican leadership in the House has decided to play politics with our homeland security. H.R. 10 was introduced without consulting the minority and rushed through committees days later, giving members little opportunity to look over the bill. Yesterday, the Rules Committee met in an emergency session to hear testimony on amendments without informing the rest of us.

But even more important than the process is what's in the bill, and what's not in the bill. Simply stated, H.R. 10 fails to follow the recommendations of the 9/11 Commission. It ignores many of the important things we need to



do to keep our homeland safe. And at the same time, this partisan Republican bill also goes far beyond what the Commissioners recommended in curbing the civil liberties of American citizens in ways that won't make us any safer.

For example, one of the central recommendations of the 9/11 Commissioners was to establish a National Intelligence Director with full budgetary authority over our national intelligence agencies. The Senate bill upholds this recommendation. The House bill fails to give the NID the authority to establish national priorities and force bureaucracies to work together.

The September 11th Commissioners also recommended that we establish a Cabinet-level National Counterterrorism Center. The Senate bill does that. But again, the House bill doesn't give the new Center the authority to coordinate the war on terror.

The September 11th Commission recommend strengthening the programs that help us secure loose nuclear materials in Russia and around the world. The Senate bill does this—the House bill just calls for a study of the issue. Last week, I joined with Congresswoman Tauscher and Congressman Spratt in introducing a bill that would meet the 9/11 Commission's recommendations for developing a long-term nonproliferation strategy. Unfortunately, when the legislation was offered as an amendment in the Armed Services Committee last week, we were told that it wasn't germane.

The September 11th Commission called for doing more to exchange information on terrorists with trusted allies. The House bill is silent on this matter.

The September 11th Commission also urged Congress to improve aviation security—specifically, that we screen people for explosives and also put cargo in hardened containers. Again, the Senate accomplishes this while the House fails.

Finally, the September 11th Commission calls for a Civil Liberties Oversight Board. This provision is in the Senate bill but not the House bill. In fact, the House bill goes overboard in undermining civil liberties. Instead of reexamining the Patriot Act to see what is working and what goes too far, the Republican leadership has included new powers for law enforcement without even holding a hearing on them.

The Republicans knew that these provisions would prevent Congress from finding consensus, moving forward, and passing a bill before the elections. I would have hoped that, for once, the Republican leadership wouldn't have let politics get in the way of needed steps to improve our national security. Regrettably, it has. But the 9/11 families have waited three years for action, and it's not too late to follow the example and the recommendations of the 9/11 Commission and move forward in a bipartisan way.

This Congress created the September 11th Commission for a reason—to conduct an independent investigation into the terrorist attacks and recommend policy changes to ensure that they never occur again. The Senate bill takes these recommendations seriously. The House bill does not. I therefore urge my colleagues to support the Menendez substitute amendment and adopt the language in the Senate version of the bill.

Mr. MARKEY. Mr. Chairman, I rise in opposition to H.R. 10. This bill is nothing more than

a cynical sham masquerading as reform. It purports to implement the recommendations of the 9/11 Commission, but it actually implements only 11 of the Commission's 41 recommendations. What was left off the table? The bill on the House Floor today: Fails to strengthen our efforts to prevent proliferation of nuclear weapons; fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies; and fails to secure U.S. borders by integrating disparate screening systems.

H.R. 10 has numerous additional flaws: There is no requirement to screen all cargo being placed on airplanes to ensure they do not contain explosives. There are NO whistleblower protections for TSA baggage screeners or employees of the FBI and the CIA who are retaliated against for disclosing security problems to their supervisors. Any reorganization of the intelligence community is rendered meaningless by the failure to protect modern day Paul Reveres like Coleen Rowley and Sibel Edmonds when they blow the whistle. An amendment offered by Mr. NADLER to increase the security of nuclear facilities and shipments of extremely hazardous materials that was actually ACCEPTED during the Judiciary Committee markup was inexplicably removed by the Rules Committee.

What was added to the bill? Dozens of pages of extraneous material that have nothing to do with anything that the 9/11 Commission recommended. The underlying bill actually contains a provision that would authorize the outsourcing of torture and limit any judicial review of this process! That's right—in this bill—H.R. 10—the House Republican leadership would actually make it easier for certain foreign persons to be sent to countries where they would be tortured in interrogations. I call this the Abu Ghraib-by-Proxy provision.

It's outrageous that these provisions have been snuck into the 9/11 bill behind closed doors when the 9/11 Commission specifically called for the United States to “offer an example of moral leadership in the world, committed to treat people humanely, abide by the law. . . .” Nothing could be farther from the 9/11 Commission's intent when it issued this recommendation.

Where does the Bush Administration stand on this Abu Ghraib? The White House's Legal Counsel sent a letter to the Washington Post saying that the Administration does not support these provisions in this bill.

Earlier this year I introduced H.R. 4674, a bill that would explicitly bar the U.S. from deporting, extraditing, or otherwise rendering persons to foreign nations known to engage in the practice of torture. If we really want to implement the 9/11 commission recommendations, we would be including this type of proposal in the bill before us today. I asked the Rules Committee to approve an open Rule that would allow me to do this, but they refused.

What the Rules Committee did approve was a Rule that makes in order an amendment by the Gentleman from Indiana (Mr. HOSTETTLER). What does the Hostettler amendment do? It would rely on “diplomatic assurances” that detainees would not be tortured. We should not be trusting “diplomatic assurances” from torturers that they won't engage in torture.

Both H.R. 10 and the proposed Hostettler amendment would legitimize the practice of

sending suspected terrorists to other countries to be tortured. That is wrong.

I urge a “no” vote on H.R. 10, and a NO vote on the Hostettler amendment.

The CHAIRMAN pro tempore (Mr. LINDER). All time for general debate has expired.

Mr. COX. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, had come to no resolution thereon.

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#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-762) on the resolution (H. Res. 830) waiving points of order against the conference report to accompany the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, which was referred to the House Calendar and ordered to be printed.

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#### REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-763) on the resolution (H. Res. 831) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

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#### CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 830 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 830

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill