Mr. Speaker, the majority has delayed this bill long enough. I would have preferred this bill, so crucial to defending our country, be considered by unanimous consent; but I know there are many people who would be happy if this legislation never saw the light of day.

Before I close, I want to reiterate my support for the intelligence reform package. Despite my opposition to the way it has come to the floor, I intend fully to vote for it later.

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

Mr. LINDER. Mr. Speaker, I reserve the balance of our time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, yesterday, the House voted to repeal a controversial provision in the omnibus appropriations bill that no Member knew was in the bill when the bill was filed. Yet today, having learned little, the House will rush to vote on the intelligence bill about which Members know probably just as little, and they will do so without having the language available.

I would like to be able to vote for this bill because it will probably improve the sharing of intelligence, and there are a number of other good provisions in it. But Mr. Speaker, we need to recognize that there have been two intelligence failures in the last 5 years. First was the failure to prevent the 9/11 attack. Second was the use of faulty intelligence to suck us into a dumb war in Iraq. The new layer of bureaucracy created by this bill may or may not help us on the first front, but it is likely to make it harder to correct the second. That is why I am going to vote against the bill and against this motion to speed up its consideration.

One of the bill's most glaring shortcomings is that it does not guarantee that dissenting or alternative views will ever be clearly stated to the President. That was a major problem in the decision to go to war in Iraq. To correct that problem, Senator ROBERTS included a provision in the Senate bill establishing an office and a process to provide these alternative points of view at every stage. That provision is, sadly, hugely watered down now in this bill. The bill simply leaves it up to the National Intelligence Director to decide how different points of view are factored into decisions. That is a terribly weak substitute.

Second, in emerging domestic and foreign surveillance operations, the bill does not sufficiently protect ordinary Americans from the mistakes of Big Government. The bill does contain a Presidential board to look at government-wide privacy issues, but that will do little to protect innocent Americans or to address specific grievances that may arise. That will come back to haunt us, just as certain aspects of the PATRIOT Act have.

Finally, the bill purports to increase the number of border and Customs agents; but in fact, the bill does nothing of the kind. That language is meaningless without the dollars to back it up, and this House has rejected providing those dollars, (ill-advisedly so in my view they voted that way;) the House has rejected providing those dollars four times in the past year, and this bill does absolutely nothing to change that. On that score, this bill is simply an empty institutional press release.

When this bill is corrected on those three fronts, and on others, I will be happy to vote for it, but not until.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 3 o'clock and 9 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1633

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o'clock and 33 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–797) on the resolution (H. Res. 870) waiving points of order against the conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 2845, INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 870 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 870

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a traditional rule for consideration of the conference report for the Intelligence Reform and Terrorism Prevention Act of 2004. The rule waives all points of order against the conference report. It also provides that the conference report shall be considered as read.

I urge my colleagues to join me in supporting this rule and approving the underlying conference committee report on truly historic reform legislation, S. 2845.

Mr. Speaker, final passage of this legislation today will be viewed by many as one of the most noteworthy accomplishments of the 108th Congress. Playing critical roles in getting us to this point in time have been the gentleman from Illinois (Mr. HASTERT), the gentleman from Texas (Mr. DELAY), the gentleman from Michigan (Mr. HOEKSTRA) and a host of others. The American people owe these Members an enormous debt of gratitude.

A world in which the enemy is easily identifiable has changed. We face more and more states without solid institutions, national consciousness and internal cohesion which are providing new threats such as the transfer of weapons of mass destruction and an increasing number of nonstate actors such as terrorist networks.

Terrorism has existed for hundreds of years, but the last decade has seen a rise in terrorist networks and their coordination amongst themselves. Many terrorists groups actively share hostage-taking tactics, weapons training, and planning techniques with one another. More than ever the terrorist networks are finding it easier to blend into society and are becoming harder for intelligence agencies to track. Former Director of the Central Intelligence Agency James Woolsey put it best when he said, We have slain a large dragon, the U.S.S.R., but we now live in a jungle filled with a bewildering variety of poisonous snakes. In many ways, the dragon was easier to keep track of.

The job of keeping track of these terrorist networks belongs to the U.S. Intelligence Community, and we thank the CIA and all the other members of

our Intelligence Community who make it a vital contribution to our Nation's security.

More than ever, timely and accurate intelligence is recognized as a critical weapon in the global war on terrorism. We have already begun to rebuild our intelligence capabilities, and law enforcement and intelligence agencies are now working closer together.

As the 9/11 Commission concluded, we are safer today than we were 3 years ago, but we are not safe enough. As such, great changes and reform are needed. The Intelligence Reform and Terrorism Prevention Act of 2004 before us today will do much to keep America safe, and it is important that we act to enact this legislation now. Protecting the American people is the number one priority of this President and the United States Congress.

This legislation builds on the steps we have already taken since the attacks of September 11, 2001, and improves our intelligence-gathering apparatus. The Intelligence Reform and Terrorism Prevention Act is a broad-based approach that seeks to reform our government agencies and strengthen our Intelligence Community to make them more effective to address the global terrorist threat.

Mr. Speaker, this is a traditional rule for conference reports. I urge support for the rule and for the underlying measure.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, could the attacks of September 11 have been prevented if someone had connected the dots? Could the war in Iraq have been avoided if intelligence had been better? I honestly do not know. But what both situations tragically highlight is one fundamental truth: Our Nation needs intelligence reform.

The September 11 Commission report released over 5 months ago outlined the gaps and weaknesses in our current intelligence system. It also made 41 recommendations to Congress that, if implemented, would make America safer.

Today the House at long last is poised to consider the conference report to S. 2845, the National Intelligence Reform Act. This measure seeks to implement the core intelligence reforms recommended by the 9/11 Commission and makes significant improvements to emergency preparedness and aviation and border security.

Since July, Governor Kean and Representative Hamilton have tirelessly worked to ensure their recommendations are not relegated to the circular file of history. Throughout the summer, they testified before congressional committee after congressional committee in the hopes of building momentum before the third anniversary of the attacks. After reading their fine report and participating in a hearing with them in the Select Committee on Homeland Security, I, like most, if not all, of my Democratic colleagues in the House, endorsed all 41 recommendations.

The Commission report attributed structural weaknesses as partially to blame for the intelligence failures prior to the 9/11 attacks. A culture of isolation and separation exists between the 15 intelligence agencies that must be dismantled if we are to transform the environment and foster information-sharing among government agencies. We need to have a strong Director of National Intelligence to coordinate all intelligence efforts.

It is my understanding that last-minute changes were made to the conference report. We only received it an hour ago. I sincerely hope that the final version of this report vests the new Director with the people and the budget authority necessary to assert control over all 15 intelligence-collection agencies.

Mr. Speaker, we all know that the men and women on the front lines in Iraq and Afghanistan need to be assured that the intelligence they get is good intelligence. No one in this body would ever agree to reform our intelligence apparatus in any manner that would undermine our soldiers.

Today we mark the 63rd anniversary of the attack on Pearl Harbor. Yesterday terrorists opened fire on Americans working in the U.S. Consulate in Jiddah, Saudi Arabia. Whatever changes we make cannot be simply cosmetic. Our Armed Forces, Congress, the President, and the American people need to have confidence in the quality of their intelligence.

In the post-September 11 world Americans demand a national Intelligence Community that works together for the benefit of the national security, and Congress must act decisively to bring about those structural reforms. The stakes are very high. There is no room here for egos. There is no room for turf war. There is no room for bureaucratic haggling.

The report also closes critical gaps in aviation and border security. With respect to aviation security, it calls for the deployment of new explosive-detection screening technologies for carry-on bags and blast-resistant cargo containers. On border security the report calls for unmanned aerial vehicles to be placed along the 5,500-mile border between the United States and Canada, especially in areas far from a legal port of entry. This is an issue I care deeply about as my western New York district is a major gateway to Canada, the second busiest at Niagara Falls, New York.

Ever since the 9/11 Commission recommendations were released in July, there has been a steady drumbeat of support from my district. Like me, my constituents believe that an overhaul to the Nation's intelligence apparatus is critical to the future of this great land, and much of what is being considered here today will accomplish this vital end.

Mr. Speaker, it bears repeating that we could have passed these reforms months ago, but the leadership did not want to act. Now, today, they want us to consider the report under martial law, even though Democrats have been ready to act for months. Moreover, if Democrats had not insisted on a recorded vote to correct a taxpayer privacy provision in the omnibus bill, Congress would not have returned to Washington, and this bill would not have passed before adjournment.

Democrats have worked hard to make the country safer, and we look forward to working with the new Director of National Intelligence to do everything we can to make sure this tragedy is never repeated.

Mr. Speaker, I look forward to an active debate on this critical piece of legislation.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my good friend from Atlanta, Georgia (Mr. LINDER) for yielding me time.

I rise in strong support both of this rule and the conference report. This has been one of the most difficult conferences that we have ever gone through, and I want to say at the outset that I want to congratulate my two colleagues who led this, the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) from the House side, and our Senate colleagues, Senator COLLINS and Senator LIEBERMAN who provided leadership there.

We had two bills the likes of which I had never seen such a major disparity. H.R. 10, which emerged from this House, is one which I was very proud to support. It included very important national security provisions, very important provisions as it relates to immigration and the problems that we saw with the deficiencies that led to what took place on September 11 of 2001. I believe that the Senate measure consisted solely of those provisions that emerged from the good work of the 9/11 Commission.

I happen to believe that H.R. 10 was a much better piece of legislation than the one that we have ultimately ended up with here today.

□ 1645

I will say this. I do believe that we have come a long way towards taking steps that will ensure that we do not see another September 11 and that we have in place a structure which will ensure that we have the intelligence capability to deal with conflicts on the

ground, wherever they exist in the world.

We know from having met with the family members of the victims of September 11 that this is a very emotional issue. This has been an emotional issue for all of us because, as we all know, we lost friends on September 11. A plane went down a few miles from here into the Pentagon, and we have heard, of course, from our colleagues who represent New York and Pennsylvania of the loss there. I would like to point to the fact that, tragically, all of those planes that took off were headed to my State of California on September 11. So we have all felt this.

The families appeared at the first meeting we had of this conference, and we were all moved by the extraordinarily strong statements that they made to us as we were preparing to meet there, and that is why the work of this conference has been so important.

I want to congratulate the other House conferees who worked hard on this. The gentleman from Wisconsin (Mr. SENSENBRENNER) is sitting right here, and while he is going to support the rule, I know that he has chosen not to support the conference report. I will say, Mr. Speaker, that the concerns that the gentleman from Wisconsin (Mr. SENSENBRENNER) has as it relates to the conference report are concerns that I share right down the line.

A year ago last August, I was asked to join in leading the charge for an effort to recall the Governor of California and to help Arnold Schwarzenegger get elected Governor of California. One of the main issues of that campaign was the fact that driver's licenses were ending up in the hands of people who are here illegally, and they were used fraudulently, and that is a real problem, and it is a real problem when it comes to security.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has been a great champion, and I have been pleased and proud to stand with him in our attempt to ensure that we do provide standards as it relates to driver's licenses because, again, as the gentleman from Wisconsin (Mr. SENSENBRENNER) pointed out in our conference this morning, Mohamed Atta was using a fraudulent driver's license and was simply pulled over for a traffic violation and told to appear in court. That would have been after what he did on September 11, when he was one of those flying the planes into the World Trade Center towers.

It also is, I think, very important for us to do everything we can to secure our southern border, and my colleague, the gentleman from California (Mr. OSE), who is going to be presiding over the sine die adjournment of the 108th Congress later today or this evening, is a person who offered an amendment to H.R. 10 which was designed to complete a 3½ mile gap that exists in the 14-mile fence which was put in during the Clinton administration with the support of Bill Clinton, in a bipartisan way, with strong support here in the House and the Senate, and it has been successful, with the exception of a 3½ mile gap that extends from the Pacific Ocean to the Tijuana estuary.

I know we are all concerned about environmental quality, and I am very concerned about the environment, and it has been an environmental issue that has led to the delay in completion of that fence. The presence of something known as the Bell's vireo bird nesting on that fence has prevented completion of it. So, yes, we are all concerned about the environment, but the real tragedy to me is the fact, and I just flew over it a few weeks ago, the environment is plundered in this area because of illegal border crossings. The fact that we are seeing that area environmentally damaged because of that gap, it seems to me that we need to look at that. Unfortunately, it is not included in this measure, but I chose to sign this conference report and am supporting this conference report today based on the fact that we are, in the first must-pass piece of legislation we have in the 109th Congress, going to have the opportunity to include these very important immigration issues.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has done a great job. The gentleman from California (Mr. HUNTER) did a great job. The gentleman from Illinois (Mr. HYDE) worked hard on this as well. The gentleman from California (Mr. HUNTER), my colleague, has focused on this very important chain-of-command issue, and I believe that he has been right in pursuing it.

We are at an extraordinary time in our history. My colleague from Rochester just mentioned the fact that today is the 63rd anniversary of the tragic bombing that took place in Pearl Harbor; 2,400 lives were lost there. We know that 3,000 plus lives were lost on September 11, 2001. Earlier today we saw the inauguration of the first democratically elected President in the history of Afghanistan, and that could not have come about, Mr. Speaker, were it not for strong, bold, dynamic leadership on the part of the United States of America.

The United States of America is the only Nation on the face of the Earth, the only Nation, that can effectively deal with the kinds of challenges that we have. We have not done it unilaterally. It is not doing it unilaterally today. We have never done it unilaterally. We have done it with strong and building international coalitions. We will continue to do that.

Passage of this legislation is simply a first step. It is a first step, and that is the reason that I have chosen not to turn my back on it and to get as much as we possibly can as we go down this road towards doing even more to have a National Intelligence Director, and make sure that that individual is strong and able to deal with intelligence issues and to deal with the overall national and border security questions that we have.

So, Mr. Speaker, I thank my colleagues again for the time and energy and effort they have put in these past weeks and now months to come to this point. I congratulate the gentleman from Illinois (Speaker HASTERT) and the President of the United States for the leadership that they have shown in getting us to where we are today.

Ms. SLAUGHTER. Mr. Speaker, I yield 5½ minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank my friend and colleague from New York for yielding me the time to address this very critical and important issue.

This bill has come about as a result of a very labored process, and should it pass here today, which I assume it will, we should not deceive ourselves into believing that we have accomplished the objective that is necessary to accomplish in order to secure the security of the people of the United States.

Getting good intelligence and having a good intelligence arrangement is one thing, but the use of that intelligence, the interpretation of that intelligence, the honest use of that intelligence is yet another thing.

The intelligence agency must be an objective analyzer of secret and complex information, not just a tool of the White House. The intelligence agency must serve the interests of the Nation as a whole, not serve the President politically.

It is increasingly obvious how the administration twisted and tortured and distorted intelligence to support their decision to go to war in Iraq. This bill does not solve that problem. It is up to the membership of this House to deal with that issue, and the issue has not yet been dealt with. We have not exercised the proper oversight to determine why and in what ways the intelligence was distorted.

We need to secure the people of this country. The 9/11 Commission and Senate Select Committee on Intelligence report tells us that prior to the attack of September 11, the administration had been warned dozens of times that Osama bin Laden was determined to attack the United States, but this administration failed to act on those warnings. Why? This House has not exercised the appropriate oversight to understand why the intelligence was not used by the administration the way it should have been used.

The administration insisted on focusing its attention elsewhere, including its obsession with Iraq prior to and after the attack of September 11.

Paul Wolfowitz, for example, the Deputy Defense Secretary, and his Under Secretary for Policy argued that there was a terrorist alliance between the Hussein regime in Iraq and al Qaeda, despite the fact that intelligence reports showed that no such alliance existed. Why was that the case, and why has this House not exercised

its oversight responsibilities to determine why we were deceived and the American people were deceived?

The same is true concerning the missing Iraqi weapons of mass destruction. We were told over and over and over again by everyone across the administration, President, Vice President, Secretary of Defense, National Security Adviser, in fact, the President right here in this room from the podium behind me talked about weapons of mass destruction and even gave us the vision of a mushroom cloud, suggesting very clearly that there were atomic weapons that could be used. Why have we not exercised our oversight responsibilities to determine why that information was missing?

So that is the issue that we ought to be confronting not just today, but as we go into the next Congress, confronting that issue in the way it needs to be addressed.

Yes, it is fine to reform the intelligence procedures and administration, restructure them, modernize them, make them perhaps more compatible than they may have been with present-day needs, improve the communication between one and another. That is one thing, and maybe this bill will do that.

But why has the leadership of this House not asked these questions? Why have hearings not been held? Why have the oversight responsibilities of the leadership of the House not been exercised appropriately in the way in which the Constitution requires they be exercised?

At no time in the history of our country have we gone to war with another Nation based on information so badly misinterpreted, twisted, distorted and misrepresented. This House has an obligation to find out why that was done, why we have lost so many lives of American servicemen and women on the basis of that twisted, distorted, misrepresented information.

Even today, when we are told that everything is going fine in Iraq, we are learning from the intelligence agencies and learning it in ways that are indirect, even surreptitious, that the situation in Iraq is deteriorating, that the opposition there is increasing. In spite of the fact that our servicemen were successful in Fallujah, nevertheless the insurgency is growing stronger. That is what we are being told by the intelligence agencies. We are told that indirectly. We do not get it directly from the administration. They want a different picture to be painted entirely, and this is what our responsibility is as Members of the House of Representatives, to find out why this conflict exists and why we are not getting to the bottom of it.

Why, when we are told things by the administration and later found out that they are completely untrue, are we just to accept it, gloss over it, pretend it did not happen? That seems to be the attitude that has been taken by the majority here. It ought not to be. If we were living up to our obligations, under the separation of powers, the obligations in the Constitution, we would be adequately exercising our oversight obligations and responsibilities on the issue of the way in which this intelligence was misrepresented, distorted, tortured, and why we are in the situation we are in today as a result.

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, I rise today to oppose the 9/11 conference report being considered.

I have had the privilege of serving on the Permanent Select Committee on Intelligence thanks to the appointment from the gentleman from Illinois (Speaker HASTERT) for 6 years, and I want to stipulate for the record that a number of reforms have taken place long before the 9/11 Commission was appointed, long before the 9/11 Commission report was issued.

Immediately following what took place in New York and Washington and the loss of 3,000 American lives, President Bush and his team and the Congress put together a homeland security agency that combined 22 agencies at a cost of $40 billion. We created a TSA agency at all major airports at a cost of $5.2 billion. Every airport is now secure, and people do feel safe flying.

□ 1700

We gave the airline industry $15 billion to secure airplanes and cockpits, and now airplanes are safe to fly.

We enacted the PATRIOT Act, which now allows law enforcement agencies all over the country to communicate with one another and has allowed law enforcement officials to arrest people in this country who are terrorists in Buffalo, New York, and Portland, Oregon, who were here for no other purpose than to hurt Americans.

We contributed between $20 billion and $40 billion to the City of New York to clean up what took place there after the 9/11 bombings and also to compensate families for the loss of their loved ones. We created the TTIC agency within the CIA and the FBI, and we created JTTFs, Joint Terrorism Task Forces, in every major city so that there is communication. Under Director Mueller, the FBI has been organized and is doing a marvelous job.

We invaded Afghanistan, brought down al Qaeda at a cost of $18 billion, and a new president has been sworn in as of today. We invaded Iraq, brought down Saddam Hussein; and the people there, for the first time, have an opportunity and a chance to vote for their own leadership in January.

The bottom line is this: the last 3 years, since America has been attacked, have been years when the country has not been attacked. The President deserves credit. We deserve credit here in Congress for the work we have done to create these opportunities to fight terrorism. We have not neglected our responsibilities, and we have not been sitting around on our hands waiting for some recommendation from some commission.

A thousand new FBI agents have been authorized and a thousand new CIA agents have been authorized, and many of them are being hired. There is a lot better communication between the CIA and the FBI today and the executive branch of government.

I believe creating a National Intelligence Directorate is a huge mistake. It is another bureaucracy. It is another layer of government. It would not have prevented 9/11, and it will not prevent another 9/11. We are fooling ourselves by creating this kind of public policy and trying to lead people to believe that when we pass this bill today America will be safer or America would have been safe prior to 9/11. It will not happen.

We are going to create a monster that will not really inhibit the ability of terrorists. We are going to have another terrorist attack. This will not prevent it, and I urge my colleagues to read the bill and look at the bill and think long and hard about the idea of creating some sort of other bureaucracy on top of everything else, because I just think it will not work.

We have done good work in the House, in the Senate, and with the President's leadership have really done a good job in combating terrorism. This bill is not good public policy. I hope Members will look at it. I think it is the wrong approach, and that is why I oppose it.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership.

Right after 9/11, the Congress had never been more united and determined to work together in a bipartisan way to keep America safe from further attacks. We got a great deal done in a short period of time. It was a proud moment in this body's history. Unfortunately, it did not last long enough. But today, the last act of this session of Congress, passing this intelligence reform and anti-terrorism bill, will be a heartening reminder to the American people that the two parties can work together and live up to the ideal that was so often repeated after 9/11: united we stand.

Mr. Speaker, 9/11 made the Cold War politics of containment obsolete. We all knew we had to change and modernize our intelligence network to be more agile, more proactive, to connect the dots across the agencies in order to protect and anticipate attacks. That is the kind of network that our new intelligence director will be able to lead. This is a true anti-terrorism bill that will harden our borders, tighten our visa restrictions, and strengthen our first responders: air, cargo, and transport security.

The next Congress still needs to pass key recommendations to strengthen our security, but this is a big step forward. I want to thank the President, the minority leader, the Speaker and his Chief of Staff, Scott Palmer, for their dogged efforts to give this country this wonderful holiday gift.

I also want to thank the gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services, for his willingness to find a middle ground, and I want to thank my colleagues in the House and Senate who played critical roles in this passage: the gentleman from New Jersey (Mr. MENENDEZ), the gentlewoman from California (Ms. HARMAN), the gentleman from Michigan (Mr. HOEKSTRA), Senator COLLINS and Senator LIEBERMAN, and the gentleman from Connecticut (Mr. SHAYS).

Ultimately, however, this is not our moment. This moment belongs to the family members of the 9/11 victims, many of whom are with us tonight in this Chamber. For more than 3 years they fought to turn personal tragedy into public service. By sheer force of will they made today's results inevitable by persevering when it seemed impossible. They held vigils in the rain, they bowled over bureaucracies, they courageously channeled their pain. Without them, there would have been no 9/11 Commission and probably no major intelligence reform bill.

I saw a number of 9/11 families last night alone at a White House vigil, their loved ones claimed by al Qaeda. As I stood there with my husband, it drove home the fact that they did not do this for themselves, but to ensure that all of us will never lose loved ones to terrorism. I would like to recognize their ultimate act of service and to thank them, especially Carol Ashley, Kristen Breitweiser, Patty Casazza, Beverly Ecckert, Mary Fetchet, Monica Gabrielle, Bill Harvey, Mindy Kleinberg, Carie Lemack, Sally Regenhard, Lori Van Auken and Robin Wiener. Today, their words are much more important than mine.

Mr. Speaker, I will place in the RECORD their personal statements, in their own words, in support of this legislation.

AN OPEN LETTER TO MEMBERS OF THE 108TH CONGRESS ON THE 9/11 BILL CONFERENCE REPORT

DECEMBER 7, 2004.

DEAR MEMBERS OF CONGRESS: You have at last reached consensus on a bill that will implement the 9/11 Commission's recommendations. A vote on the Conference Report appears imminent. We believe this conference report accomplishes our main goal, which was to fix our nation's broken intelligence system.

The passage of these reforms marks a critical point in a long, three-year journey. We started as a diverse group of 12 individuals representing a number of 9/11 family groups who shared a common loss. Our goals was to make our country safer. Although at times our resolve was sorely tested, the 12 of us have remained steadfast refusing to ever give up.

Having reached this critical junction, we want to acknowledge the many individuals who have helped us. We thank all of the Members of Congress who voted for the establishment of an independent 9/11 Commission. We thank the ten 9/11 Commissioners who acted in a truly bipartisan manner and produced a report whose 41 recommendations became a roadmap for today's Conference Report.

We would also like to thank the individuals who have made today's votes possible. In particular, we want to acknowledge the leadership of President Bush, Speaker HASTERT, Leader PELOSI, Majority Leader FRIST and Minority Leader DASCHLE. We would also like to acknowledge the efforts of the Conference Chairman, PETE HOEKSTRA as well as the other principal conferees SUSAN COLLINS, JANE HARMAN and JOSEPH LIEBERMAN. Finally, we would like to acknowledge the hard work of the 9/11 Commission Caucus led by Congressman CHRISTOPHER SHAYS and Congresswoman CAROLYN MALONEY.

While we thank you for your work on this historic legislation, we must keep in mind that more work needs to be done. One critical issue is reorganizing Congress so our intelligence agencies will have the oversight required to ensure it is doing its job. We look forward to working with you in the 109th Congress, to help enact the remaining recommendations of the 9/11 Commission Report, and to make our country as safe as possible for this generation and generations to come.

Signed,

Carol Ashley, mother of Janice Ashley, 25; Kristen Breitweiser, wife of Ronald Breitweiser, 39; Patty Casazza, wife of John F. Casazza, 38; Beverly Eckert, wife of Sean Rooney; Mary Fetchet, mother of Bradley James Fetchet, 24; Monica Gabrielle, wife of Richard Gabrielle; Bill Harvey, husband of Sara Manley Harvey, 31; Mindy Kleinberg, wife of Alan Kleinberg, 39; Carie Lemack, daughter of Judy Larocque; Sally Regenhard, mother of Christian Michael Otto Regenhard, 28; Lorie Van Auken, wife of Kenneth Van Auken, 47; Robin Wiener, sister of Jeffrey Wiener, 33.

Mr. LINDER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the conference report. The House-passed bill not only reformed our intelligence community, it also secured our borders. Unfortunately, the conference has left us with an incomplete product that does not secure our border and, thus, makes us more vulnerable to another terrorist attack.

At the beginning of this process I said that the object of this legislation should be to prevent a future attack on the United States, not to manage the consequences of that attack. This bill does not do that. And the reason it does not do that is that while we will have better intelligence, good intelligence is useless without good homeland security.

The House bill followed the 9/11 Commission's common-sense recommendation that we have Federal standards for driver's licenses. The commission said, ''For terrorists, travel documents are as important as weapons.'' Despite many attempts to keep these weapons away from terrorists, the bill does not do the job.

In fact, the language in the conference report is worse than the current law, and it practically invites terrorists to come into our country and to apply for these critical identification documents. There is no enforcement or certification at the national level. There is no expiration of the licenses when the visas expire. There is no data-sharing between the States. And any State can simply walk away from the few requirements that are in the bill. That does not sound like driver's license reform to me. Rather it sounds like a recipe for disaster, the same kind of disaster that occurred on 9/11.

Remember that the 9/11 hijackers had multiple validly issued State driver's licenses among them, and that is how they got on the airplanes. That is what we were trying to stop by changing the provisions in the conference report, and I regret that we failed. But I can assure you that this issue is not going to go away.

We have also failed on asylum reform. Many terrorist aliens have applied for asylum and then have been released from detention to plot or commit their crimes. That must stop, and the provisions in the House bill would have done that, but they too were dropped.

Terrorists are getting asylum today for two main reasons. First, our government cannot even ask foreign governments what evidence they have about terrorist activities of asylum applicants. Thus, the U.S. Government must usually oppose asylum requests by arguing that the applicant is lying. The Ninth Circuit has effectively barred immigration judges from denying asylum claims on the basis of the credibility of witness statements. That is crazy, because every jury in the country judges the credibility of the witnesses in determining the guilt or innocence of the defendant. The House bill would have stopped that and removed that bar. The conference report does not.

In addition, the Ninth Circuit has been granting asylum to applicants because their home government believes they are terrorists. It then says, therefore they are being persecuted because of the political beliefs of the relevant terrorist organizations. That is goofy. The House stopped it, but the Senate would not go along; and the conference report fails to deal with this issue.

These provisions are not too controversial. They are not irrelevant. They are vital. And how could we face grieving families in the future and tell them that while we might have done more, the legislative hurdles were just too high? I, for one, cannot, and, therefore, oppose the bill.

I have heard from many citizens from my district and across the country who understand and want these provisions, and I thank them for their support. I want to say to them, and to everyone else that is listening, I will not rest

until these provisions are enacted into law. I will bring them up relentlessly until this job is completed. The bill was a chance to complete the job, and that chance was missed; but it will come again soon.

Finally, I would like to pay tribute to two of my fellow conferees, the gentlemen from California (Mr. HUNTER) and the gentleman from California (Mr. DREIER). The chairman of the Committee on Armed Services, the gentleman from California (Mr. HUNTER), I think did yeoman's work in cleaning up the problems with the chain of command in order to protect our warfighters in the field and reduce casualties, and the bill is an improvement over what was passed by the other body on this. But that only applies to safety of troops overseas. It does not deal with the issue of safety of Americans at home.

The gentleman from California (Mr. HUNTER), and the gentleman from California (Mr. DREIER) in particular, were instrumental in trying to support the driver's license and asylum reform provisions as well as plugging the hole in the fence that needs to be plugged to prevent aliens from streaming across the border. We ought to vote this down and start over next year.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time and commend her service on the Committee on Rules. I rise to make clear that I will not object to this rule waiving any points of order which might lie against the conference report, a report that I strongly support.

I will be speaking about the content of the bill once we move to consideration of the conference report, where I will be managing the time on our side, but I did want to rise to comment on some of the claims that have been made in the debate so far, especially the claims just made by the powerful and passionate chairman of the House Committee on the Judiciary.

I would point out to our colleagues that the conference report, which was the product of 3 months of intense negotiation, does contain immigration reforms. All of the conferees, to my knowledge, believe that immigration reform is necessary; and all of the conferees, and I hope all of our colleagues, understand that our goal here is to make certain that our immigration system does not enable terrorists to get on airplanes or otherwise to harm our citizens. That is why in this bill many of the suggestions made by the gentleman from Wisconsin (Mr. SENSENBRENNER) and many of the provisions in the House bill were accepted.

For example, the bill provides for 10,000 more border guards over 5 years. Ten thousand. It provides 4,000 more border inspectors over 5 years. It provides for 40,000 more detention beds over 5 years. These are beds that will be used by those who might be deported.

So our point is that we want the immigration laws to work better. We want to make sure that we know who is coming into our country, not just at our southern border but also at our northern border. Most of us are well aware that attempts to harm our country have come to us across our northern border as well as our southern border. Indeed, one such attempt was foiled just before the millennium, when a man trying to get to Washington State from Canada was, fortunately, intercepted by an adroit Customs agent. He was driving a rental car full of bomb material intending to bomb LAX, a major international airport surrounded by my congressional district.

□ 1715

So, Mr. Speaker, I get this. Our borders are porous, and we need to make them more secure. This bill does that.

In addition to that, this bill adds to our law enforcement tools, addressing other issues with which the gentleman from Wisconsin (Mr. SENSENBRENNER) was concerned. We toughen the penalties for terrorist hoaxes. We create a new set of penalties for those who would use shoulder-fired missiles to shoot down airplanes. We toughen the penalties for material support of terrorists, and we add a provision which enables us to punish the ''lone wolf'' terrorist, someone acting alone, as Timothy McVeigh did, to harm our citizens.

The bottom line here is this carefully structured, bipartisan, bicameral conference report does deal with these issues, as well as the chain of command, which many of us felt was adequately protected in current law, but which we addressed again to make sure everyone understood we were dealing with it. The point I want to make is we took these issues on, we came to the best resolution we could. This rule permits us to vote finally on what I think is the best possible conference report we could have developed under all of the circumstances. It deals with the valid concerns of the families who lost loved ones on 9–11, and it honors those they lost. I urge support of this rule. I will rise later and urge support of the conference report.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, first of all, I think a lot of Members will thank the gentlewoman from California (Ms. HARMAN) for introducing the legislation that actually identified the National Intelligence Director well before the 9/11 Commission met to deliberate on this particular subject matter.

I would like to associate myself with the remarks of the gentleman from Illinois (Mr. LAHOOD). The gentleman from Illinois ticked down through the issues which have been successful in our addressing terrorists and the fact it has been 3 years since a successful terrorist attack in the United States, due in large part to the changes illustrated by the gentleman from Illinois (Mr. LAHOOD).

One thing he did not go into in real depth is the Terrorist Threat Integration Center, TTIC. That really is in its functionality, the function of the National Intelligence Director and the organization that puts all 15 agencies under one roof, requires them to work together, and there has been no discussion about their effectiveness, but there has certainly been a record of that effectiveness. I think we have taken steps down that road.

I would point out when we establish a National Intelligence Director, we are creating a formula for groupthink. It is not the opposite. If you put someone at the top of an organization and give them hiring and firing control, pretty soon they start to carve those square pegs into round holes, and they will toe the mark, or they will find some folks that will. The people in my office think like I do. The people in other Members' offices think like they do because it is top-down management. It produces groupthink, it does not avoid groupthink. Doing something different and expecting it to be better just because it is different is not a high standard of logic. It takes more to defend this issue and to give this National Intelligence Director this control.

The history of success in intelligence in America and throughout all of history has been nonlinear thinking, creative out-of-the-box people who broke the mold and got into the minds of the people who they were up against. They were outside-of-the-box thinkers who flew those planes into us on September 11, and they are out there scheming today. We need a creative system to be able to address that.

With regard to border control, I associate myself with the gentleman from Wisconsin (Chairman SENSENBRENNER), and particularly his relentless attitude to bring these issues before this country over and over until we do get it right.

Mr. Speaker, 85 percent of the methamphetamine in the State of Iowa comes across the Mexican border. How much anthrax does it take to mix into some methamphetamine to cause a disease all across America and cause that kind of catastrophe?

To strike out the fence down between San Diego and Tijuana, something this Congress has addressed several times, why has the Senate and why has the resistant Members of the conference committee not gone back to the Senate and said, accept the House changes? These are reasonable changes that are good for intelligence and good for immigration and border security. Instead, go back and look at the 19 terrorists that did attack this country, and I challenge Members to name one of them that would not be here today if

we were able to pass this bill that is before us.

Mr. Speaker, I do rise in opposition.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, 48 hours ago the departing Secretary of Health and Human Services, Tommy Thompson, gave the American public a wakeup call by telling them that their food and water supply is vulnerable to terrorist attacks. It is clear that the 9/11 bill is long overdue because the question is about good human intelligence and coordination amongst U.S. intelligence agencies.

It is important to tell the truth to the American people that the 9/11 terrorists did not get drivers' licenses illegally, they were legal immigrants, they had legal documents. Not having a drivers' license would not have stopped 9/11. They came in with legal immigration documents.

The real reason for this bill is to get a Director of National Intelligence to be able to give to the American people and all of those who provide for homeland security the human intelligence to have us thwart terrorists and protect ourselves against attacks by terrorists.

I would argue that this bill is long overdue, and I thank the 9/11 families. We owe them our greatest debt of gratitude. Tonight we will pass this bill. I thank them so very much. I thank the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Connecticut (Mr. SHAYS) for standing steadfast. I thank members of the Select Committee on Homeland Security for understanding the difference for fighting for real, comprehensive immigration reform, which we need to do and will do in a fair and balanced manner. But what we need to do now is to say to you your loss will never be forgotten, we will always be reminded of your sacrifices, and tomorrow we will have a bill that will instill and install a Director of National Intelligence whose ears will be listening. And as they listen, they will be able to find out who is coming across the southern and northern borders, who is tampering with our water supply, and who is tampering with our food supply.

The question now is that of getting this bill passed even in the lateness of the hour. I am gratified that we did resolve the issue of military chain of command, but I knew that was going to be taken care of because it was already in the bill, and as to drivers' licenses, we do have standards for drivers' licenses because that language is in the bill, even so that is a State issue that we can address later. Also we cannot address immigration reform piecemeal as was attempted. We must do it in a comprehensive manner. So this bill is ready for a vote.

I ask my colleagues to support this rule, and I ask my colleagues to support this bill. My hat is off to those families and my greatest sympathy goes to those families who lost loved ones on 9/11, and those who lost their lives. Again I say we are sorry, we are sorry. This bill must be passed today for the good of America.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, we are here today because on September 11, 2001, 19 men, all of whom either entered our country illegally, overstayed their visas or obtained fraudulent visas, boarded four airplanes and used them as bombs to kill thousands of our citizens. The primary identification document that allowed them to board those airplanes were State drivers' licenses. Nothing in this bill would prevent those hijackers from using those same drivers' licenses to board those same airplanes and to repeat the events of 9/11.

If we do everything else to tighten our security and do not close this loophole, we have intentionally ignored the event that brings us to this day.

Some will say let us deal with it next year. I ask, Why not now? Why not simply be honest with the American people and tell them we just do not have the political will to take those drivers' licenses out of the hands of would-be terrorists?

Do we think terrorists are going to play fair? Do we think terrorists do not know they will continue to be able to obtain drivers' licenses without proving lawful entry into this country?

Instead of getting tough on terrorists, this bill actually has some built-in rewards. Yes, if you illegally enter this country, we cannot deport you based on the same evidence that would have denied your entry into this country if you asked us for permission to come in. What is the reverse logic of that? It is like telling a burglar we are not going to open our door and let you in our house, but if you break in, we are going to give you free room and board.

Some say this is a bill that is tough on terrorists, even though the death penalty has been removed as a punishment, even if they use an atomic weapon or release the smallpox virus. Maybe the logic of that is that terrorists do not really fear death, so why subject them to the death penalty for their acts. And, if they happen to have qualified for Federal benefits, they can still draw their Social Security while they are serving their Federal prison term.

Mr. Speaker, the next time Members are standing in a line with other American citizens at the airport as they are going through a body search or somebody rifling through their baggage, just hope they do not ask you if the associates of Osama bin Laden could still get on an airplane using those same fraudulent drivers' licenses, because the answer is yes. Do Members really feel more secure?

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

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

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of the rule for the 9/11 Commission bill. Let me begin by thanking the leadership on both sides of the aisle for their hard work. I want to thank the members of the 9/11 Commission for their work on a bipartisan basis, and of course I want to thank the families from the 9/11 incident for their work as the driving force behind this bill.

On September 11, 30 of my constituents were killed in attacks; 4 died on American Airlines Flight Number 77, and 26 died in the Pentagon. The term ''national security'' is not an amorphous one for my constituents.

In Prince George's County and Montgomery County, the Fourth Congressional District, we live and work in the Nation's Capital, a prime target for terrorists. This is why I have strongly urged my colleagues to pass the 9/11 Commission recommendations since their release in July.

Let me be clear. This conference report is not a panacea, and, yes, additional work needs to be done. But the status quo in our intelligence infrastructure is unacceptable. I heard one of my colleagues say we should not vote for this bill because it would create groupthink. Groupthink is what we have had. This bill is designed to address that concern and change it.

The report makes clear that had the United States intelligence agencies communicated with each other, they could have connected the dots and disrupted the 9/11 attacks. In response, this bill addresses the recommendations of the Commission to prevent another attack and rightly creates a National Intelligence Director. The position would have budget authority to end the power struggle between the 15 disparate Federal agencies that are now engaged.

Currently, 80 percent of the intelligence budget falls under the Department of Defense, not the Central Intelligence Agency or the other 13 agencies. As a result, we do not have the level of coordination that we should. The National Intelligence Director with authority over budget will address this.

Additionally, this bill bolsters transportation security by directing the Department of Homeland Security to develop a national strategy for transportation security. The bill adds 10,000 Border Patrol agents and 400 Customs agents over the next 5 years, as well as testing pilotless surveillance planes to safeguard our borders.

The bill is not a panacea, but let me emphasize, we should not make the perfect the enemy of the good. This bill is a good start. I urge its passage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would ask Members to kindly observe the time allotted and the gavel.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in favor of the rule and in favor of the intelligence reform legislation that the House will consider in a few moments.

Real reform of the Intelligence Community has been sorely needed, and building upon the recommendations of the 9/11 Commission and through a thorough negotiation within Congress, we have a piece of legislation that I believe will go a long way toward making the people of our Nation safer. But I stand supporting this legislation knowing that more can be done to protect people in high-density, high-threat areas, like those in my home State of New Jersey.

Mr. Speaker, the people of New Jersey deeply know the threat of terrorism. We have suffered through terrorist attacks and live daily with the possibility of future attacks. New Jersey is the most densely populated State in the Nation, and at least a dozen sites within our State have been placed on the FBI's National Critical Infrastructure List.

The security of New York City and New Jersey is inextricably intertwined. Each year, 212 million vehicles traverse our States' tunnels, bridges and ferries, which must be protected by both New Jersey and New York.

Of the Port Authority of New York and New Jersey's three airports, the busiest by far is Newark International Airport.

Nearly 60 percent of all containerized maritime cargo processed by all North Atlantic ports goes through the Port of New York and New Jersey, and the vast majority of the cargo flows through New Jersey's docks onto our rails, through our tunnels and onto our roads.

□ 1730

Overall, 450,000 people commute from New Jersey to Lower Manhattan every day. And New Jersey and New York's first responders, our fire and EMT and police, have had a mutual-aid pact since the 1993 World Trade Center bombing, sharing experience and helping in times of need to protect our entire metropolitan area.

States like New Jersey are on the front lines of the fight for homeland security. It distresses me to hear that language that would have given States like New Jersey a more accurate allocation of funding, based on population and threat, was taken out by the bill's conferees in the conference committee.

I am looking forward to working in the next Congress with the gentleman from New Jersey (Mr. FRELINGHUYSEN), who has led the fight for increased funding for high-threat, high-population areas by creating the Urban Area Security Initiative, and the over 170 Members that have voted in support of the UASI program earlier this year to push for a logical approach to allocating security dollars based on threat and population.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of the conference report that the rule looks at and I want to focus on what I believe are some misconceptions, particularly in the context of immigration provisions. Even though this bill is about intelligence and reforming our intelligence process, nothing stops the Congress from considering any other provision of law necessary to protect the American people. If we want to use it as a process to unravel what is trying to be done in intelligence reform, that is another issue. The fact of the matter is that this report actually has an enormous amount of immigration-related provisions. It has over 100 pages of the bill with 43 sections of immigration-related provisions in the conference report. If enacted into law, these 43 sections, 100-plus pages of provisions, would implement all of the 9/11 Commission's formal immigration-related recommendations.

On the driver's license issue that is often referred to, all of the 19 hijackers had documents to enter the country legally in the first place. Therefore, stopping them from entering legally is a critical issue, and that has been part of previous reforms that have taken place. Plus, the conference report establishes tough new Federal standards on the issues of State driver's licenses without creating a national driver's license and gives States the powers to continue to enforce, including insisting on in-person identification to receive a driver's license.

Lastly, on the question of asylum, the comments that are constantly made about gaming the asylum system were before the reforms that took place. In 1996, an expedited removal system was established that has required aliens arriving at a U.S. port of entry without proper documentation to be detained and demonstrate a credible fear of persecution before they could bring even their asylum claim before an immigration judge. As I have said before, if we know a terrorist is in our possession, I do not want to deport them and let them try to do harm again to the United States. I want to arrest them, I want to imprison them, I want to send them to jail; but I do not want to send them back to go ahead and have another shot at us.

And at the same time, I want those people who truly come to the United States because we have given asylum to people who are oppressed from religious and other entities to have their shot. So it is the immigration provisions that were reformed in 1996 and thereafter that ensure that people cannot game the asylum provisions in order to do harm to the United States.

Finally, as the Catholic bishops say, if you look at the 100-plus pages and the 40 different sections, this is a major, significant rewrite of the immigration law as it is in an intelligence bill.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I hear in the Chamber about the 9/11 families. Our hearts go out to them. But our hearts also go out to the men and women we lose every day overseas in the military. Those losses are also felt. We owe the gentleman from California (Mr. HUNTER) our gratitude for making this bill and those people safer.

I disagree with my colleague that just spoke. The bill without the immigration provisions puts this country at great risk. Unfortunately, if we do not vote for this bill that has other good provisions, by voting against this bill you put this country at great risk. We have a pledge from the Speaker, and his word is gold to both sides of the aisle, that we will address these issues in January. And for the other body, they better be ready for us to camp out at their front door, because we are coming. And unless they bring this up, you are going to have a mass of people fighting for these immigration issues. It is wrong.

We had in the House a 4-mile section of fence that stops illegals from coming across the border. Because of environmental concerns, the chairman on the Senate side took that out. The illegals come through there like a venturi tube. Go there and look. It is all beaten down. It is terrible for the environment. But yet it is an issue for them. And the chairman in the other body disregarded that because of environment and disregarded the security of this country. That person should have never been chairman on the other body to start with and let alone deny the gentleman from Virginia in the military on that conference.

We will put these immigration provisions in, and they will be addressed in the next Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members not to make improper references to Senators.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, the bill before us has some very important reforms of our intelligence agencies, and I support it. Chief among them, the establishment of the national intelligence directorate as well as the national counterterrorism centers. But while these changes have attracted most of our attention, these changes

within our institutions, as tough as they have been for this Congress, are the relatively easy part.

Among the most important recommendations of the 9/11 Commission was to strengthen our efforts at nonproliferation, to try to deal with the problem of nuclear material, in particular, arriving in the wrong hands. As the 9/11 Commission pointed out, al Qaeda and Osama bin Laden have made it a top priority to obtain nuclear material, and some of the strongest and most important recommendations of the 9/11 Commission are to deal with that very real danger. In fact, as the President and Senator KERRY both stated during the first Presidential debate, the threat of nuclear terrorism is the number one national security threat facing the country.

In addition to the organizational changes that we have all been debating, there are provisions in this legislation that call for the establishment of a national counterproliferation center that can attack this problem of the proliferation of nuclear material as well as chemical and biological material. It will help oversee operational efforts to interdict this material and also recommended changes in the international legal structure that will better help us deal with the A.Q. Khans of the world, to deal with Iran, to deal with North Korea and attack this very real danger to our country. My own language applying RICO in this area as well as strengthening the dirty bomb statutes has also been incorporated into the bill.

These steps are just a beginning. Many more far-reaching steps also have to be taken if we are to deal with this risk of nuclear terrorism.

The NPT, as we have seen, has served us well for 40 years, but is now showing its age. I think Iran is demonstrating that the purest and simplest path to the bomb now runs through the NPT, not around it. We would do well to pay attention to those recommendations of the 9/11 Commission that are the tougher steps to deal with the proliferation of nuclear material; but this is a good first step, and I support it.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I urge my colleagues to oppose this conference report because I strongly believe that all of the 9/11 Commission recommendations should be in it. The commission itself has said that all of its recommendations should be adopted in their entirety to ensure success in deterring terrorism. The law that we passed establishing the 9/11 Commission directed them to investigate all of the failures that led to 9/11, which included significant lapses and loopholes in our immigration and border control system. The commission made recommendations to fix our immigration and border system. We put them in the House bill. It was passed out of this House with 68 percent of this body voting in favor. They have now been stripped out in the conference report.

Why are we not adopting all of the commission's recommendations to strengthen America's ability to intercept individuals who pose catastrophic threats? How quickly we forget that the 9/11 Commission found that as many as 15 of the 19 hijackers were, in their words, potentially vulnerable to interception by border authorities. So why does this bill not address the 9/11 Commission's recommendation for a secure identification system? The 19 9/11 hijackers had 63 validly issued U.S. driver's licenses between them. What were they using that many for? They were moving around the country undetected and plotting and planning. In fact, as many as eight of them were even registered to vote. They then used those bogus licenses to board U.S. planes.

Why are we not addressing the commission's recommendations to crack down on asylum fraud? The 9/11 Commission cited the Blind Sheik, Omar Abdel Rahman, who led a plot to bomb New York City landmarks. He used an asylum application to avoid deportation. How about Ramzi Yousef who masterminded the first World Trade Center attack while free after applying for asylum? It is a fact that terrorists have and continue to abuse our asylum laws to stay in this country.

Mr. Speaker, the removal of these immigration and border security provisions that were recommended by the 9/11 Commission was a grave mistake. They are central to any legislation designed to prevent future terrorist attacks. I urge my colleagues to do the right thing and vote this bill down so we can include all of the 9/11 Commission recommendations in it and not just the politically convenient ones.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I want to thank my colleague for yielding me this time.

Mr. Speaker, before I begin I just wanted to take a minute to congratulate the gentleman from Michigan (Mr. HOEKSTRA), the gentlewoman from California (Ms. HARMAN), Senator COLLINS and Senator LIEBERMAN for their extraordinary effort in getting us to this point. This Nation truly owes all of them a debt of gratitude for the diligent effort they have put into reaching this bipartisan compromise.

Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress, and I rise in support of the underlying bill. After 9/11, we clearly approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies, and military to fight the new global threats. The 9/11 Commission gave us a blueprint for that mission, and this legislation will help us to implement their vision. Cooperation among agencies and Departments will be critical, and this measure shifts the mentality of our intelligence community from ''need to know'' to ''need to share.'' It also makes significant improvements to homeland security while avoiding some of the controversial provisions included in earlier drafts.

As a member of the Committee on Armed Services, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield.

Mr. Speaker, I thank all of my colleagues for working in a bipartisan fashion to craft a landmark measure that will truly make America safer.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill. The underlying bill is not a solution to our problems, but is a huge first step. Much more needs to be done. I would also like to commend the Members of the House on both sides of the aisle who worked so hard to put forth a really good bill and then fought to keep most of it in the final draft. I urge them to come back in January with an open mind and finish the work we have started.

Ms. WATSON. Mr. Speaker, the success of the 9/11 bill (S. 2845) is a great victory for America. It will make America safer by establishing a single individual who will be responsible for coordinating our intelligence and who will be accountable to Congress and the American people. The bill's success also demonstrates that our democratic process works and that Americans can come together in a bipartisan way to overcome the narrow interests of a few and meet the greatest challenge of our age head-on.

It is fitting that the 9/11 bill is being considered by the House today on the 63rd anniversary of the Japanese attack at Pearl Harbor,a day on which 2,400 Americans died. The parallels between 9/11 and Pearl Harbor are striking. In each instance there were warning signs before the attack, and in each instance our government failed to connect the dots.

Whether at Pearl Harbor or the World Trade Center, surprise is everything involved in a government's failure to anticipate effectively. The events of 9/11 defined a generation and laid bare our nation's lack of preparation and a national strategy to deal with the new threat of terrorism.

Passage of the 9/11 bill cannot by itself defeat the terrorist threat. A vote in Congress will not capture Osama bin Laden or stop the spread of weapons of mass destruction. But today we have given the U.S. Government new tools to deal with a new enemy who, as enemies of old, threatens our liberty and way of life.

Finally, the 9/11 bill was resuscitated on more than one occasion and kept alive by the

sacrifice and perseverance of the 9/11 families. It will ensure that their loved ones did not die in vain.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1745

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOEKSTRA. Mr. Speaker, pursuant to House Resolution 870, I call up the conference report on the Senate bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 870, the conference report is considered read.

(For conference report and statement, see proceedings of the House of earlier today.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

Mr. TANCREDO. Mr. Speaker, I would ask if the gentlewoman from California (Ms. HARMAN) is opposed to the bill?

Ms. HARMAN. Mr. Speaker, I am supportive of the bill.

Mr. TANCREDO. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The Chair understands that both the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) are in support of the conference report.

Therefore, pursuant to clause 8(d) of rule XXII, the Chair will recognize the gentleman from Michigan (Mr. HOEKSTRA), the gentlewoman from California (Ms. HARMAN) and the gentleman from Colorado (Mr. TANCREDO) for 20 minutes each.

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

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 and include extraneous material on S. 2845.

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

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise today in strong support of the conference report accompanying S. 2845, the National Intelligence Reform Act of 2004. This conference report is the product of what may go down in the annals of this institution as one of the most difficult and certainly one of the most involved conferences ever.

Just over 7 weeks ago, we began to negotiate a compromise solution of two very different bills that were both acting on the recommendations of the National Commission on Terrorist Attacks Upon the United States, more widely known as the 9/11 Commission. The negotiations have been tough, long and sometimes extremely contentious. Now we have nearly crossed the finish line. We have a conference report that conferees have agreed to, and one that I believe should be enthusiastically supported by the Members of the House.

It has been nearly 55 years since we have made such truly substantive improvement to the overall management structure of the Nation's Intelligence Community. This bill creates a Director of National Intelligence, a Director who has dramatically improved authorities and capabilities to manage and coordinate the disparate efforts of the various intelligence components of the United States Government.

The bill also creates a National Counterterrorism Center that will coordinate terrorism-related intelligence efforts and provide for strategic operational planning of counterterrorism operations.

Mr. Speaker, the various law enforcement and border security provisions in this bill will unquestionably improve domestic security against terrorism. The same is also true for the restructuring of the Intelligence Community. But I need to caution that these reforms will take time to implement and, moreover, for the intended results to be seen.

I am not under the false impression that by themselves, these structural changes and enhanced authorities vested in the new Director of National Intelligence will ensure perfect knowledge about our enemies in the future. Those that would do America harm are clever, they are secretive, and the asymmetrical threats that they can both imagine and effect require us to be manyfold better at defense than they need be on offense.

Mr. Speaker, before I yield the balance of my time, I want to thank the distinguished ranking member of the Permanent Select Committee on Intelligence, the gentlewoman from California (Ms. HARMAN). She has been a very good partner in working through this process. We have not always been on the same side of the issues on the work on this bill, but we have been steadfast in support of reforming the Intelligence Community and making America safer.

The same can also be said for my colleagues from the Senate, Senators COLLINS and LIEBERMAN. They have been driving factors in getting this legislation to a vote. Without them, I do not think we could have done this. My whole-hearted congratulations and thanks to them, and also to my colleagues on the House Republican Conference.

It has been a difficult time. As I have said earlier, we did not get everything we wanted. I stand with the gentleman from Wisconsin (Mr. SENSENBRENNER) on many issues he brought forward on driver's licenses and immigration and look forward to working with him to move those issues in the next Congress. They are needed to more fully round out this package of what we need to secure America's safety.

But that should not stop us from taking the steps that we have today. These are important steps in restructuring the Intelligence Community, in law enforcement, in transportation security and in international affairs. We need to move these forward today and then move forward on the rest of the issues when we get back here in 2005.

The staff has worked incredibly hard to make this possible over the last 7 weeks. They have worked long hours every day to get this bill to where we are today. Without them, this simply could not have been possible.

Mr. Speaker, the conference report on S. 2845 is a good piece of legislation. It is necessary. We need to support it, and we need our colleagues to vote yes.

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

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to thank the new chairman of the House Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA), for his nice comments and for his enormous efforts at restoring bipartisanship to our committee. He, Senators COLLINS and LIEBERMAN, House conferees on our side, the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Missouri (Mr. SKELTON), have contributed a great deal, an enormous amount, to the legislation we are debating today. It is a good product, it is the right product, and I urge all of our colleagues on a bipartisan basis to support it.

Mr. Speaker, this day, December 7, is a date which will live in infamy. So was September 11, 2001. Pearl Harbor and 9/11 were the two most tragic hours since America became a Nation.

President Roosevelt launched a clear-eyed investigation of the intelligence lapses leading to Pearl Harbor, and since 9/11 we have worked hard to understand why critical intelligence about the plans, capabilities and whereabouts of the 9/11 hijackers fell through the cracks.

Our intelligence system is broken. We have 15 intelligence agencies with different rules, cultures and databases. Our Intelligence Community operates on a 1947 business model designed to defeat the Soviet Union, which was defeated in 1989. Fifteen years later, the enemy is digital, but our organizational structure remains analog.

This long-overdue legislation will modernize our capabilities, integrate our intelligence collection and analysis efforts, unify our counterterrorist efforts and promote intelligence sharing. It will promote the same jointness in

intelligence that has been the hallmark of our military's success since the Goldwater-Nichols Act of 1986.

Mr. Speaker, there is not much time, so I will forego describing the bill. But in addition to thanking our conferees and the so-called ''big four,'' I want to thank others who made this possible. They are the 9/11 families who were the moral force beneath our wings. I want to say to the families that your loved ones are holding a special spot in heaven for you and for all that you did for the safety of our country.

I also want to thank another group of people who are not here. They are the men and women who serve in our intelligence agencies and who wear the uniform, many of whom are on the front lines at this hour risking their lives for our freedom. This legislation is designed to give them the capabilities they deserve and need to win the war on terrorism. They have our praise, our admiration and our full support. Good people need better tools. We are going to provide those tools today.

Mr. Speaker, December 7 will always remind us of the vulnerability of our homeland, but once we pass this bill, it will also stand for something else. It will stand for our resolve to make our Nation safer. And, I might add, it is a fitting birthday tribute to Senator SUSAN COLLINS, who worked so hard to make this effort possible.

Mr. Speaker, I also want to clarify two issues that are not stated explicitly in this legislation but that were very much on the minds of its drafters.

The first issue deals with the consolidation of power within the DNI to protect intelligence sources and methods. Members of the public have expressed concern that the increased authority of the Director of National Intelligence could be abused to constrict the free flow of information that is critical to our duties in the Congress and that the authorities under this bill might be used, or abused, to unduly limit the flow of information to the State and local governments and to the public.

The sources of this concern are past uses of government secrecy—not to protect classified information—but to limit, and occasionally to intimidate, current and even former government employees from speaking out. These measures have included over-classification and requirements that government employees take polygraphs and sign unduly and overly broad secrecy and non-disclosure agreements as a condition of access to information.

The purpose of this bill is to facilitate the dissemination of information within government. There is no intention on the part of the Congress to impair the appropriate and desirable flow of information. This bill does not contain any authority for the DNI or the President to establish a regime of undue government secrecy. The bill vests the DNI with the authority to protect intelligence sources and methods, just as the Director of Central Intelligence has exercised that authority. There is no new authority to criminalize or suppress the lawful and appropriate sharing of information within the government or to alter or waive any existing protections of government employees who wish to disclose information to Congress or through other lawful channels.

Further, it should be Congress's duty to assure through oversight that this information sharing environment is appropriate and complete. Congress will track the implementation of the various responsibilities assigned under this bill. The creation of the Information Sharing Environment and the establishment of the National Intelligence Center and the Information Sharing Council provide some of the many opportunities for congressional oversight.

A second issue deals with the creation of national standards for driver's licenses. This legislation creates strong minimum Federal standards for the issuance of State driver's licenses. We delegate to the Department of Homeland Security the task of devising these standards, but we make clear that these standards must at least require that licenses contain a person's full name, date of birth, gender, driver's license number, digital photograph, address, and signature. We also stipulate that the regulations shall include procedures to protect the privacy rights of individuals who apply for and hold driver's licenses. I want to make clear that we also intended to ensure that these regulations protect the civil and due process rights of those individuals as well.

This legislation requires that driver's license standards be established with a negotiated rulemaking. This rulemaking shall include State officials who issue driver's licenses, State elected officials, DHS, and interested parties. The words ''interested parties'' are not defined, but it is our intent that such parties should include organizations with technological and operational expertise in document security and organizations that represent the interests of applicants for such licenses or identification cards.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to bring the attention of the House to visitors in the gallery or to make improper references to Senators, whether positive or negative.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a great amount of admiration for the people who have worked as hard as they have worked on this bill, for the chairman, for the leadership in the House, that has, I know, spent many, many hours in discussions with the other body.

I wish that I could stand on this floor tonight and support this bill. I remember during an earlier debate on H.R. 10, the House version of the response to the 9/11 Commission report, I was proud as I have ever been to be a Member of this body and to see the members of my party, especially the Speaker of the House, the whip and the majority leader, come to the floor and speak articulately and very, very forcefully in support of certain provisions of the bill that the other side of the aisle were trying to take out. These provisions dealt specifically with trying to increase our border security.

It is intriguing in a way, it is ironic in a way, one thing: We established a 9/11 Commission, it did its work, it talked to us about what we needed to do.

We all recognize what happened on that day, on 9/11 2001. When people came into this country from other countries, many of them did so fraudulently, by providing false documentation, by inaccurately filling out their visas, or by coming into the country and after they were here overstaying those visas. They were in violation of our immigration laws. They were able to take advantage of their position because we did not do much, and we still do very little in terms of enforcing those laws.

They were also able to take advantage of another thing in this system. They were able to take advantage of the fact that we were handing out driver's licenses to people like prizes in a Cracker Jack box. The 19 hijackers had accumulated a total of 63 driver's licenses, many from Virginia. They used them with great ability to, of course, get onto planes, to make life easy for them while they were here.

This is one thing we know that happened that helped create the problem, helped create the event of 9/11. We know that. So we create a bill in response to the 9/11 catastrophe, and it is almost inconceivable that any bill could then come to this floor without a reference to, without an ability, without any desire to actually do something about the actual problem that created 9/11. But that is the case today.

To quote the gentleman from Wisconsin (Chairman SENSENBRENNER), the chairman of the Committee on the Judiciary, who also recognized the flaw, the fatal flaw of this bill, and that is the only way I can really describe it, it is a fatal flaw, this is the quote from Chairman SENSENBRENNER: ''Americans deserve a complete bill so that we can prevent another 9/11 from occurring. Border security and immigration reform are vital components of our national security efforts, so why are they not included in this legislation? The time to address these issues is now, not next month, not next year. Hollow promises of future considerations are just that, hollow promises. Terrorists have exploited vulnerabilities in our asylum system and in the issuance of driver's licenses.

''This bill fails to include the strong provisions in the House bill because my Senate colleagues,'' and I am quoting him here, ''found them to be too controversial. That is unfortunate, because their refusal to consider these security provisions on their merits will keep Americans unnecessarily at risk.''

Mr. Speaker, I certainly agree with his observations, and I would ask my colleagues to look carefully at what they are doing here.

The fact is that this bill has such a gaping loophole and it has such a huge, huge flaw that it is better not to pass this bill at all than to pass it and create the illusion of security. I do not doubt, as I have said, that there are many good parts of the bill. That is not

the issue. But there is something so vital, something so intrinsic to our national security, the issuance of driver's licenses and trying to maintain some degree of control over that process, because we know that a driver's license in this country is, of course, as close to a national I.D. card as we have.

□ 1800

But when we refuse to address this because of our concern about the politics, because it is too controversial to talk about, how can we come to this floor, how can anybody come to this floor or in fact stand in front of any television or any constituency and say, we are doing everything possible to defend the people of this country. How can we say this when we know that that is absolutely untrue; when the one thing we should be doing in this bill, we are not.

So because it does not have that provision, I certainly would request that my colleagues turn this bill down and ask that it come back in a different form, in a more complete form.

SENSENBRENNER STATEMENT ON 9/11 BILL

WASHINGTON, DC.—House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R–WI) issued the following statement regarding legislation responding to the 9/11 Commission recommendations:

''I am pleased that the chain-of-command issues Chairman Duncan Hunter has raised have been resolved so that our war-fighters will not be put at risk. Unfortunately, even with these improvements, the current bill is woefully incomplete and one I cannot support.

''Americans deserve a complete bill so that we can prevent another 9/11 from occurring. Border security and immigration reform are vital components of our homeland security efforts, so why are they not included in this legislation? The time to address these issues is now, not next month, not next year. Hollow promises of future consideration are just that—hollow promises.

''Terrorists have exploited vulnerabilities in our asylum system and in the issuance of drivers' licenses. This bill fails to include the strong provisions in the House bill because my Senate colleagues found them 'too controversial.' That's unfortunate, because their refusal to consider these security provisions on their merits will keep Americans unnecessarily at risk.

I said two weeks ago that the Senate was hell-bent on ensuring that illegal aliens can receive drivers' licenses, regardless of the security concerns. This Sept. 10th mentality in a post-Sept. 11th world is unwise and among those I intend to rectify next year.''

Mr. HOEKSTRA. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HUNTER), a conferee on the bill.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his hard work.

Mr. Speaker, for the House, walking through this conference report has been largely a defensive action, if you will, a holding action; and I want to compliment all of the great Members of the House who managed to hold off what initially was a political stampede that would have passed a piece of legislation that would have accrued to the detriment of the people who wear the uniform of the United States and, I think, to our intelligence apparatus.

We had to walk back things like opening up the top line, the classified top line to the world, letting our adversaries know how much we spend on intelligence. We had to walk back this idea that somehow we were going to send the money for the combat support agencies around the Department of Defense, not allow the Department of Defense to have a normal working relationship with its own combat support agencies. In fact, it took a letter from the Chairman of the Joint Chiefs, General Myers, to the conferees to say the House position is the right position, to back off some of those who were stampeding in the wrong direction. Ultimately, we had to address this most important issue: chain of command.

Now, interestingly, before this bill was brought up on the other side of the Hill, on the Senate side, the President sent a strong message saying we must have chain-of-command language to make sure that there is no confusion about lines of execution. The authors of the bill on the other side did not put that language in. My counterpart, Senator JOHN WARNER, chairman of the Senate Armed Services Committee, then saying that he was afraid that this bill did violate and intrude on the chain of command, offered an amendment to establish what the administration wanted, to establish strong chain-of-command language that would ensure that a battlefield commander would have all the assets in his area of operation for his combatant commands. Senator WARNER's language was rejected by the leadership of this bill on the Senate side.

As we got into the conference, the administration sent another message. They said, you know, you forgot something. You forgot the chain-of-command language. Once again, it was not included. When it finally was included, it was accompanied by weasel words which basically invalidated the entire section. On several occasions the conferees on the other side changed the weasel words, but they still had a provision which basically violated the entire section, or invalidated the entire section, and left us with nothing.

So, in the end, 17 days ago when we were asked in the Republican conference what we thought about this bill, I and many other people had to speak up and point out that this very important chain of command was not protected in the conference report and needed to be protected.

In the end, on Saturday night, we sent to Senator COLLINS' staff a chain-of-command provision to respect and not abrogate the chain of command, citing the statutes that are relevant, to Senator COLLINS through her chief of staff. He said she would get back Monday morning. She did get back and approved that section. And we said that when I saw that in writing in an amendment to the conference report, I would then support the conference. We have gotten that today, and I have signed the conference report.

This bill, now, with these changes, including classifying the top line, walking back this wild attempt to remove the Department of Defense from its own budget flow to its combat support agencies and, finally, this attempt to keep the chain of command in a position where it was questionable; having walked back all of those attempts to change this bill in a manner that would accrue to the detriment of the men and women who wear the uniform of the United States and moving instead to a situation in which they are protected, with a solid insulation in the chain of command so a combat commander in Afghanistan or Iraq can now count on being able to use all of his assets in that theater to protect his troops and perform his mission; having done that, this bill, in my estimation, is now acceptable, and I am supporting this bill. I am going to vote for this bill.

I agree fully with the gentleman from Wisconsin (Mr. SENSENBRENNER) and others who think that the driver's license issue is of great importance. It is of great importance. We need to get that issue up and through as soon as possible.

Ms. HARMAN. Mr. Speaker, I welcome the support for this bill from the gentleman from California (Mr. HUNTER), and I would like our colleagues to know as one conferee, we all support the chain of command.

Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), a conferee, and the ranking member on the House Committee on Armed Services, a wonderful committee on which I served for 6 years.

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise in strong support of this Intelligence Reform Act.

Mr. Speaker, we are making history today. This conference report represents the most profound government reform to date for meeting the unique and daunting security challenges existing in this era of terror. This bill fundamentally overhauls the structure of our Nation's intelligence community. It represents an important step in the improvement of our government's intelligence capabilities while, at the same time, preserving our ability to ensure that our own military personnel have the intelligence information they need to succeed on the battlefield. More broadly, Mr. Speaker, this bill promises to advance our abilities in the global fight against terrorism.

From my vantage point as the ranking member of the Committee on Armed Services, this conference includes two important legislative achievements. First, it creates and empowers a new Director of National Intelligence to set the vision, direction, and priorities for the entire intelligence community. Second, it maintains the sanctity of the military's

chain of command, so that the Secretary of Defense will have the necessary authorities to effectively manage intelligence assets and resources, particularly technical assets on the battlefield.

The 9/11 Commission pointed out that our Nation's intelligence community has suffered from a failure of imagination, failure to focus, and failure at organization. This bill addresses these failures with a new organization, new authorities, and management flexibility. In addition to the new director, the bill authorizes a National Counter Terrorism Center to improve analytic vision and operational planning across Departments and at the highest levels of government. Another important change is the information-sharing requirements across traditional bureaucratic barriers, or what we call stovepipes. Such innovation has been suggested for years, and these provisions are long overdue.

Mr. Speaker, opportunities in this body to effect fundamental and indeed historical changes are rare. We have such an opportunity today. I commend the leaders of this conference, and I strongly support the bill before us. It is significant, necessary, and unprecedented; and it offers much promise to make our Nation more secure, and I strongly urge its adoption.

Mr. Speaker, I thank the gentlewoman from California for her work.

Mr. TANCREDO. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, I rise in reluctant, but vociferous, opposition to this legislation, fully named the National Intelligence Reform and Terrorism Prevention Act.

Mr. Speaker, I reluctantly, but adamantly, oppose this measure because it fails to deal effectively with the second heading in the legislative title. It is beyond titles and slogans and, instead, policies where we must concentrate ourselves. Mr. Speaker, much has been made, and I have heard previous speakers speak of the families who suffered such great loss on 9/11, speak of what this Nation confronted on that fateful day. Yet, perhaps in a triumph of legislative policy and the incrementalism so often a part of the system, we are ignoring the single best provision to prevent future acts of terror, understanding that border security and national security are one and the same.

Good people on both sides of the aisle, well-intentioned people rightfully say we need to restructure our national intelligence-gathering capabilities. I concur. But what we see now, Mr. Speaker, is laying a new foundation, building a new wall, but forgetting both a front door and a back door and a roof. We are leaving our doors wide open.

Mr. Speaker, I am pleased and proud to be an Arizonan. I was in Nogales at our border crossing not too long ago visiting with our friends from the Border Patrol. They told me of an interesting apprehension the day before. The gentleman they said was a native of Iraq who had claimed to come to the United States in 1978 with a green card. It was interesting, though, to hear the Border Patrol personnel speak of their detainee, because curiously, the Iraqi who said he had come to the United States in 1978 with a green card was much more fluent in Spanish than he was in English. We read in accounts of the free press that there are those who come from the Middle East, adopt Hispanic surnames, and seek to infiltrate. There are some adherents to the politically correct who would ignore or diffuse or understate the nature of this threat.

Mr. Speaker, I will not allow the national security of the United States to be jeopardized and undermined and placed on the funeral parlor of the politically correct. To those who say that it is incremental, it is a step in the right direction: well and good. But incrementalism in wartime when our national survival may be at stake is unacceptable. Either do it right, or do not do it.

It is sad, but necessary, to reject this bill because it fails to deal with preventing terrorist attacks by understanding that border security and national security are one and the same.

Mr. HOEKSTRA. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. COX), my colleague, the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I would like at this point to engage my friend, the chairman of the Permanent Select Committee on Intelligence, in a brief colloquy to clarify the intention of section 1016 of this bill which concerns information-sharing and would create a new Information Sharing Environment, or ISE.

Section 1016(b)requires that the President create an ISE and that he ''ensure that the ISE provides and facilitates the means for sharing terrorism information among all appropriate Federal, State, local, and tribal entities, and the private sector, through the use of policy guidelines and technologies.'' That is a quotation from section 1016(b)(2) at page 66, lines 21 through 25.

I understand, Mr. Speaker, this section to mean that the Information Sharing Environment referred to will serve as a new, interconnected environment by which Federal agencies can exchange information with each other and with State, local, and private sector officials as their statutory mandates may require. Because the Homeland Security Act of 2002 assigned to the Department of Homeland Security significant responsibilities for sharing terrorism-related information with State, local, and private sector officials; for example, section 201(d) and section 892, I want to make sure that my understanding of the purpose of section 1016 is accurate.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I am glad to confirm that the understanding that the gentleman has is correct. The information-sharing environment will serve as a means by which individual agencies, including DHS, can meet their statutory information-sharing mandates. It will enable and assist agencies in meeting their information-sharing responsibilities.

In particular, I can confirm that the ISE does not supplant or in any way diminish the information-sharing responsibilities of DHS.

□ 1815

Indeed, DHS will be an interconnected component of the ISE, which will facilitate the Department's execution of its statutory mission as the primary Federal agency responsible for sharing terrorism-related information with State, local and private sector officials and the public.

Mr. COX. I thank the chairman. I would also like to engage my colleague, the chairman, in a colloquy on section 1021 which would add a new section 119 to the National Security Act of 1947, establishing the National Counterterrorism Center, or NCTC.

Section 119(d)(1) lists among the primary missions of the NCTC: ''To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.''

That occurs at page 87, lines 10 through 16.

Section 119(e)(1) of the National Security Act, as amended, would state that the new National Counterterrorist Center, NCTC, ''may, consistent with applicable law, at the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence.''

That occurs at page 88, lines 17 through 24.

Section 201(d)(1) of the Homeland Security Act of 2002 requires the Department of Homeland Security ''To assess, receive, and analyze law enforcement information, intelligence information, and other information from agencies of the Federal Government, State and local government agencies (including law enforcement agencies), and private sector entities, and to integrate such information in order to (A) identify and assess the nature and scope of terrorist threats to the homeland; (B) detect and identify threats against the

United States; and (C) understand such threats in light of the actual and potential vulnerabilities of the homeland.''

And section 201(d)(9) of the Homeland Security Act requires the Department of Homeland Security ''To disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security, and to agencies of State and local governments with private sector entities with such responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States.''

So, first, I would like to make sure I am correct in understanding that it is not the intention of section 119(d) and (e) to have the NCTC exercise any aspect of the role that has been assigned to DHS in the Homeland Security Act, including specifically DHS's primary responsibility for the sharing of terrorism-related information with State, local and private sector officials and the public.

Mr. HOEKSTRA. I can confirm the chairman's understanding. Neither the responsibilities of NCTC for comprehensive counterterrorism analysis, nor its responsibility for dissemination of information within the Federal Government, will in any way diminish the responsibilities of DHS under the Homeland Security Act, or any other legal mandate.

Mr. COX. I thank my friend, the chairman of the Permanent Select Committee on Intelligence. Could he also confirm my understanding of 119(e)?

Mr. HOEKSTRA. I can confirm that his understanding of 119(e) is also accurate.

Mr. COX. Mr. Speaker, I rise in support of the conference report on the Intelligence Reform and Terrorism Prevention Act of 2004.

The House Select Committee on Homeland Security, which I chair, was deeply involved in the efforts to put this bill together. The bill unfortunately does not contain all of the provisions that I believe it should contain—in particular, the Faster and Smarter Funding for First Responders Act, which was a major part of the House-passed 9/11 bill. But the bill as it is now before us meets the most important test: It will make America safer.

The reform of our intelligence system is an historic and vitally necessary step forward. This bill will also ensure that U.S. officials on the border have access to the information they need to identify suspect and fraudulent identity documents. It will give consular offices the technology and training they need to recognize terrorist travel patterns and practices—as called for by the 9/11 Commission.

We also know that a major problem along our borders today is the lack of detention space to hold illegal aliens who are awaiting deportation. The indefensible policy of ''catch and release'' that this necessitates is threatening our national security. The select committee worked with my good friend Mr. BONILLA of Texas, and the Judiciary Committee to insert into this bill a large increase in the number of detention beds to address this problem.

The bill will also greatly enhance our efforts to improve the interoperability of first responder communications. It directs DHS to provide technical assistance to our highest-risk areas in order to rapidly deploy interoperable communications systems. And it establishes a comprehensive program to develop baseline capabilities and standards for interoperability nationwide.

The bill before us also gives the Secretary of Homeland Security the flexibility to make multi-year funding commitments for interoperable communications projects. This change will encourage the long-term planning and local investment that is necessary to get such systems into place at the State and local level. I want to thank Mr. FOSSELLA and Mr. STUPAK for working with the Homeland Security Committee on this important reform.

Finally, this bill will promote mutual aid at the State, local and regional levels—another key recommendation of the 9/11 Commission.

I am disappointed that important reforms that were passed by the House are not included in this final bill, including standards for identification to board airplanes and buy weapons; the creation of an Assistant Secretary for Cybersecurity within DHS; and first responder funding reform to replace pork barrel funding with threat-based funding. That legislation will have to be our first order of business in the 109th Congress But we owe it to the American people to pass this bill now.

I want to thank Chairman HOEKSTRA, who chaired this conference under challenging circumstances, and his staff for their cooperation and assistance. And I want to thank Speaker HASTERT and President Rush for their personal efforts to ensure passage today of these important intelligence and homeland security reforms.

Ms. HARMAN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. HARMAN) has 14½ minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 7 minutes remaining. The gentleman from Colorado (Mr. TANCREDO) has 11½ minutes remaining.

Ms. HARMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), who heads our Democratic Caucus, a wonderful and valued colleague on this issue, and a third of our Democratic conferees.

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

Mr. MENENDEZ. Mr. Speaker, the question we have before us today is not whether this conference report will pass. As Governor Kean, the chairman of the 9/11 Commission, said recently, ''The question is whether it will pass now or after a second attack.'' Because we know the enemy seeks to attack again. We just do not know when and where it will occur.

That is why we as a Congress pledge to do everything possible to make sure the tragic events of 9/11 were never repeated. That is why the Commission was created to investigate what went wrong. Nothing is more important than that mission. In fact, the work on this bill and conference report is the most important of the entire 108th Congress.

This conference report that we have before us today secures America against terrorists by making sweeping changes to our homeland security and intelligence operations. It addresses the key intelligence failures that allowed the 9/11 attacks to succeed. This will be the first comprehensive overhaul of our intelligence apparatus since 1947, updating it from the Cold War to the war on terror.

The bill will establish a Director of National Intelligence in charge of all of the government's intelligence gathering, analysis and counterterrorism operations. It would streamline and unify our intelligence-gathering capabilities, foster greater intelligence sharing, and end the senseless turf battles that plague the current system and that so failed our country on that fateful day.

It will improve the overall qualities of our intelligence, and, yes, it contains numerous and significant immigration-, visa security-, and border security-related provisions; over 43 sections, 100 pages, adding thousands of additional Border Patrol agents, immigration and Customs investigators; new technologies across the border; criminalizing the smuggling of immigrants; and establishing tough Federal minimum standards for birth certificates and driver's licenses just as the 9/11 Commission report recommended.

It is time to honor the memories of all of those who perished on September 11, including the 122 of my fellow citizens from my congressional district. It is time to secure America. It is time to put the turf battles aside. It is time to try to stop using other issues for the purposes of derailing the ultimate goal here, which is intelligence reform, and it is time to make America secure by voting yes on this conference report.

Mr. TANCREDO. Mr. Speaker, I would say that the only turf that at least I am interested in protecting here is the turf of the United States of America and the people that live on it.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to S. 2845.

This is first and foremost, and everyone in the country knows that, this is a pro-illegal immigration bill in that the situation with illegal immigration will be worse if we pass this bill than it is today.

It is also not a reform bill. It is an illusion. It is a piece of illusion legislation. It is designed to make people feel better because they perceive something is being done.

And I would like to thank the largest organization of 9/11 families who are opposed to this legislation, the 9/11 Families for American Security, who visited Members of Congress to oppose this legislation.

What this bill does is change the flowchart, trying to make people think

that is doing something. It adds a level of bureaucracy, a new level of bureaucracy, and, yes, creates an intelligence czar. Boy, that is going to make everybody feel really good that we have an intelligence czar. We had an energy czar. That did us a lot of good. And thank goodness America had a drug czar that was appointed years ago; otherwise we would be plagued with drug use in America today.

No, this whole bill is designed to make people feel good rather than to do something to hold people accountable for the decisions that they made that led up to 9/11. The intelligence czar and the huge staff required to support the new intelligence czar is duplicative and will be an impediment to getting things done in the Intelligence Community.

The National Security Council, I worked at the White House for 7 years, was set up to do exactly this. And had the National Security Council during the Clinton administration, and, yes, during the beginning of this administration, had been doing their jobs, there would not have been a 9/11. So we already have people to do this job of the new intelligence czar and his huge bureaucracy.

9/11 was not due to blocks in the flowchart. 9/11 was the results of bad policies in dealing with the Taliban, which I complained about for years on the floor of this House, and bad policies in terms of what we were doing against al Qaeda during the Clinton years, and, yes, even bad policies exemplified by Jamie Gorelick, who signed a Justice Department order during the Clinton years that restricted cooperation between the FBI and CIA in dealing with terrorist threats. No, that was bad policy.

We do not need to change the flowchart to make people feel good in order to hold people accountable for those bad policies.

Finally, this bill should be defeated because it has gutted the provisions in this bill that passed the House that were aimed at controlling this massive invasion we have of illegal immigrants into our country, and we are not going to have a secure America when we have millions and millions of illegal aliens coming here, many of whom can be terrorists; and in this bill we no longer have the provisions to make sure that we will not be giving ID cards so these illegals can get on airplanes and crash them into buildings.

Ms. HARMAN. Mr. Speaker, clearly many in this House feel strongly. I hope most of us will vote for this bill.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. REYES), a senior member of the House Permanent Select Committee on Intelligence.

Mr. REYES. Mr. Speaker, I thank the gentlewoman and our chairman for the hard work they have done along with the other conferees.

Mr. Speaker, I rise today in support of this conference report, though not without some reservations. I am encouraged by the bill's reforms to our Nation's Intelligence Community, reforms that would not be before us today without the hard work of the 9/11 Commission and the unwavering commitment of the 9/11 families.

Also, as a member of both the Permanent Select Committee on Intelligence and the Committee on Armed Services, I recognize that timely and accurate intelligence is essential for both the President and our military forces in the fields. So I am pleased that this important issue has been addressed. However, I do have a strong word of caution for my colleagues about some of the provisions that we are enacting today in the name of homeland security.

These provisions establishing new investigatory, surveillance, and information-sharing authorities carry tremendous potential for abuse. I am concerned that these provisions may only be the beginning, and that we could be headed down a dangerous path without ensuring the appropriate checks and balances.

Prior to coming to Congress, I served for 26½ years in the United States Border Patrol, from agent to chief, so I know firsthand about our efforts to protect our borders and keep America secure. While I strongly believe in giving our government and law enforcement the tools they need to keep America safe, I also know it is imperative that we have an effective system of checks and balances to protect our rights as Americans.

Mr. Speaker, I will vote for this bill because I believe that reforms to our Intelligence Community are much needed and long overdue. However, as we move forward, I urge my colleagues to be vigilant in ensuring that we do not undermine the very liberties we are trying to protect from terrorists, because it is these liberties that make America the great Nation that it is.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, protecting our Nation is one of the most important duties that we have as Members of Congress. If we fail this, nothing else really matters.

The conference report does contain some useful provisions, but it is incomplete, making it inadequate and therefore unacceptable. The agreement with the Senate gave away so much, and it includes some major steps backwards from the House-passed version of the bill and from the strides that we have made since 9/11.

□ 1830

Specifically, the report ignores important suggestions made by the 9/11 Commission and by many Members of this Chamber regarding immigration and the use of illegal identification cards.

We need to have closed borders with open doors for those who follow the law. Our offices are flooded with people asking for assistance because they are trying to come here legally.

The version this House passed prohibited convicted terrorists from receiving Federal benefits, and yet the agreement before us here today fails to prevent this injustice. Remember, the taxpayers out there are going to be paying taxes and some terrorists are going to be getting some Federal benefits. That is just unacceptable.

It has been 3¼ years since the terrorists used illegal identification to cross our borders and to attack Americans at home, and yet Congress still ignores meaningful immigration reform. We authorize some detention beds in here; but guess what, we did not fund them.

There have been so many immigration bills introduced since 9/11 that have died and had to be reintroduced again, only to die again. We are told that, oh, they will be taken care of next year. I sincerely hope that that is the case because this bill is a feel-good bill, absolutely. It is like buying a state-of-the-art alarm system, installing it in your house, never actually activating it and then you do not even bother locking your doors. Your home is not secure. Our Nation will not be any more secure under this. We need to secure our borders. That is a very important component that is simply missing from this bill.

I cannot support the bill in its current form and because it is so inadequate, because it does not address the very important immigration issue.

The problem with the conference report was that it ignored so many of the good immigration reform provisions that we had in the House bill. This bill is only part of what the 9/11 Commission recommended. I was a State senator. As my colleagues know, many of the terrorists came from Florida. We said the length of their driver's license expires when their visa expires. Guess what. This bill does not mandate it. So the 10 States that do not even have that provision, they are the States that the terrorists are going to go to. That is just plain wrong.

We do need to have uniformity in driver's licenses. We do need to make sure that the person applying for the driver's license, who has a visa, that the visa expiration date is the expiration date of the identification or the driver's license.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member from the committee.

Mr. CUNNINGHAM. Mr. Speaker, I would like to commend the gentlewoman from California (Ms. HARMAN) and the chairman for working on this bill and on the Permanent Select Committee on Intelligence. The gentleman from Texas (Mr. REYES), even though he is an Irish kid, is like a brother, and we work very well together. Disagree, but work together.

Do any of my colleagues have any idea what it is like to watch friends die? The 9/11 families do. I do not know

how many of my colleagues saw Private Ryan. I lost a lot of good friends in combat. Anger, rage, disappointment, knowing that many of them did not have to.

The gentleman from California (Mr. HUNTER) fixed that in this bill. It is going to save a lot of lives. To say that this bill is a shadow, I do not believe is correct in my opinion. If we look at COSCO, many wanted the China Ocean Shipping Company to take over the Long Beach shipyard. The gentleman from California (Mr. HUNTER) and I stopped that, even though we knew there were spies with the China organization taking over Long Beach shipyard, and we were able to work that in a bipartisan issue.

The homeland security, our ports, one of the biggest threats that we have is our ports, and that is addressed in this bill.

Where my dilemma is, is the 9/11 Recommendation No. 16 that was denied and stripped out of the bill by the other body. To me that is irresponsible, and I would ask the gentleman from Michigan (Mr. HOEKSTRA), the chairman, in a colloquy, is it the gentleman's understanding from our leadership that the immigration issues will be addressed in the 109th Congress?

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, he was in the conference today. I think we got a very strong commitment from the leadership that they intend to address these issues. I think that will represent the will of the members of this conference.

Mr. CUNNINGHAM. And that the President will help us in these efforts?

Mr. HOEKSTRA. If the gentleman will continue to yield, that is absolutely correct.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman; I thank the Members on both sides of the aisle.

If my colleagues vote against this bill, they put this Nation at risk. Without the immigration issues, this Nation is at risk.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader, my predecessor as ranking member on the Permanent Select Committee on Intelligence and someone who knows these issues extremely well.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me time and commend her for her tremendous leadership, outstanding leadership as our ranking member on the Permanent Select Committee on Intelligence, and I commend the gentleman from Michigan (Mr. HOEKSTRA) for his leadership, as well as chair of the conference and as chair of the Permanent Select Committee on Intelligence.

I thank the gentlewoman from California (Ms. HARMAN). I know firsthand of her great work, and we are all very proud of it.

Mr. Speaker, more than 4 months ago, the 9/11 Commission created by Congress to examine the intelligence failures of 9/11 made a critical judgment. It concluded that the United States intelligence community was not structured properly to counter the threats, including terrorism, that our Nation was likely to face in the years to come.

In response to that judgment, the bipartisan 9/11 Commission unanimously issued 41 recommendations to make America safer. The most critical of these was the creation of a powerful manager for the intelligence community, one with the authority to establish budgets and to move money and people between agencies as dictated by changing needs.

The commission's conclusion and this recommendation mirrored a similar judgment made 2 years ago by a congressional joint inquiry that neither the President nor the Republican Congress acted upon. Thank heavens we are acting today.

Fortunately, the 9/11 Commission's recommendations and the tireless advocacy of the 9/11 Commission and the victims' families gave us the opportunity to produce a better result today. We are greatly in their debt.

Another significant recommendation was the establishment of a civil liberties board. As we protect and defend the American people from terrorism, we must also protect and defend the Constitution and the civil liberties contained therein. Again, I wish the conferees would have agreed to a stronger board, as was contained in the Senate bill. Instead, we have to rely on the dedication and stature of those appointed to the board to overcome any weaknesses in its power.

Thankfully, the worst of the egregious provisions on immigration and law enforcement that were in the House bill have been removed due to the firm resolve of a majority of the members of the conference committee.

I, too, would like to engage the distinguished chairman in a colloquy. It was not my intention until I heard the colloquy of the previous speaker. I would just like to know what it means that in the next Congress my colleagues will take up the immigration provisions that are not in this bill and will have the cooperation of the President. What does that mean? Does that mean we will be revisiting the same provisions that were removed from this bill in order to obtain passage of it this evening?

Mr. HOEKSTRA. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank her for yielding and appreciate the work she has done in putting together this bill.

What the indications are and what the colloquy I had with my colleague indicate are that the provisions that were deleted from the bill that we are considering today, the difference between the previously House-passed version and what is in the conference report are of utmost importance to members of our conference, to the leadership and to the President, and that through regular order we will pursue moving those agenda items forward in the next Congress.

Ms. PELOSI. Mr. Speaker, so my colleagues removed them. I just want to make sure I understand correctly. The egregious, considered by some of us, extraneous provisions that were in this bill that were removed in order to get the compromise legislation that we have here today will be taken up in the next Congress and be moved quickly to what? Pass into law?

Mr. HOEKSTRA. Mr. Speaker, if the gentlewoman would yield, we will go through regular order to take many of the provisions that had previously passed the House as part of H.R. 10. They will be considered again by the House and will move through the regular process, meaning that this body will consider the legislation. If this body endorses the legislation and the Senate obviously provides complementary legislation, we will go through the conference process to see if it is possible to make those provisions and move them into law.

Ms. PELOSI. Mr. Speaker, I appreciate the gentleman's candor. I have concerns about his statement, however, because there was a oneness, an integrity to this bill which contained many of the recommendations of the 9/11 Commission, bipartisan, and unanimously, and the support of the United States Senate in a very bipartisan way; and I had hoped that what we were introducing today as a compromise was a bill that had, again, this oneness and this integrity. I am concerned that a piece of it is taken off with a commitment that it may be passed.

Mr. HOEKSTRA. Mr. Speaker, if the gentlewoman would yield, I think it is obvious to us that we went there through the process. Many of the provisions that were a vital part of the House bill were not part of the base bill in the Senate, or similar items were not part of the base bill in the Senate; and so we believe that it is important and there will be an opportunity to move through the process with the Senate in the next session of Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. HOEKSTRA). Again, I have serious concerns.

I hope that, again, the Republican leadership will not tarnish this achievement today with commitments to vote on ill-advised changes to our immigration laws in the next Congress.

Mr. Speaker, I just want to say that today we must move forward. There is one recommendation of the 9/11 Commission that we are not considering today, and that is, congressional oversight; that the commission also recommended changes in the intelligence oversight process in the Congress in addition to the changes in the executive

branch. Without effective congressional oversight, the reforms put in place by this bill will be less successful in protecting the American people. I look forward to working with the gentleman from Illinois (Speaker HASTERT) in a bipartisan way to institute more effective congressional oversight.

Today, again, we must move forward. This bill, although not perfect, strengthens the process by which we manage the collection, processing, and dissemination of intelligence. In doing so, it reduces the risk to the American people. It honors the work of the 9/11 Commission, and I hope it will bring some comfort to the families of the victims of the 9/11 attacks.

Actually, passage of this bill is a tribute to the 9/11 families. They have constantly been an inspiration to us because they turned their grief into action. The American people are safer, and we are deeply in their debt. We will never forget their loss, and we thank them for their courage. We owe them at least that much, and that is to make the American people safer. I urge my colleagues to support this bill.

Mr. TANCREDO. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GARY G. MILLER).

(Mr. GARY G. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in strong opposition to the 9/11 Recommendation Act.

I want to commend the gentleman from California (Mr. HUNTER) for his efforts in the area of oversight that he had. I think he did an excellent job, and this bill was improved by his efforts. However, the gentleman from Wisconsin's (Mr. SENSENBRENNER) issues that he dealt with were removed from this bill, and the gentleman from Wisconsin (Mr. SENSENBRENNER) looked at this House issue and said, how did 9/11 occur? How did the perpetrators attack this country, and what can we do in this bill to make sure that does not happen again? That language was removed, and when we talk to the people back home, these are commonsense issues.

The gentleman from California (Mr. OSE) injected language that said we are going to expedite construction of the gap of the 14-mile barrier in between San Diego and the border of the United States. That language was removed; and if we look at that 3-mile gap, it looks like a herd of cattle had stampeded through there every day. We cannot tell who came into this country illegally, but that was removed.

The other one struck is any requirement for proof of lawful presence in the United States for a driver's license.

□ 1845

The 9/11 perpetrators came to this country, they obtained driver's licenses through a legal fashion in 10 States that make them available, and this bill would have said that that will never happen again. The only way 9/11 happened and occurred is because these terrorists were able to obtain driver's licenses to come and go freely in this country and to board planes as they chose. Nothing in this bill will stop that from happening.

The other issue that was struck is license expiration tied to a visa expiration. It makes perfect sense that if you have a visa in this country, and you get a license while you are here, that your license should expire when your visa expires. The same thing happened with the 9/11 perpetrators. Their visas expired, but their licenses did not, and they were thereby allowed to stay in this country.

They also struck expedited removal of illegal aliens. You can implement frivolous lawsuits and stay in this country almost as long as you want, even if you are here illegally. This bill originally would have eliminated that option. It struck the restriction for a terrorist claiming asylum.

It does not take a brain surgeon to realize if you are a known terrorist, trained in an al Qaeda camp and here in this country, we cannot deport you. You can remain. The language to make sure that did not happen was, again, in this bill and was removed from this bill. It struck limiting judicial review of orders of deportation. That is common sense and should have been in.

Now, I will try to go through these quickly. It struck complete national driver's license standards. You should be here in this country legal as a citizen or have a legal right to be here to get a driver's license. It also struck an interstate driver's license database. That way you could not get multiple driver's licenses throughout multiple States like the terrorists did.

There were very good commonsense laws in this that would have become law, and they basically were struck. The one that really does not make any sense struck ''terrorists traveling information sharing.'' You have a terrorist that travels around, and we cannot even share that information by law. That is wrong.

The things that were removed from this bill warrant a ''no'' vote on this bill, and I strongly encourage a ''no'' vote.

I rise today in strong opposition to the intelligence reform conference report. There is no question that everyone in Congress wants to protect the country from another terrorist attack. That is why I am so appalled that this conference report excludes several House provisions strengthening immigration law. We cannot have real intelligence reform without addressing flaws in our immigration system.

I strongly believe that failing to act on important immigration reforms is a grave mistake, since these provisions are central to any legislation designed to prevent future terrorist attacks. By passing this conference report, Congress is looking the other way while potential terrorists are allowed to exploit flaws in U.S. immigration policy.

As we work to implement the recommendations of the 9/11 Commission, how can we ignore the Commission's call for strengthened identification standards in this country? The Commission found that it was our immigration laws, not those laws aimed at protecting against terrorism, that shaped the terrorists' ability to carry out their plot on 9/11. In fact, the Commission found that travel documents were as important to the terrorists as were their weapons.

The simple fact is that if the 9/11 terrorists had not been able to enter the United States and operate freely—to obtain driver's licenses, open bank accounts, rent homes and cars, and board airplanes—they would not have been able to commit mass murder on that fateful day.

As long as fraudulent identity documents remain readily available, terrorists will be able to use legal loopholes to enter and remain at large in the United States.

It is truly beyond reason that this final conference report would remove House-passed provisions to secure driver's licenses. This is in direct contradiction to the recommendations of the 9/11 Commission, which urged Congress to set federal standards for state-issued licenses. Have we already forgotten that the 19 hijackers on 9/11 had 63 driver's licenses among them and that most of these were obtained through fraudulent means?

One of the 9/11 hijackers was stopped for a traffic violation a mere two days before the terrorist attacks. Unfortunately, the officer was unable to detect that the terrorist's visa had expired because his driver's license was still valid. The House bill included a requirement that driver's license expiration dates coincide with visa expiration dates so that law enforcement officers could have the information they need to keep us secure. The conference report deleted this important House provision.

In addition, while current law allows for the denial of admission to the U.S. on terrorism-related grounds, terrorism cannot be used as a basis of deportability from the country. This means that some terrorists and their supporters can be kept out of the United States, but as soon as they set foot on our shores, we cannot deport them, hindering our ability to protect America from terrorists who have infiltrated our country. The House bill makes aliens deportable for terrorism-related offenses just as they would be denied admission to the country in the first place. The conference report excludes this critical provision, leaving a gaping hole in our national security.

The security of our Nation must be our top priority. Great intelligence is nothing without a strong national security. The bottom line is that this bill fails to prevent those who may be harmful to the security of our Nation from operating freely and undetected in the United States.

If the war on terrorism is to be ultimately successful, it is more important than ever that we take the necessary steps to strengthen security at our borders and provide law enforcement agencies the tools they need to identify those individuals who enter or remain in the United States illegally.

This bill is woefully inadequate because it fails to make immigration reforms that are absolutely fundamental to ensuring the security of our Nation. By passing this conference report without immigration reform, we are sending a message to the American people that we still have not learned from the tragedy of 9/11 that political correctness must never take the place of national security.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I just want to make the point that this legislation is a victory for the 9/11 families who lost loved ones, heroes, on September 11, 2001. Those family members who were the ones who were instrumental in creating the 9/11 Commission in the first place and who have been tenacious and persevering in making sure that we do the right thing deserve the credit. I want to commend them on their great work on this.

Let me also respond to the previous speaker. By any measure, this legislation will improve our Nation's ability to protect against terrorism. The 9/11 Commission pointed out so well, and I quote them, ''Travel documents are as important as weapons.'' In a provision that I have long advocated for, and that was put in this legislation by the gentleman from Illinois (Mr. HYDE), we now have provisions that fortify the visa application process and ensure that our consuls abroad have to thoroughly interview those who are applying for a nonimmigrant visa and meticulously inspect their documents.

Let me remind my colleagues that those who committed the atrocities of 9/11 entered the U.S. legally. They got their visas. They went to one of our consuls in Saudi Arabia and, regrettably, the personnel there were giving out visas like cotton candy. The terrorists exploited a weakness in the system. So they came here legally. They were not illegal immigrants. And that point needs to be underscored.

This legislation with Chairman HYDE'S language closes that loophole so that terrorist will be stopped before they get their visas. That's a critical provision in a bill with many, many new programs and I support it.

Mr. Speaker, I rise in support of S. 2845, the National Intelligence Reform Act of 2004. This legislation represents a hard-won victory for the family survivors of 9/11 and for all Americans. They have placed their hopes in us to make the structural changes necessary to prevent another intelligence failure on the scale of September 11th. It is fitting and appropriate that we consider this legislation on December 7th because prior to 9/11, Pearl Harbor represented the largest single day loss of human life to an attack on American soil.

This is, Mr. Speaker, the survivors' bill. If not for the hard work, tenacity and dedication of the families of the victims of 9/11—those 3,000 heroes who lost their lives in that horrific attack—we would not be here today.

Still, there has been much controversy surrounding this bill. Some critics charge that this legislation is not really needed; others contend that it was developed in a rush and should have been considered more thoroughly in committee and subcommittee hearings before being brought to the floor. Neither of these criticisms are valid.

In fact, this legislation is the product of a comprehensive process that began over 2 years ago with the appointment of the 9/11 Commission. I was an early and consistent advocate for the 9/11 Commission because I believed the families deserved answers and the Nation needed a chronicled ''lessons learned'' and a way to move forward to make us safer.

In pursuing its wide-ranging mandate to investigate the facts and circumstances relating to the terrorist attacks of September 11, 2001, the Commission reviewed more than 2.5 million pages of documents and interviewed more than 1,200 individuals in ten countries, including nearly every senior U.S. government official from the current and previous administrations who had responsibility for topics covered under the Commission's mandate. The Commission's recommendations were nonpartisan, unanimous, and published to wide acclaim this past summer. No less than 13 House committees held more than two dozen hearings on the Commission's report and subsequent legislation. In the Committee on International Relations, I chaired a critical hearing on visa reform and recommendations for enhanced U.S. diplomacy. In the Committee on Veterans' Affairs, on which I serve as chair, we held a hearing on Emergency Medical Preparedness.

Today's historic bill addresses and responds to the Commission's major recommendations, and will bring much needed reforms to our intelligence funding, gathering, sharing, and analytical processes. Anyone who questions whether or not these reforms are needed should read the Commission's report. It is filled with information—available to us at the time—that terrorists were actively plotting against us. But instead of our country being on a war footing, the investigations were treated as mere law enforcement cases, and information was not shared between the FBI and CIA. When Predator unmanned drones captured video feed of Osama bin Laden himself in the mountains of Afghanistan, the Pentagon and the CIA bickered for months about who should pay for upgrading the drones to carry Hellfire missiles. The opportunity to take out bin Laden before September 11th was thus squandered by bureaucratic infighting.

Mr. Speaker, on December 7th, 1941 Americans said 'never again' will we be caught so unprepared for a sneak attack. But it did happen again. It happened on September 11th, 2001, and nearly 3,000 men, women, and children lost their lives because of it. This legislation will finally create a national intelligence director who will have direct authority over our intelligence agencies and who will have the power to redirect assets and resources as necessary. The position of national intelligence director should have been created after Pearl Harbor, but J. Edgar Hoover, the powerful FBI director at the time, blocked its creation. Later, the Defense Department blocked similar intelligence reforms over the next several decades. Indeed, the same fate nearly befell this very bill before us today, and it was only the timely and persuasive intervention of President Bush which salvaged this historic package of reforms from being yet another casualty of perennial agency turf battles.

Further, this bill creates a National Counterterrorism Center with the authority to plan intelligence missions and counterterrorism operations. The White House has worked with the conferees to ensure that neither the Director nor the Counterterrorism Center will interfere with the flow of military intelligence to the battlefield and the military's need to preserve its chain of command.

By any measure, the conference report will improve our Nation's ability to protect against terrorism. Mr. Speaker, the 9/11 Commission's report states that for terrorists, ''travel documents are as important as weapons.'' In a provision which I have long pushed for, this bill will require all aliens applying for a non-immigrant visa to completely and accurately respond to any request for information contained in the application, in order to prevent the disastrous series of events in which the 9/11 terrorists failed to provide the most basic of information on their visa applications, yet were still issued visas. It is important to remember that the hijackers were not illegal immigrants. They had valid visas because they exploited the weaknesses of our visa system. With this new legislation, we close those gaps. Consular officials must interview, in person, all appplicants for non-immigration visas unless a special waiver is granted.

This bill includes provisions targeted at preventing terrorism overseas before it reaches our shores. I have been working in this area ever since our embassies were first bombed in Africa in 1998 when I authored the Embassy Security Act. Under the conference report, it directs the State Department to seek international agreements to track and curtail terrorist travel through the use of fraudulent documents and to establish international standards for travel documents, transliteration of names into the Roman alphabet, and common name-based watch list systems. Programs to screen threatening individuals before they reach the U.S. will put U.S. immigration experts at foreign airports.

In order to address the root causes of anti-American incitement overseas which breeds terrorists and sympathizers, the conference report will provide scholarships for Muslim students, more funds for broadcasting and democracy building programs to the Islamic world, and targets aid for strategic countries such as Saudi Arabia, Afghanistan and Pakistan, which were described by the September 11th Commission as absolutely vital to the success in the war on terrorism.

Today's legislation also includes several important, overdue measures to bolster our national security here at home. New programs and pilot projects to upgrade airport and aviation security include explosives detection screening for carry-on baggage, training for foreign air marshals, additional screening of airport workers, and blast-resistant cargo and baggage containers. We will enhance our border security by adding 2,000 full-time border patrol agents, 800 Immigration and Customs Enforcement investigators, 150 consular officers per year for the next 3 years, and advance the use of new technologies such as remotely piloted aircraft to ensure the systematic surveillance of our northern and southern borders. Moreover, this bill will grant the FBI the authority to conduct surveillance and wiretaps on suspected terrorists, even if they have no known ties to any foreign country or entity. In other words, if the FBI is aware of a person trying to produce anthrax, but he appears to be working alone, they can still monitor his activities. For the first time, a Privacy and Civil Liberties Oversight Board will be created to ensure that privacy and civil liberties concerns are appropriately considered in the implementation of laws, regulations and government policies to protect our Nation against terrorism.

This conference report also tightens our Nation's immigration laws to close loopholes. For instance, officials will be able to deport any alien who has received military training from a designated terrorist organization, was well as rendering inadmissible aliens who have committed acts of torture, particularly severe violations of religious freedom, extrajudicial killing or genocide.

It is important to note that a crucial reform that the September 11th Commission recommended, but which is notably absent from this conference report, is to change the first responder grant formula and make the Department of Homeland Security (DHS) grants awarded and assessed based on risk and intelligence data.

The House-passed bill which I cosponsored and voted for (H.R. 10), contained an excellent package of reforms to the illogical grant system that allocates nearly 40 percent of all of the DHS first responder grants strictly on a state minimum basis, rather than risk assessment, and divides most of the rest of the funds on a rote population basis without any risk-analysis. The H.R. 10 reforms would have benefited high-risk, high-population density urban states like New Jersey enormously, while at the same time scaling back grants to states like Wyoming that have fewer terror risks. It would have truly implemented the Commission's recommendation to ensure first responder funding was analyzed and prioritized strictly on risk. The state minimums were reduced substantially.

The Senate passed bill and the Menendez substitute were either much weaker or put too much money into the state minimums, but still represented improvements over current law.

Incredibly, the final conference report dropped both sets of improvements and essentially retains current law. Mr. Speaker, the failure to reform the deeply flawed current first responder grant program is a major missed opportunity for Congress. I pledge to work with similarly-minded colleagues on both sides of the aisle to fix this formula in the upcoming 109th Session of Congress.

While the bill creates general national standards for driver's licenses, birth certificates, and social security cards in order to prevent the identity fraud that terrorists can exploit, as well as improves the physical security of the documents, I remain disappointed that the bill does not prohibit the issuance of driver's licenses to illegal aliens. The idea of giving driver's licenses to illegal aliens is not only unsound, it is just not safe for the country. I will continue to push for limitations on the validity of licenses for those individuals temporarily in the United States.

I am pleased that provisions I opposed in the House bill, H.R. 10—to expand expedited removal and basically eliminate appeals for asylum—are not included in the conference report. These provisions would have dramatically altered our asylum procedures and would have had an extraordinarily harmful effect on true asylum seekers, human trafficking victims, women and children who are victims of domestic violence, and others seeking protection against persecution. We must continue to maintain the delicate balance between ensuring our safety and preserving our country as a safe haven for the persecuted and oppressed.

As you know, Mr. Speaker, I have worked hard over the last several years with the widows, mothers, fathers, brothers, sisters, children and other relatives of the victims of September 11th to help establish a meaningful investigation and produce comprehensive reform. Today we mark the furthest milestone in this long, difficult journey. And while no amount of legislative reform can completely heal their hearts, they can take some comfort in knowing that their government has responded and Americans will be safer because of their hard work and great efforts.

Ms. HARMAN. Mr. Speaker, it is now my pleasure to yield 1½ minutes to the gentlewoman from California (Ms. ESHOO), my classmate, a member of our committee and the ranking member on our Subcommittee on Intelligence Policy and National Security.

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member and the chairman of our committee for the work that they have done together. I think the American people are proud.

This has been a very tough journey to arrive here tonight with a conference report to reform the intelligence community of our country. And yet we know, and all Americans know, that the status quo is not good enough. The status quo has been in place throughout the Cold War and post–Cold War. Yet ever since our country was attacked, there is not anyone that could say that all systems were running the way they should.

And so with gratitude to the families of the victims, who, as our leader said a few moments ago, have inspired us and inspired the country, with the President supporting the bill, with the leadership of both parties supporting the bill, with the support and the recommendations of the 9/11 Commission, who did such superb work for the people of our country, there is no reason why the House of Representatives should not vote in its entirety in support of this bill that reforms our intelligence community.

I think it falls short on oversight, and that should be taken up in the new Congress because it is an important, critical role of the Congress. But I am very proud to stand with my colleagues and the Democrats who introduced an inspirational bill 8 months and 6 days ago that mirrored the recommendations of the commission. I urge all my colleagues to support this bill.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume to make two quick points.

One is, indeed, most of the people who were here, most of the hijackers were here illegally, not legally, because they fraudulently produced documents to get their visas. The visas were frauds to begin with, making them illegal aliens in this country.

Secondly, many of them had overstayed their visas or were doing something here that was not allowed under the visa, making them illegal aliens in this country. So, indeed, they were illegal.

Thirdly, there are far more members of 9/11 families who oppose this bill because the provisions we are talking about here are missing; those provisions to secure our borders are missing. Far more oppose this bill in its present form than support it.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I do not know why we set up a 9/11 Commission if we were not going to take their provisions in their entirety.

When the 9/11 Commission tells us that border security is national security; when the commission finds that our border system has two systemic weaknesses, a lack of a well-developed counterterrorism measure as a part of border security and, to quote them, ''an immigration system not able to deliver on its basic commitments when they look at the case of Mohammed Atta and others and then find and tell us that targeting their travel is at least as powerful a weapon against terrorists as targeting their money, and then lays out a plan for our U.S. border security to be reformed, and we pick up those reforms, put them in the House bill that we pass over to the Senate and now find that those very reforms are stripped out, I do not know how we back away from that argument. Border security is national security; how we acquiesce to those that say no, you cannot touch border security.

You know, I do not know with certainty that moving around the organizational boxes of the intelligence community will make things better. It may. But one thing we can be sure of is that the driver's license provisions that have been stripped at the insistence of the other body would have made a difference. Driver's licenses were the 9/11 terrorists' license to kill and to kill massively. We know that.

They had 63 of these driver's licenses between them, for the 19 of them. And these identification documents gave these hijackers unfettered access to nearly everything they needed to plan and carry out their attacks on Washington, D.C. and on New York City. And the identification cards also allowed them to remain in the country with the appearance of legitimacy long after their visas had expired and their presence in the United States became illegal.

Sixty-eight percent of this body voted for these reforms and 87 percent of the American people support them. They should be in the bill.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, in listening to this debate, which I have followed very closely, and listening to the previous speaker from California, I agree with most everything that has been said. However, you cannot judge a bill by what is not in it. You judge it by what is in it. You cannot win a ball game by designing each play for a touchdown. You move the ball down the field. This is just one piece of legislation, a very important piece, which is

going to come together next year, and we are going to complete the work with illegal immigration.

Do not say this bill is not tough on illegal immigration. We are putting 2,000 more agents each year on the border under this bill. This bill does a lot for us, and all of the other things we have been talking about. It is time to move this forward, come back in the next Congress and pass the rest of it, which has already passed this House by 68 percent, as the gentleman from California said.

Vote ''yes'' on this most important bill.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume to applaud the comments of the last Speaker.

Mr. Speaker, it is now my privilege to yield 1½ minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), another of our committee members and an increasingly valuable member of our committee.

Mr. RUPPERSBERGER. Mr. Speaker, first, I want to start out with strong praise for the chairman of the House Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA). He has bridged differences among many Members who had reservations about this bill, so I thank him for his leadership.

I also want to thank our leader, the committee's ranking Democrat, the gentlewoman from California (Ms. HARMAN), for her vision and tenacity in pursuing intelligence reform. She was the driving force behind the introduction of a reform bill back in April, months before the 9/11 report was released.

Now, this is an historic measure. We are doing more than rearranging boxes on an organizational chart. We are ensuring that the intelligence community has one boss to ensure better communication and accountability. I spent close to 18 years in local government, where I managed a large county, close to 19,000 employees; and I know that workers need to answer to one person who sets policy and manages the budget.

This is critically important to help prevent another terrorist attack and to protect our families and communities.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, we are being told that time is running out to pass intelligence reform legislation. The truth is, time ran out on September 11. We are on borrowed time.

Prior to September 11, three commissions, the Bremer Commission, the Hart-Rudman Commission, and the Gilmore Commission, all came to Congress and said the same thing, that the terrorist threat is real; that we need an assessment of this threat, a strategy to address it, and a reorganized government to implement that strategy. Sadly, few listened then; and, tragically, no one acted.

September 11 was the wake-up call from hell that told us that the terrorist threat is real; that Cold War doctrines of containment, reaction, and mutually assured destruction are totally invalid. And our policy now must be to detect and prevent and, on occasion, preempt those who wish to do us harm. That requires better intelligence.

Congress and the administration made significant changes over the last 3 years to improve our security, but today we are taking the most critical step by reorganizing our intelligence community, creating a Director of National Intelligence with budget and personnel authority. Thank you to all who have made this possible. We are changing and improving transportation. And, yes, while we could do more, we are moving forward with immigration reform.

I believe, I am confident that we can enact stronger immigration reforms in the next Congress, and I look forward to working with my colleagues to see that this is done. But do not defeat this bill because you want greater changes in immigration and lose the changes that have to happen on intelligence reform. We will get the job done. This is the beginning, the most important step; but we are not finished.

Ms. HARMAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. HARMAN) has 6½ minutes remaining, the gentleman from Michigan (Mr. HOEKSTRA) HAS 1 MINUTE REMAINING, AND THE GENTLEMAN FROM COLORADO (MR. TANCREDO) has 30 seconds remaining.

The order of closing is: the gentleman from Colorado, the gentlewoman from California, and the gentleman from Michigan.

Ms. HARMAN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT), a member of the House Committee on the Judiciary and an extremely conscientious Member of this House.

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

Mr. WATT. Mr. Speaker, the 9/11 Commission recommended the creation of an independent bipartisan board to oversee compliance with civil rights and civil liberties, in recognition of the fact that in this difficult area of securing America we were going into some very uncharted areas.

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We crafted a provision in the Committee on the Judiciary which has been substantially watered down in this version of the bill. I simply want to submit for the RECORD a statement that describes that process. I intend to vote for the bill, but have some concerns about whether this bipartisan board of compliance is independent enough or bipartisan enough or is really going to have any authority to do anything to safeguard civil liberties and civil rights after we pass this bill.

Mr. Speaker, I include a more detailed description of my concerns for the RECORD.

Mr. Speaker, because I take the protection of our constitutional rights and liberties very seriously, I offered an amendment during the Judiciary Committee markup of this bill to establish an independent, bipartisan board to oversee compliance with civil rights and liberties and the Judiciary Committee bill included a version of the oversight board. Since that time, there has been a false comparison between the board I recommended and that in the Senate bill to an advisory board created by the President by executive order. The President's board is not and should not be the guidepost for what satisfies the mandate of the 9/11 Commission. The President's board consists of Administration insiders with advisory functions.

Now I know that the Chairman and the Vice Chairman of the 9/11 Commission have endorsed this conference report and characterize the Privacy and Civil Liberties board as independent. I respectfully disagree. The board created by this bill may turn out to be worse than no board at all. It's members are handpicked by the President and serve at his pleasure. That does not create independence. There is no rights of the board to obtain by subpoena information needed to perform its functions. There is no public reporting requirement. And, there is a gaping hole that permits the government to assert a national security or law enforcement exception to the Board's access to government information that may very well reveal whether the rights of our citizens are being violated.

We all agree that our nation must adjust to confront the terrorist threat, but in doing so we cannot undermine the principles for which Americans stand. One need not look far to imagine the types of abuses that a strong, independent Privacy and Civil Liberties Board could expose and prevent. Should innocent Americans be held merely on suspicion, without the opportunity to consult with counsel, without the ability to speak with their family? Should Americans be willing to miss graduations, baptisms, weddings, and funerals, because their names are erroneously on a no-fly list? If Senator KENNEDY, Congressman JOHN LEWIS and Congressman YOUNG find themselves detained as suspected terrorists, who will be next?

In short, just as we need to make adjustments as we fight terrorism, we also need a board with teeth, one that can make sure that fighting terrorism is done in a manner that does not change the fundamental nature of our society. The 9/11 Commission Report stated:

We must find ways of reconciling security with liberty, since the success of one helps protect the other. The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.

I believe that we have missed the opportunity to say to the world and to the terrorists

who would harm us that we are prepared to do whatever is necessary to detect and prevent further attacks but at the same time with equal vigor, we will protect the time-honored values and freedoms that makes our nation great.

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

Mr. TANCREDO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the following is from the final report: ''Secure identification should begin in the United States. Fraud in identification 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.'' That is from the report. That is the thing we are ignoring completely in this bill designed to respond to the 9/11 Commission report.

Mr. Speaker, I ask my colleagues to vote against this bill so it can come back here in a form that could make us all proud, and so we would be able to go back to our constituents and say we have indeed done something to secure this country. This bill does not do that.

Ms. HARMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, obviously we do not all agree on the best direction in which to go. It is clear from this debate that Members on our side and Members on the other side of the aisle have some strong feelings against the carefully crafted compromise. But carefully crafted it was. I can assure Members that 10 weeks and thousands of hours by Members and staff went into the language of this conference report.

There were fights about almost every issue. We worked it out as best we could. We worked it out on a bipartisan basis, and as I said at the beginning of this debate, I cannot thank enough Senators COLLINS and LIEBERMAN and the gentleman from Michigan (Mr. HOEKSTRA) for their collaboration, talent, dedication and true grit. This would not have happened without them.

Mr. Speaker, there has been a lot of conversation about the House bill and what was left out of the conference report. I would point out to colleagues that the vote in the House was an extremely close vote. To remind, there was an amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. MENENDEZ). The vote on that amendment in the nature of a substitute was 203–213; 194 Democrats, 8 Republicans, and 1 Independent supported the Menendez substitute, which was essentially the Senate version of the bill. That means that 96 Members of the other body, all but 2 who voted, and 203 Members of this body, 300 Members, supported essentially the Senate version of the bill. We could look at that as an overwhelming vote for the Senate language. I certainly look at it that way, and the 9/11 Commission said and the White House said in many respects that the Senate language was much closer to what they intended.

My point in bringing this up is in reaching the compromise that we are voting on now, we need to understand how much was given up on both sides. Clearly the gentleman from Colorado (Mr. TANCREDO) and those who support his position think a lot was given up on his side. Some of the language that passed in H.R. 10, very controversial language, was given up, to be sure. But a lot of the language in the Senate version of the bill was also given up: such as the declassified top line; such as a number of the powers that have been talked about for the Privacy and Civil Liberties Board; such as full control over reprogramming of personnel and budget. A lot of those issues were given up in the effort to reach a carefully balanced, bipartisan, bicameral compromise.

That is what we are voting on today. I would just tell all Members that I believe it is not only the best we could do, but it is very good. Just to remind, we do address immigration, we do increase border protection, we do include Federal standards for State-issued drivers' licenses, and we do do something which has not been mentioned, which is direct TSA to develop within 6 months new standards for ID documents for boarding airplanes. TSA is directed in this bill to handle what we all agree is a problem. We do not want terrorists to use fraudulent documents or documents based on expired visas to board airplanes, and we correct that problem in this bill.

We also address the chain of command, as the gentleman from California (Mr. HUNTER) has pointed out. We did not address the border fence issue, but I am hopeful that without waiving environmental protections, those of us who care about it in California will figure out a right and fair solution.

Finally, let me point out, as many Members have, that this bill is supported by the President, the Vice President, the Secretary of Defense, the 9/11 Commission, most of the 9/11 families, most of the conferees, and overwhelming majorities on a bipartisan basis in each House. I urge its adoption. It is the right thing to do. It honors the 9/11 families, and it makes a point about the 63rd anniversary of the Pearl Harbor attacks. We know how to fix these problems. We will do it tonight. I urge adoption of the conference report.

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

Mr. HOEKSTRA. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I wish I was as eloquent as former Member John Kasich when he got up to close a bill, but I want to say a lot of people have worked on this bill. I understand some of my colleagues are going to vote against this bill because it is very close whether many of us would vote against the bill.

Many of my own constituents want the immigration provisions in there. I will look them in the eye and I will say would you give up 8,000 Border Patrols on our borders to defend us if this bill goes down? Would you give up the transportation provisions? One of the biggest risks we have is our port security. If a terrorist takes a suitcase bomb and puts it in a cargo container on the east or west coast, that is a real problem. That would go down.

Mr. Speaker, I would ask my colleagues that if the President has promised us we will bring this up, if our leadership and the 9/11 families will be with us to complete the recommendations that were not brought forth in this bill, I ask my colleagues to vote for this bill, because if they do not, they will put this country at risk.

Mrs. MALONEY. Mr. Speaker, while I rise in support of this conference report, I would like to go on record with a concern that the New York City Mayor's office has brought to my attention. Mr. Speaker it is my hope that we can work to make sure that New York City's concerns are addressed as we implement this legislation.

New York City had attempted to address concerns regarding vital statistics earlier this year in this bill but it appears that in conference some matters of importance to New York City have been dropped.

First of all, New York City maintains vital statistical data on its own much like Washington, DC and therefore there is a need to treat New York City and Washington, DC as States relative to minimum standards for birth certificates. While the bill calls for there being grants to States, for assistance in meeting federal standard allocation of grants, this program is estimated to cost in excess of $400 million nationwide, of which New York City needs—which would be dependent on many factors, including the costs of modifying legacy computer systems, converting birth and death records that may be decades old, and the number of records—will be more than $7 million. This funding need is not reflected in the bill which calls for these grants to be based on a proportion of the birth and death records created by the State. These number of records are only a small factor in the formula that needs to be developed and should not be the sole factor in funding allotments. The formula for such should be developed after consultation with State vital statistic offices.

Furthermore, the section Driver's Licenses and Personal Identification Cards—Standards for Acceptance by Federal Agencies—Minimum Standards will likely require the Electronic Verification of Vital Events (EVVE). However, the bill does not provide for consultation with State vital statistics offices, or for funding the vital statistics systems needed for EVVE.

Similarly, the section on Social Security Cards and Numbers: Security Enhancements requires independent verification of any birth record submitted by an individual to SSA for purposes other than enumeration at birth. However, it does not provide for systems or funding to vital statistics offices. And while this

section requires the Commissioner of Social Security to undertake improvements to the Enumeration At Birth (EAB) program. The Commissioner of Social Security should do this in consultation with State vital statistics offices as should the Commissioner of Social Security's study to determine the most efficient options for ensuring the integrity of the process for enumeration at birth.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of the Conference Report for the 9/11 Commission Recommendations Implementation Act. This important legislation implements most of the recommendations of the 9/11 Commission. In addition to reorganizing our intelligence agencies, it also institutes reforms in a broad range of other national security areas, including border security, aviation security, maritime security, emergency responders, public diplomacy, and law enforcement.

While I am pleased that a compromise has been reached, this body should have acted long ago. It has been four months since the 9/11 Commission issued its recommendations. If we are to minimize the possibility of another 9/11, we must do a better job of working together in a bi-partisan manner. This body represents all Americans—Republicans and Democrats alike.

Nevertheless, this long-delayed conference report includes numerous provisions to make America safer and more secure. As recommended by the 9/11 Commission, the conference report creates a strong Director of National Intelligence (DNI), who will head the Intelligence community and its 15 agencies. The Director will serve as the principal intelligence adviser to the President; and direct the implementation of the National Intelligence Program. Furthermore, the conference report establishes a National Counterterrorism Center (NCTC) within the Office of DNI to coordinate and unify all elements of counterterrorism operations planning.

Lastly, I am happy to see the inclusion of numerous provisions that are designed to improve the Nation's aviation, maritime and border security and enhance terrorism prevention. The bill will also establish an independent Privacy and Civil Liberties Board that will be granted access to all government agencies to review policies and practices and will be led by a Chair and Vice Chair confirmed by the Senate.

Mr. Speaker, no bill is perfect and perhaps in the future some modifications will be necessary. We may also need to address things this bill does not include in the future. However, this is the best compromise we have at the moment, and time is of the essence.

I support this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, in my capacity as the Ranking Minority Member of the Committee on House Administration, our panel has authorizing responsibilities over much of the Legislative-branch portion of the omnibus appropriations bill. Like the rest of the omnibus, the Legislative portion is not perfect, but the sundry agencies under our jurisdiction will generally have the resources they need to continue providing their services to the Congress, and to the American people.

Of course, as a procedural matter, I am disappointed that a freestanding Legislative appropriation did not become law in a regular process, before the start of the fiscal year. Such a bill, H.R. 4755, passed the House in July and later passed the Senate in plenty of time for conferees to report. I recognize that this was not the fault of the gentleman from Georgia [Mr. KINGSTON] or the gentleman from Virginia [Mr. MORAN]. I hope they and all Members have the opportunity to consider the fiscal 2006 bill in a timely, orderly and ordinary process.

With respect to specific agencies under the jurisdiction of my committee, I am pleased that this bill funds a staff fitness facility for the House. This important facility will provide a way for our employees to remain fit and healthy. None of us can properly discharge our duties without the support of our staffs and the other House employees. This long-awaited facility will be a tremendous addition to the House, making it, as well as our employees, stronger.

I am disappointed that the bill does not include a House provision, authored by the gentleman from Illinois [Mr. KIRK], eliminating funding for the Capitol Police mounted unit. In my judgment, the Police have failed to articulate a sufficient rationale for spending hundreds of thousands, millions over time, for this purpose. There is little doubt that the U.S. Park Police can benefit from maintaining a mounted unit, since the Park Police must patrol thousands of acres of parkland in the District of Columbia, much of it well off-road. The Capitol Police faces no such situation, and in fact, will have to spend tens of thousands each year simply to remove the manure from the carefully manicured and fairly small Capitol grounds. Absent a sufficient justification that the Capitol Police mounted unit was worth its cost, I supported the efforts of my Illinois colleague to save the taxpayers' money. I look forward to the important report by the Government Accountability Office, due in March, on this subject.

I share the concerns expressed in the conference report about the ongoing efforts to reorganize the Police. I look forward to reviewing the results of the GAO's contributions in this area. The conferees also directed the Capitol Police to review all existing operations and general expenses to determine whether any ''outsourcing'' opportunities may exist. That term has come to mean the wholesale transfer of jobs overseas, and as a result, its use in the report may disturb many. Naturally, I am eager to review the Capitol Police's report to the appropriators on this subject, and on the USCP's expensive but mechanically unsound Command Vehicle. It seems that these subjects, and many others related to USCP operations and expenses, would make excellent subjects for formal hearings next year in our committee.

In connection with the Capitol Police, I am greatly concerned that several legislative provisions within the jurisdiction of the House Administration Committee found their way into this appropriations bill. In November, I joined my chairman, the gentleman from Ohio [Mr. NEY], and the chairman and ranking minority member of the Senate Rules and Administration Committee, in a joint letter to the Capitol Police Board directing the Board not to requests further such provisions in its future budget requests, and reminding the Board that it should bring proposed legislation to those committees for consideration. Only in this way can the authorizing and appropriations processes work as designed, and for the good of the men and women of the Capitol Police and the people they serve. The Capitol Police was certainly not the only agency within our jurisdiction which asked for legislative provisions in its budget request this year. The others should similarly heed the message we conveyed to the Police Board.

With respect to the Library of Congress, while I am pleased that the Congress will extend temporarily the authorization for the National Film Preservation Board and Foundation, which enabled the funding of this important work for another two years, I am dismayed that separate reauthorization legislation, under the jurisdiction of the Judiciary Committee and House Administration, has not passed. I trust these committees can quickly address this matter next year. I agree with the conferees, who lauded the work of the Copyright Office with respect to digitizing future and historic Copyright records. The Copyright Office, which depends on the public to defray a portion of its expenses, is headed in the right direction in this regard. I also note the continuing good work of the Congressional Research Service, without which none of the Members of either House could do his or her work effectively.

I am hopeful that our committee can authorize a student-loan repayment program for the Office of Compliance. This important tool has helped numerous federal agencies, including the House, to attract and retain the staff needed to build an effective organization.

With respect to agencies within our committee's jurisdiction and funded in bills other than the Legislative appropriations bill, I am glad to see that the conferees agreed to fund the Election Assistance Commission above the amount proposed by the Senate. The $14 million appropriated will help continue the work started by the EAC to serve as the clearinghouse for Federal elections. Although, the EAC got a late start, with the commissioners not taking office until December 2003, they must continue working to improve the election process. If Congress considers a supplemental appropriations bill next spring, the EAC should consider requesting additional resources.

Yet again, I am not pleased that the majority bypassed the committee and inserted into this bill a provision allowing contributions to campaigns for federal office to be diverted to campaigns for state or local office. While this may be a meritorious idea, I certainly believe it should have been considered in an orderly process in the committees of jurisdiction, and not simply added to a massive appropriations bill.

Finally, the Smithsonian Institution received an increase of 3.1 over the fiscal 2004 budget, an increase of more than $19 million, but still 2 percent below its request. The funding level was reasonable given the overall budget constraints this year, but, as in the past, will not fund an aggressive approach to the Smithsonian's aging infrastructure and inadequate maintenance. I hope that Congress will soon recognize that its year-by-year, finger-in-the-dike approach to budgeting actually accelerates the deterioration of the physical plant of our nation's greatest repository of knowledge and ongoing research.

Congress last year finally authorized the National Museum of African American History and Culture, which is in preliminary phases of engineering studies, staffing and planning, and which does not yet have a location or director. The $5 million request to continue the start-

up process was reduced to $3.9 million, which will impede the process. The Board of Regents expects to make a site recommendation to relevant committees, including House Administration, late next year.

Mr. Speaker, I appreciate the hard work of the Appropriations Committee and look forward to working with the committee on matters of common concern next year.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support for the conference report on H.R. 4548, the Intelligence Authorization Act for FY 2005.

I commend President Bush and the House leadership for their efforts to move critical intelligence reform legislation through Congress. H.R. 4548 includes a comprehensive and wide-ranging package of much-needed policy and pragmatic changes that dramatically enhance our ability to target terrorist threats.

There are many reasons to support this legislation. One particularly important reason relates to the language capabilities. It became glaringly evident in the aftermath of 9/11 that we had inadequate language skills and translators in the Intelligence Community. It turned out that we, as a nation, were desperately short of linguists in hard languages such as Arabic, Iranian-Farsi, Afghan-Pashtu, Korean, and Chinese. These are languages that take years to master, but they are absolutely essential if we expect our Intelligence Community to gather critical information.

Mr. Speaker, we will never find the enemy unless we have personnel who speak the languages and understand the culture in lands where terrorists hide. Without serious reforms that increase the number of intelligence officers who speak the enemy's language, there is no way the 9/11 Commission recommendations can be implemented.

The conference report on H.R. 4548 focuses on methods of increasing the talent pool, and instilling a sense of the absolute importance of language in gathering foreign intelligence. We provide a comprehensive, broad-ranging language and education package that seeks to increase the number of language-capable field officers. We provide a plan to increase the number of analysts who are fluent in critical languages. And, we dramatically increase the number of translators to tackle the mountain of untranslated documents.

Working very closely with the Intelligence Community, the FY05 Intelligence Authorization Act provides the authority to engage in a wide range of educational partnerships and voluntary assistance programs to advance language skills in the general population. We establish an Intelligence Community outreach program that will help identify promising linguists.

The legislation revitalizes and broadly expands existing language education programs. We establish a Civilian Linguist Reserve Corps, where individuals fluent in critical languages can be available in the event of a crisis. This legislation provides opportunities for first generation Americans with language skills to contribute to the global war on terrorism.

Mr. Speaker, this is a much-needed series of reforms that were unanimously embraced by the Committee. I congratulate the distinguished Chairman of the Committee [Mr. HOEKSTRA], and the Ranking Democrat [Ms. HARMAN], for maintaining language reform as a Committee priority.

Mr. Speaker, I urge adoption of the conference report on H.R. 4548.

Mrs. BLACKBURN. Mr. Speaker, I want to commend the Speaker, Majority Leader, Chairman HUNTER and Chairman SENSENBRENNER for their hard work on this important piece of legislation. Unfortunately, I must oppose this bill. It contains provisions to reform our intelligence procedures, and it includes a provision to help private security companies—like Guardsmark, which is headquartered in my district—access criminal history background about prospective employees who guard the nation's critical infrastructure. However, this legislation does not contain essential provisions included in the House-passed bill to improve our asylum process or driver license procedures. The 9/11 Commission report found that a number of terrorists abused the asylum system, and that once they found a way into the United States they often remained in the country by committing immigration fraud. The House bill also had a provision that would keep aliens who have received military-type training from terrorist organizations from being admitted to the United States—unfortunately, this provision was stricken from the conference report. This conference report removed the provision from the House bill that requires temporary driver's licenses to expire when an individual's visa expires. Finally, the conference report does not include important provisions that would prevent certain states from issuing driver's licenses to individuals who cannot demonstrate that they are lawfully present in the United States.

Mr. LANGEVIN. Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress and rise in support of this bill.

After 9/11, we approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies and military to new global threats. The 9/11 Commission gave us a blueprint for that mission, and this legislation will help us implement their vision. One of the major recommendations reflected in this bill is the creation of a strong national intelligence director, who will coordinate the activities of our various intelligence agencies. Cooperation among agencies and departments will be critical, and this measure shifts the mentality of our intelligence community from ''need to know'' to ''need to share.''

The conference report also makes significant improvements in the realm of homeland security, including enhanced border patrol efforts, implementation of a comprehensive transportation security plan, improved passenger and baggage screening programs, and initiatives to protect commercial aircraft from unconventional threats such as shoulder-fired missiles.

It also recognizes the need for the U.S. to increase its interaction with and understanding of the Muslim world. As the 9/11 Commission so eloquently put it: ''We need to defend our ideals abroad vigorously. If the U.S. does not act aggressively to define itself in the Islamic world, the extremists will gladly do the job for us.'' By establishing new cultural exchange programs and enhancing diplomatic efforts, we can work cooperatively with Muslim nations to address mutual problems and demonstrate a free and democratic alternative to extremist ideology.

One noteworthy section of the conference report addresses the need for interoperable communications systems among first responders. As a member of the Select Committee on Homeland Security, I have worked closely with law enforcement officers in Rhode Island and throughout the nation, and they have all emphasized the importance of being able to communicate with each other in the event of an emergency. The measure also provides new authority for law enforcement agents to combat terrorism, while avoiding some of the controversial provisions included in earlier drafts, particularly with regard to immigration. We need to have a national discussion on immigration reform, and Congress should address such issues in that context instead of slipping divisive language into an unrelated measure.

Finally, as a member of the House Armed Services Committee, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield.

I thank all my colleagues for working in a bipartisan fashion to craft a landmark measure that will make America safer, and urge support of this legislation.

Mr. SOUDER. Mr. Speaker, I rise today to express my support for S. 2845, the Intelligence Reform and Terrorism Prevention Act of 2004. Since the terrorist attacks of September 11, 2001, Congress and the Bush administration have taken strong, decisive action to respond to the attacks and to make our country safer from future attacks. This legislation is only the latest step taken by Congress and the Bush administration to improve our security. I applaud the efforts of my colleagues on the conference committee and in the House leadership to bring this compromise legislation to the floor.

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. The first strengthens and clarifies the role of the Counternarcotics Officer at the Department of Homeland Security; the second requires that drug enforcement activities be one of the benchmarks for relevant employee performance appraisals at DHS. I thank Speaker DENNIS HASTERT and Chairman TOM DAVIS of the Government Reform Committee for their help in securing this language in the bill, which will improve the Department's anti-drug efforts.

As President Bush noted in December 2001, just a few months after the 9/11 attacks, ''[T]he traffic in drugs finances the work of terror, sustaining terrorists . . . terrorists use drug profits to fund their cells to commit acts of murder.'' The huge profits created by drug trafficking have financed and will continue to finance terrorism throughout the world. Recognizing the central importance of stopping terrorist financing, the 9/11 Commission reported, ''Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts. The government has recognized that information about terrorist money helps us to understand their networks, search them out, and disrupt their operations.''—9/11 Commission Report, 382.

The connections between drugs and terrorism are well-documented. In testimony before the Subcommittee on February 26, 2004, the State Department provided declassified information showing that in Afghanistan, for example, two terrorist insurgent groups—the

Taliban and the Hib-I Islami/Gulbuddin (HIG)—''almost definitely'' are financed by drug money, and ''most likely'' are provided with logistical support by drug traffickers. Two other groups—Al-Qaeda and the Islamic Movement of Uzbekistan (IMU)—''probably'' receive at least logistical support from drug traffickers, and some reports suggest that they receive funds from drug trafficking as well.

This narco-terrorist connection has existed for a long time in many other parts of the world, such as Colombia and Southeast Asia. In fact, 47 percent of the 36 Foreign Terrorist Organizations designated by the Department of State in October 2003 (including three terrorist groups that control almost all the international cocaine market) are on record with DEA as having ties to the drug trade.

Strong Department of Homeland Security action against drug trafficking is therefore vital to our overall efforts to stop the financing of terrorist activities. It was for this reason that Congress specifically provided in 2002 that the primary mission of the Department included the responsibility to ''monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking''—6 U.S.C. III(b)(1)(G).

The provisions I proposed will promote two key objectives to deprive terrorists of their means of financing their operations: first, strengthening the effectiveness of the Department's narcotics interdiction efforts; and second, improving coordination and cooperation among the Department's subdivisions and between the Department and other agencies with counterterrorism missions. As the 9/11 Commission reported, ''We recommend significant changes in the organization of the government. . . . Good people can overcome bad structures. They should not have to.''—See 9/11 Commission Report, 399.

The first provision, Section 7407, replaces the current position of ''Counternarcotics Officer'' (contained in the original 2002 Act) with an Office of Counternarcotics Enforcement, headed by a Director. The first Counternarcotics Officer faced great difficulties in carrying out the mission Congress asked of him. Unfortunately, the current law gives him no authority to hire staff to assist him, and fails to clearly define how the Counternarcotics Officer is to carry out his responsibilities.

The bill before us would rectify this problem by:

Replacing the Counternarcotics Officer with a Director of Counternarcotics Enforcement, subject to Senate confirmation and reporting directly to the Secretary.

Assigning specific responsibilities to the new Director, including oversight of DHS counterdrug activities and the submission of reports to Congress; and

Authorizing permanent staff assigned to an Office of Counternarcotics Enforcement to assist the Director.

The second provision, Section 7408, ensures that DHS employees involved in counternarcotics activities will be evaluated in part on the basis of such activities. It is vital that the Department of Homeland Security continue to encourage its law enforcement personnel to maintain their efforts to stop illegal drug trafficking.

I do believe that progress is being made. Recently, the Coast Guard, the legacy Customs Service, and other Federal agencies, including the Department of Defense and DEA, joined together to make a record seizure of an estimated total of 27 tons of cocaine found on fishing vessels near the Galapagos Islands. These record breaking seizures are an excellent example of what can be accomplished if the Department of Homeland Security continues to improve intelligence sharing and inter-agency cooperation.

Mr. Speaker, we can win the war on terror. And we can take effective action against the narco-terrorists who plague our communities and destabilize democracies throughout the world by passing this bill.

Mr. ISSA. Mr. Speaker, I rise today to speak in opposition to the conference report for S. 2845, the ''Intelligence Reform and Terrorism Prevention Act of 2004.'' The necessary immigration reform provisions in the House-passed intelligence reform bill, H.R. 10, are not included in this conference report, leaving critical recommendations of the 9/11 Commission undone.

H.R. 10 includes key provisions necessary to securing our Nation, and I voted in favor of the bill, along with 282 members of the House. Unfortunately, the conference report we will be considering today is different from the House passed bill and leaves a hole in the security which our citizens demand in a post-9/11 environment. The 9/11 Commission report exposed how the 19 terrorists who attacked America on that terrible day obtained over 60 driver's licenses between them to breach our homeland security. Improving document security is a key recommendation of the 9/11 Commission, but the conference report deletes a key provision that would ban illegal aliens from obtaining a driver's license.

Proponents of this conference report will try to argue that the immigration proposals are a peripheral issue that should not be addressed in S. 2845. To the contrary, the immigration proposals included in the House passed legislation are essential to securing our borders from terrorists. This conference report closes the front door to terrorists, but leaves a key under the back door mat. Once terrorists enter this country, they will continue to have opportunities to easily obtain false documentation and travel comfortably within our borders. These opportunities will be available because this Congress failed to address them when we had the chance.

If we do not include the necessary immigration provisions in this conference report, I can promise you they will not be addressed at all. The critics who oppose including immigration reform in this legislation have zero interest in advancing true immigration reform. How many times do we have to be attacked by terrorists with false documents before we enact the reforms necessary to stop them? The 9/11 attacks have taught us to be proactive, but Congress is regressing back into a reactive state of mind with the passage of this conference report—September 10 thinking in a post-9/11 world.

Border security is an essential component of Homeland Security. America won't be truly secure until Congress makes the tough policy decisions necessary to curb illegal immigration and restore the integrity of our borders.

I want to thank my colleagues who have joined me in opposition to this legislation, including House Judiciary Chairman JAMES SENSENBRENNER, whose leadership has brought this critical issue to the attention of the American people and raised the level of debate. I urge my colleagues to vote against this well intended, but incomplete, conference report.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of S. 2845, the 9/11 Implementation Act. In the days immediately following the 9/11 attacks, Congress put partisan politics aside and came together to find answers and implement change in our way of life to protect our homeland from further terrorist attacks. The House and Senate convened in New York's Federal Hall for a Special Session of Congress one year after the terrorist attacks, sending a strong message of gratitude to the world that Americans stand together as one Nation unified with their allies in our fight against global terrorism. The same bipartisan spirit carried on through the extraordinary two years of work by the bipartisan 9/11 Commission. On July 22 the Commission submitted to the President, Congress and the American people a comprehensive assessment of what went wrong leading up to September 11, and what needs to be done to prevent future terrorist attacks on our homeland. Following the release of the Commission's report I noted, ''Now that the members of the 9/11 Commission have done their work, we in Congress must do ours.'' Since that day I have fully supported reforms the Commission recommended, from budget authority for the National Intelligence Director to an overhaul of the Congressional oversight structure.

The U.S. Senate came together in a truly bipartisan fashion, in a 96–2 vote, to pass legislation which implements all 41 of the recommendations laid out in the 9/11 Commission Report. I cosponsored the companion legislation in the House, but was disappointed when no hearings were held on the bill. Instead, this chamber adopted legislation that implements only 11 of the Commission's recommendations and goes further to impose restrictions on civil liberties not even mentioned in the Commission's report.

I am heartened that a majority of my colleagues in both chambers have now come together in a bipartisan spirit to embrace the recommendations of the 9/11 Commission and adopted a provision creating the Independent Privacy and Civil Liberties Board to protect our privacy and prevent government abuse. The Commission Report provides a roadmap for implementing progressive changes that will keep Americans safer. In the words of President Kennedy, ''There are risks and costs to a program of action. But they are far less than the long range risks and costs of inaction.''

Mr. GREEN of Wisconsin. Mr. Speaker, I am pleased with many provisions contained in Senate bill 2845. I certainly support the intelligence reorganization provisions, as modified by the additions made by Chairman DUNCAN HUNTER. They will strengthen the work of our intelligence community, help ensure that actionable intelligence gets to the right people, and help make Americans more secure.

I am also glad to see the ''material support for terrorism'' prohibition enhancement provisions included in this bill. Some previous versions of these provisions were challenged as being too vague, and this legislation cures that problem. This legislation clearly provides that ''training,'' ''personnel'' and ''expert advice'' are defined broadly without abridging the exercise of rights guaranteed under the first amendment.

Every terrorist act is really the result of a terrorist chain made of many links—from those

evil figures who pull the trigger or drive the rigged truck to those who provide ''material support'' to terrorists. This support includes expert advice and other logistical assistance. If we are going to be successful in the long run in our fight against terrorism, we must attack every link in that chain. As the author of this session's primary bill strengthening material support laws, I'm proud of the work I've done on this front, and glad to see much of it in this bill.

Unfortunately, despite a lot of hard work by some good people, the final version of this bill also falls short in a few key areas. For example, the conference report drops the serious penalties we in the Hose proposed for some newly created terrorist crimes—even for crimes that result in death. The House included a provision that would permit the death penalty to be applied for any terrorist crime that causes death. This provision was adopted by a vote of 344–72, but the Senate conferees refused to include it in the final bill. As a result, we would treat these crimes less harshly than we do many other crimes outside the terrorist arena . . . a dangerous signal to send to the world.

The conference report also removes other key provisions from the House bill such as those:

Making it more difficult for terrorists and foreign criminals to win delays of their removal from the United States;

Allowing for the deportation of all aliens who have engaged in or been affiliated with terrorists activities;

Making it illegal to traffic in actual authentication features for identity documents; and

Providing for the electronic confirmation by state motor vehicle departments of the validity of other states' driver's licenses and information.

It also adds provisions not in the House bill, some of which are actually counterproductive to our antiterrorism efforts. One of the most egregious examples is a provision that will allow a state to waive some of the potential Federal standards for driver's licenses. The 9/11 report states that we need uniform standards for driver's licenses if they are going to serve as secure forms of identification. This provision goes entirely in the wrong direction. Allowing a state to ''opt-out'' of such protections creates an obvious loophole for terrorists to obtain the very kind of identification documents that the 9/11 terrorists exploited on that terrible day.

There are many good provisions in this bill—some of which I helped produce. But because this bill falls short in some very important and troubling ways, and leaves some vitally important issues unaddressed, I must vote no. I hope that by doing so, we will keep the political pressure building to tackle some of the crucial work that has been left undone.

Mr. MARKEY. Mr. Speaker, I am pleased to rise in support of this bill to implement some of the recommendations of the 9/11 Commission.

After 9/11, those who lost family members and friends wanted to know ''why.'' But the Bush administration was scared that an honest answer to that question might highlight flaws in its own policies and decisions, so it opposed the creation of an independent 9/11 Commission.

The families won that hard-fought fight, and the Commission made numerous recommendations to reorganize the intelligence community and strengthen both the implementation and congressional oversight of homeland security.

Although the Senate put together a bipartisan bill that was true to the spirit of the 9/11 Commission recommendations, the House version catered to anti-immigration groups' agendas and to Donald Rumsfeld's struggle to keep all of his Department's intelligence turf intact.

I am extremely pleased that the unwavering determination of the 9/11 family members finally convinced the President and the Speaker to stop allowing the voices of the few dissenters to stymie the will of the majority of Members and Senators who've wanted to see this legislation enacted into law. In particular, I recognize and honor the extraordinary efforts to enact this bill by Ms. Carie Lemack, whose mother, Framingham MA resident Judy Larocque, was killed aboard American Airlines Flight 11. Ms. Lemack is a member of the 9/11 family Steering Committee, and she and others on the Steering Committee have worked tirelessly to ensure both the creation of the 9/11 Commission and the enactment of this bill.

The legislation before us today takes some important steps to implement the recommendations of the 9/11 Commission:

It establishes a Director of National Intelligence with appropriate budgetary and personnel authority;

It establishes a National Counterterrorism Center to ensure that all elements of counterintelligence operations planning are coordinated;

It establishes an independent privacy and civil liberties board to ensure that concerns are addressed; and

It takes specific steps to increase border security.

However, some of the other measures contained in the bill, while useful, in my opinion do not go far enough:

While the Hostettler amendment to facilitate the rendition of certain foreign persons to countries that practice torture was stripped from the bill in conference, along with other anti-immigrant provisions, there is no restriction in the bill that prohibits the secret transfer of detainees to other countries where they will likely be tortured in the name of the U.S. This practice is in direct violation of the Convention Against Torture, a treaty the U.S. has signed, and the 9/11 Commission specifically called for reforms in this area to ensure the humane treatment of captives in the war against terror. I will continue to work until my bill to outlaw outsourcing torture, H.R. 4674, is passed and I will continue to oppose efforts to move legislation that would in any way legitimize the practice of rendition to countries that practice torture.

While the Secretary of Homeland Security is directed in this bill to develop a national strategy for transportation security, it should be abundantly clear that numerous loopholes in this area should be closed immediately: Since almost no cargo placed on passenger airlines is subject to screening for explosives, screening passenger baggage and patting down travelers provides a false sense of security to those flying; The Department has failed to install radiation detectors at all ports of entry to ensure that nuclear weapons cannot be smuggled into the country; And finally, the Department has continued to allow shipments of extremely hazardous materials that could kill thousands of people to travel through densely populated areas even when safe alternate routes are available. I will continue to work to close all of these transportation security loopholes.

Finally, I am also troubled that we have only had several hours to review this legislation. As we learned in recent weeks when a Republican staffer inserted an intrusive tax return snooping provision into the omnibus appropriations bill that no one knew existed and which later had to be removed, waiving the normal 72 hour layover rule for conference reports increases the likelihood that provisions that have not been thoroughly reviewed and do not reflect the will of the House can make their way into final legislation. While we all recognize the importance of the 9/11 legislation, it is my hope that in our efforts to enact it before we adjourn for the year, that language has not been included that will later prove to be ill-advised or carry with it unintended consequences.

I commend the 9/11 families for their heroic efforts to make this country more secure. Without them, we would not be standing here voting on this landmark legislation today. Today's vote is enormously important, but our efforts must not end today. I stand ready to continue the fight to ensure that the terrorist attacks of September 11, 2001 cannot and will not be repeated.

Mr. CASTLE. Mr. Speaker, I rise in support of S. 2845, the House-Senate agreement on the ''National Intelligence Reform Act.'' As a former Member of the House Select Committee on Intelligence, I have long believed that making basic changes to the leadership and communications ability of our intelligence community could reap huge benefits. This bill represents our first real attempt to eliminate some of the weaknesses that exist within the intelligence community.

As we celebrate the passage of this landmark reform, many deserve our enormous appreciation. Only by the determination of the 9/11 Commission Members, House and Senate Conferees, and the Family Steering Committee do we have a bill before us today. Many Members, including myself, believed fully in what they were trying to do. Their resolve, combined with the President's willingness to find common ground, are the reasons we are able to take these steps to make America, and Americans, safer.

I strongly supported the document on which most of the reform is based, the 41 recommendations of the independent and bipartisan 9/11 Commission. In its final report, the Commission cited the absence of strong, centralized leadership for the intelligence community as one of the major factors contributing to the structural barriers that undermined the functioning of our joint intelligence. In response, this bill will link intelligence and operational planning in a new National Counter-terrorism Center, unite the intelligence community under a Director of National Intelligence with significant budget authority, and allow increased information sharing among decentralized government networks.

Although these reforms are long overdue, I know the conferees were determined to close every loophole and address any and all ''what-ifs.'' We all share the priority of ensuring that these reforms will not jeopardize our brave

men and women serving in the armed forces. Now, the Director will have the authority to improve the structure and methods of our intelligence system, while protecting the vital chain-of-command between troops in the field and the Department of Defense.

However, while questions surrounding military intelligence have been resolved, significant concerns regarding immigration reform and border security remain. Although this bill adds border security agents, increases funding for illegal immigration detention facilities, and improves visa requirements and aviation security, we must not become complacent in our efforts to protect our homeland from terrorist infiltrators. For this reason, we must implement an entry and exit system that uses biometric identifiers, improve cooperation with foreign governments, and monitor foreign visitors by enhancing passport and visa requirements. It is also important that we continue to strengthen federal standards for driver's licenses, identification cards, and birth certificates to prevent terrorists from deceiving security with false information. With three million illegal aliens slipping across our borders every year, and no reliable system of prevention or tracking in place, I firmly believe reforming our nation's immigration policies is a key priority for the 109th Congress.

The threats our country faces will surely continue to evolve. For this reason, I hope the intelligence structure, purpose, and strength will be subject to continuous scrutiny. We start that process today with the reforms contained in the ''National Intelligence Reform Act.'' Since Congress first passed the ''National Security Act of 1947,'' at least 19 commissions, committees, and panels, created by either the executive or legislative branches, have tried and failed to create an effective leader with the clout to set common goals for our intelligence system. Today, the status quo was exchanged for meaningful and effective reform.

We must now stay true to this course and honor those who were lost on September 11, 2001, by continuing to pass legislation that increases our security and protects our citizens from those who seek to harm our way of life. Although we have made progress today, we must not waiver in our commitment to make our nation safe for future generations of Americans.

Mr. WELDON of Florida. Mr. Speaker, I rise today to express my frustration at the increasing disconnect between what the American people believe is critical for improving our national security and what those inside the Washington Beltway believe, particularly with regard to illegal immigration.

On the floor for our consideration is legislation to enact portions of recommendations from the 9–11 Commission. Unfortunately, the bill omits significant 9–11 Commission recommendations regarding stricter enforcement of immigration laws and securing our borders.

The 9–11 terrorists exploited our immigration system in order to carry out the murder of over three thousand Americans. Yet, today, due to opposition of these critical provisions by certain members of the U.S. Senate, the legislation before us today is silent on closing these immigration loopholes. The 9–11 Commissioners all have publicly called for Congress to enact serious immigration reform. The fact that illegal immigrants can enter our country and obtain driver licenses and ''game the system'' to remain concealed from law enforcement is an affront to all Americans and endangers our security.

Does anyone think that our enemies will cease to look for and exploit weaknesses in our defenses? Does anyone think they will not look to continue exploiting the loopholes in our immigration laws? Does anyone think it makes us safer to keep the status quo?

Today, is the day we should be passing these reforms, not next year, and not after the next terror attack.

This bill will pass today, but it will do so with significant security gaps. I believe it is critical that we address the omissions from this bill as soon as possible. We cannot afford to put off these critical national security needs.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of S. 2845, that would implement the recommendations of the 9/11 Commission. At long last bipartisanship and the will of the American people are at the brink of success here in the House of Representatives. This reform is now long overdue and this issue is too important to suffer the petty partisan games the House leadership have played with this bill. I only hope that our delay does not come at a higher cost than the few bruised egos of those unwilling and unable to work in a bipartisan manner the way our country's Framers always intended when the national security of this great Nation was threatened.

It should also not be lost on any Member of this Chamber that we are here debating this legislation today, December 7, on the anniversary of another day of infamy, which like 9/11 forever changed the future course of this country and generations of Americans. As we honor and discuss those who were lost on 9/11 today, I would like to take a moment to also remember those lost today at Pearl Harbor in 1941 and the sacrifices made by so many families and Americans since then to defend this Nation.

The recommendations the bipartisan Commission released in July 2004 will help prevent future terrorist attacks by offering a global strategy to dismantle terrorists and their organizations, prevent the continued growth of terrorism, and prepare for future terrorist attacks. In October, the other body overwhelmingly passed the National Intelligence Reform Act, S. 2845, by a vote of 96 to 2. The Bush administration, the 9/11 Commission chairmen, and families of many September 11 victims fully endorsed the Senate's intelligence reorganization bill.

Unfortunately, there in the House, the People's Chamber, the Republican leadership chose a different path, a path that strayed far from the 9/11 Commission's recommendations. In yet another example of party politics over public interest, the Republican majority drafted a 609-page intelligence bill, H.R. 10, without any input or support from the Democratic leadership, including in it controversial provisions not recommended by the Commission on immigration and surveillance, and even went as far as to exempt the United States from certain applications of the 1984 United Nations Convention Against Torture. When Democrats put forward the bipartisan Senate bill as an amendment during the debate, it was defeated along party lines 203–213. Only 8 Republican Members of this House voted for the bipartisan bill.

For over a month, no interest was shown by House leaders in negotiating with the bipartisan supporters backed by President Bush and the 9/11 families, and the bill languished in the conference committee. Finally in November, blowing to public pressure, House Republican leaders worked out a compromise with the President and the bipartisan supporters of the Senate bill, and many of us thought that finally we would see action on this needed reform. However, several Members of the Republican House majority refused to accept the compromise and despite overwhelming support in the House and no question that the bill would pass if brought to the floor, the Speaker refused to allow a vote on the bill rather than have it pass with more Democratic support than Republican.

Instead, we waited nearly another entire month, while public pressure forced the President to finally personally work to try and convince enough Republican holdouts to support the bill, no not that it will pass, because there have always been enough votes to pass the bill, but to ensure that at the end of the vote there would be more Republican yes votes, who hold the majority anyway, than Democratic yes votes

While we waited for Republicans to be able to say they passed the intelligence reform bill themselves without needing any Democratic support, another U.S. Consulate office, this time in Jiddah, Saudi Arabia was attacked by terrorists, killing five people and wounding thirteen others. I fear how many more such attacks our enemies have been able to organize while we have delayed enacting intelligence reform needed to combat their activities.

This effort should mark a beginning, not the end, of our efforts to protect the American people by strengthening the systems by which we collect, process, and disseminate intelligence. However, the price of liberty is eternal vigilance, and as this Congress works to balance the need for greater security while protecting liberty, I would remind my colleagues of the words of one of our nation's greatest founders, Benjamin Franklin, who said, ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

I hope that the Republican leadership will not tarnish this achievement today by agreeing to vote in the next Congress on efforts that will weaken and undermine Americans' liberties.

Mr. GREEN of Texas. Mr. Speaker, I do not support Martial Law rules in the House of Representatives under any but the most extreme circumstances.

Some may have thought the House leadership would learn a lesson from the Omnibus Appropriations scandal, where a few Members and staff nearly got the power to read any American's tax returns because we did not have sufficient time to read the bill. Apparently they did not.

We could have passed this legislation under regular order before the election. We could have approved this legislation under regular order before Thanksgiving. But the House leadership has brought us to the point where we do not all have the opportunity to read this bill to determine what effects it will have on our constituents.

The rules of the House provide for 72 hours to review legislation before it reaches the floor. Like too many other rules to ensure good government, this rule has been violated repeatedly by the House leadership. They often resort to changing the rules when it pleases

them. This is a dangerous practice, especially for a bill so important.

From most accounts, some of which are conflicting, the National Intelligence Reform Act of 2004 is a beneficial and important piece of legislation. I congratulate all those who contributed so much hard work.

As a veteran of the legislative process, I do not expect perfect bills. However, it is not too much to ask for all Members of the House of Representatives to have the opportunity to know exactly what they are voting on.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of this legislation.

Earlier this year, in October, I voted to pass H.R. 10, despite realizing how that bill violated the bipartisan and unanimous spirit of the 9/11 Commission.

It was a bill crafted solely by the House Republican leadership. H.R. 10 failed to give sufficient budgetary authority to the National Director of Intelligence, and perpetuated fragmented management of our national intelligence structure. Barriers to crucial joint intelligence were left unaddressed, while controversial extraneous ''poison-pill'' provisions were included.

I supported that flawed legislation then because it was absolutely imperative that the process continue to move forward. I was hopeful that this bill would be improved in conference and the controversial provisions removed, because I was hopeful that the will of the American people would be able to make its influence felt even behind the closed doors of a conference negotiation.

The American people have won today, and that victory was spearheaded by a group of average, every-day American citizens who tragically know all too well the threats to our national security.

The conference report we have before us today was made possible through the steadfast determination of the families of the 9/11 victims. They stood in candlelight vigil outside the White House, evoking the memory of their lost loved ones, demanding action and intervention by the President. The President heard them, and the country thanks them.

We all cried and grieved with those families that tragic day 3 years ago, and today we will take action in honor of them.

I applaud the efforts of the conference negotiators who fought for the safety and security of all Americans against the forces who wanted to protect the status quo. They were willing to compromise where they could, but held their ground where they had to.

We finally have a National Director of Intelligence with sufficient budgetary and personnel authority to coordinate our intelligence efforts, and a National Counter-Terrorism Center able to unify all elements of counter-terrorism intelligence operations planning. To protect civil liberties and address privacy concerns, we have an independent Privacy and Civil Liberties Board empowered to have access to information from departments and agencies. Transportation and border security are addressed, and the sharing of terrorism threat information among Federal, State, local, and tribal entities is improved.

We have much to praise about what is included in this conference report, but also extremely significant is what was kept out.

Before, the House-passed H.R. 10 sadly included provisions that eased restrictions against deportation to countries that practice torture; a violation of the Convention Against Torture, an international treaty to which this country is a party. I opposed that provision before and I applaud the successful efforts of conference negotiators in removing these egregious provisions.

Before, there were sections of legislation that undermined the fundamental due process rights of immigrants in the courts. These sections would make it harder for refugees fleeing religious and political persecution and for victims of sex trafficking to seek asylum in the United States. These sections did nothing to make America safer and were in direct contravention of the 9/11 Commissions recommendations that urge our nations immigration system should send a message of welcome, tolerance, and justice. Those provisions are now removed.

Certainly, there are remaining immigration issues that deserve continued debate and discussion, but they should not be used to delay or derail such crucial legislation.

In waging the war against radical Islamic totalitarianism, we have taken an important step towards making victory ours. But the work before us must continue.

The battle against terror rightly must involve the improved coordination of intelligence. Also, efforts to secure our ports, railways, chemical plants, and airliners to keep us safe at home.

Homeland security rightfully begins at home, but cannot end at our shores. Our soldiers, Marines, airmen, sailors, intelligence analysts and operatives, F.B.I. agents, and law enforcement agents can only do such much. Fundamentally, what we must win is the battle of ideas.

In winning the struggle against radical Islamic totalitarianism, the 9/11 Commission and many others urge our nation to offer an example of moral leadership in the world, to treat people humanely, to abide by the rule of law.

The people of the Muslim world must never be misled about what this country believes in, what it fights for, and what it defends. Public diplomacy that repair our relations and image, funding international education to counter the rise of hateful madrassas, and protecting the rights of women must be part of our efforts.

Committing the necessary resources to help the economic development and political democratization of the Middle East must be part of the equation. To combat the rise of radical Islamic totalitarianism, foreign aid and nation-building can no longer be avoided.

Today, as we commit ourselves to strengthening our intelligence agencies and protecting our homeland, let us be ready tomorrow and the days ahead to continue the remaining work before us.

Mr. CUNNINGHAM. Mr. Speaker, today I rise in support of the conference report on S. 2845, the National Intelligence Reform Act. Included in this legislation are important reforms that will ensure better coordination among national intelligence agencies, and protect our Nation against future threats while preserving the military's access to critical intelligence in the field. While I believe it is essential that we adopt this measure and reduce the risk to our Nation, I do so reluctantly because we could have done much more in that regard. Unfortunately, conferees in the other body insisted on stripping many critical provisions that would crack down on terrorists who enter and remain in this country illegally.

I was pleased to join 282 of my colleagues and vote in support of the House version of 9–11 reforms, H.R. 10, in early October. That bill included many critical reforms aimed at addressing intelligence coordination and oversight, and it also included critical tools to close the immigration loopholes that terrorists can use to attack us at home. The 9–11 commissioners specifically cited these loopholes and recommend we close them. These immigration recommendations are also important reforms we should have addressed in the conference report. The House bill included provisions for expedited removal of potential terrorists, asylum restrictions, national drivers licenses standards and improved traveler screening at ports and borders.

Despite the absence of these critical provisions, I believe we must move this bill forward because it does take a critical first step toward making America safer. Through the creation of a National Intelligence Director and the National Counter Terrorism Center, this measure will ensure better coordination of intelligence across the government, while protecting the timely flow of intelligence to our troops.

Likewise, I am pleased we were able to include measures to strengthen our ongoing efforts to eliminate illegal border crossings. This legislation adds 10,000 new border patrol agents to intercept illegal immigrants and potential terrorists as well as 4,000 new immigration enforcement investigators to track illegal immigrants down within our borders. These agents are badly needed and will immediately improve illegal immigrant interdiction and interception operations. Additionally, this measure authorizes 40,000 more detention beds for suspected terrorists and illegal immigrants. Much better that we enact these improvements now than wait.

Despite the positive steps we are taking here today, our job is not done until we address comprehensive immigration reforms. I intend on making immigration reform a priority next Congress. President Bush pledged yesterday to bring up immigration reform early next year; leadership has given me their word that they are committed to doing the same. I remain committed to fighting for passage of these sorely needed immigration reforms with my colleagues early in the next Congress, and I will not rest until we have completed that job.

Ms. LEE. Mr. Speaker, the bill to implement the 9/11 Commission's unanimous recommendations, while flawed, is an important first step towards comprehensive intelligence reform.

Passing this bill, however, does not let Congress off the hook. We must be vigilant of how this legislation is implemented by an administration that has a tendency to disregard civil liberties all too quickly.

Specifically, I'm disturbed by provisions relating to pretrial detention of terrorist suspects. While everything must be done to minimize the flight risk of terror suspects, under this legislation, the government will not need to prove that the suspect is a flight risk before detainment.

The 9/11 Commission concluded that intelligence opportunities were missed before the terrible tragedies of September 11, 2001, not because law enforcement did not have adequate surveillance powers, but because of a misreading of existing surveillance laws. This bill still includes provisions that allow non-citizens to come under federal wiretaps even if they are not connected to a foreign government.

I'm concerned that we not forget the balance between information sharing within the intelligence community and privacy safeguards for sensitive data.

We must return in the 109th Congress and be prepared, when necessary, to intervene to ensure that law enforcement has the tools to secure our homeland but at the same time holds American civil liberties sacred.

Mr. OXLEY. Mr. Speaker, I rise in support of this historic bipartisan legislation and of all the work this House has done to bring it to the floor today. This was by no means an easy task we set out to achieve when we received the 9/11 Commission report this past summer and set to work holding hearings during the August recess.

The Financial Services Committee's contributions to S. 2845 continues some of the most important work it, and the Congress, has ever done. Work that began in the tense hours and days after the tragic attacks on September 11, 2001, and continues today in the efforts on this House to synthesize the 9/11 Commission report into momentous legislation.

It is a testament to the work of the Financial Services Committee that the 9/11 Commission report cited with approval Title III of the USA PATRIOT Act, and said that on anti-terror financing and anti-money laundering the various elements of the government are doing a good job.

The Commission also urged Congress, law enforcement, and the intelligence community not to become complacent and to engage in ongoing and rigorous examinations of the financial system. I believe this legislation rises to meet that challenge.

The Financial Services Committee has once again come together to create bipartisan legislation aimed at disrupting the financing of terrorism and strengthening the country's anti-money laundering laws.

The package that the Committee assembled centers on four broad themes: (1) additional finding for the fight against terrorist financing; (2) new tools for the government to combat terrorist financing schemes; (3) improved international cooperation and coordination on anti-money laundering and counterterrorist financing initiatives; and (4) enhanced preparedness of the financial services sector in case of another large-scale terrorist attack.

Among the key provisions in S. 2845 that reflect the contributions by the Financial Services Committee are the following:

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

An authorization for additional funding for Treasury's Financial Crimes Enforcement 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;

A provision that allows the SEC to take action in an "emergency" to maintain or restore fair and orderly securities markets, ensure "prompt, accurate and safe" transaction settlement, and prevent disruptions of markets or market activities. The Secretary of the Treasury is given comparable authority over markets for government securities;

An authorization for the Secretary of the Treasury to produce currency and other security documents at the request of foreign governments;

A directive to the Secretary of Treasury to prescribe regulations requiring the reporting to FINCEN of certain cross border transmittals of funds relevant to the Department of Treasury's anti money laundering and anti terrorist financing efforts;

A restriction on federal examiners of financial institutions, for one year upon leaving the federal government, from accepting compensation for employment from a financial institution which the examiner had responsibility for examining;

A requirement for better coordination and building of international coalitions;

A Sense of Congress that the Secretary of the Treasury should continue to promote the dissemination of international anti-money laundering and counter-terrorist financing;

A requirement that the Secretary of Treasury convene an inter-agency council to develop policies to be pursued by the United States regarding the development of common international anti-money laundering and counter-terrorist financing standards;

A provision that enhances the delegation authority for the Secretary of the Treasury to appoint a Fiscal Assistant Secretary in the absence or inability to serve of the current Fiscal Assistant Secretary;

A Sense of Congress that insurance and credit rating firms should consider a firm's "compliance with standards for private sector disaster and emergency preparedness" when assessing the firm's insurability and creditworthiness. This is consistent with the 9/11 Commission Report, which made the identical recommendation.

I want to especially thank the Members of the Financial Services Committee that were instrumental in bringing the success of this legislation. I would especially like to recognize Financial Institutions and Consumer Credit Subcommittee Chairman SPENCER BACHUS (AL), Oversight and Investigations Subcommittee Chairwoman SUE KELLY (NY), Domestic and International Monetary Policy, Trade, and Technology Vice Chair JUDY BIGGERT (IL), Ranking Member BARNEY FRANK (MA), and Committee Member LUIS GUTIERREZ. I also want to thank our counterparts in the other body for there help in resolving our issues quickly.

In sum, Mr. Speaker the Financial Services Committee's contribution to S. 2845 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 down those gaps.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of the Conference Report on the 9/11 Commission recommendations.

The conference report, which implements the core recommendations of the 9/11 Commission, is essential to bolster our nation's security in the wake of the terrorist attacks on September 11, 2001. The report:

Establishes a Director of National Intelligence to coordinate all national intelligence efforts;

Establishes a National Counterterrorism Center to unify all elements of counterterrorism intelligence operations planning;

Establishes an independent Privacy and Civil Liberties Board within the Executive Office of the President that would ensure that privacy and civil liberties concerns are properly considered;

Establishes an Information Sharing Environment to facilitate the sharing of terrorism information among all appropriate Federal, State, local, tribal, and private sector entities, through the use of policy guidelines and technologies;

Requires the Secretary of Homeland Security to develop and implement a national strategy for transportation security—including aviation, air cargo and maritime security measures;

Requires the Secretary of Homeland Security to develop a plan to improve border security—including the use of advanced technologies to secure the northern border, and remotely piloted aircraft to secure the Southwest border;

Requires federal agencies to establish minimum standards for driver's licenses and ID necessary to board domestic commercial aircraft and gain access to federal facilities.

This is a strong bill that will make Cleveland, OH, and our country safer and more secure. I strongly support the bill today, and I supported it on November 20, 2004, when the House and Senate conferees reached an agreement on this landmark legislation. This bill should have been ready for the President's signature then, but unfortunately the Republican leadership played politics and delayed passage until a majority of Republicans supported the bill—even though the conference report had strong Democratic support and would have passed on November 20.

But, today, this important legislation will pass. We, Democrats, fought for this conference report to reach the floor for a vote before this 108th Congress came to a close, and we succeeded. It is time to make our country safer. It is time to overhaul our intelligence agencies in order to prevent another 9/11 attack. It is time to pass this bill in honor of the 9/11 victims and their families. Vote "yes" on this vital legislation.

Mr. HOLT. Mr. Speaker, I rise today in support of the conference report on the National Security Intelligence Reform Act of 2004. I must admit that when I arrived this morning, I was dubious that this measure would actually make it to the floor. That it did is due to the incredibly hard work of the conferees and the staff from both the House and the Senate, as well as the tireless advocacy efforts of the families of 9/11, and I thank each one of them for their service to America.

There are many laudable provisions in this bill, Mr. Speaker, including most of the principal recommendations of the 9/11 Commission. I'm very pleased that the conferees were apparently able to agree that the proposed Director of National Intelligence will have meaningful budget and personnel authorities to help reshape our intelligence community to meet existing and emerging threats. I'm also pleased that another key 9/11 Commission recommendation, the creation of a National Counter Terrorism Center, will also come pass.

Also of note in this bill is its requirement that our intelligence, law enforcement, and homeland security agencies achieve a greater level of information sharing, and that this process will include Federal, State, local and tribal entities, as well as the private sector. If there is

one lesson that both the attack on Pearl Harbor and the attacks on America on 9/11 should have driven home is that information sharing among the elements of our government is paramount if we are to prevent surprise attacks. I hope these new provisions will be effective in breaking down the barriers to information sharing that figured so prominently in both of these national tragedies.

I'm also gratified that this bill includes a Privacy and Civil Liberties Board to help safeguard the freedoms that make our nation the greatest on earth. This Board will conduct oversight of executive branch policies to ensure that the privacy and civil liberties of our citizens are protected, and I hope that it will serve as an effective watchdog in that role.

Make no mistake about it: The next Mohammad Atta will not present himself for biometric or other screening at an existing border crossing point. Future al Qaeda operatives will almost certainly attempt to slip across the border at a weak or undefended point, carrying with them the false identity documents necessary to blend in and execute another attack against our citizens. We must do whatever is necessary to guard our borders, and I want to thank my colleague, the ranking member of the Homeland Security Committee, the gentleman from Texas, Mr. TURNER, for all of his hard work in this area, and to wish him well in his future endeavors.

There are some things in this bill that trouble me, Mr. Speaker. I'm concerned about the sweeping FISA authorities that are added in this bill, particularly those aimed at alleged "lone wolf" terrorists and the apparently sweeping definition of what "providing material support" to terrorists that is permitted in this bill. I realize that each of these clauses has sunset provisions, but as we've seen with the Patriot Act, such sweeping authorities can be used against innocent citizens. I will monitor the implementation of these provisions very closely, as I hope all of my colleagues will, and if evidence of abuse surfaces, I hope they will join me in modifying these provisions as necessary.

Mr. Speaker, one key 9/11 Commission recommendation that did not make its way into this bill is the need to reform congressional oversight of the intelligence community. The bill before us also includes new provisions for expanded "red teaming" within the intelligence community, and I hope that this provision will sharpen analytical products coming out of the intelligence community. But we need to face facts, Mr. Speaker: Our own house is not in order when it comes to conducting effective oversight of the intelligence community. I intend to revisit this issue in the coming Congress, and I hope my colleagues will join me in that effort.

Despite the concerns I've raised above, Mr. Speaker, this is a good compromise that will help to protect our country in the years ahead. I'm also confident that this compromise addresses the concerns that some in this body and elsewhere have raised that this reorganization of the intelligence community would somehow endanger our troops in Iraq and Afghanistan by constraining their access to real-time intelligence. This bill was held up for weeks by Members who claimed it would deny good intelligence to our soldiers in the field. Clearly, this compromise bill does not do that, and if anything, the provisions contained in this bill will only strengthen and rationalize the collection and dissemination of intelligence to both policymakers and warfighters. A bureaucratic turf fight is a better description of the disagreement, and that is no reason to hold up this bill.

Again, I thank the conferees and the staff for their Herculean effort to bring us a bill we can collectively support, but above all I thank the families of 9/11. Simply put, this would not have happened without their relentless effort, and they are patriots in the truest sense of the word. I intend to vote for this measure, I urge my colleagues to do the same.

Mr. UDALL of Colorado. Mr. Speaker, nearly two months ago this House passed a bill that failed to address many of the 9/11 Commission's recommendations, while including objectional provisions regarding immigration, civil liberties, and other issues. While the Senate was able to reach agreement on a bill that reflected the views of both parties, the Commission, and the 9/11 families, House leaders did not work in a similarly bipartisan way to reach agreement on the best way to implement the recommendations.

I voted for the House bill because I believe we need intelligence reform. I hoped that with the President supporting the Senate bill and every Republican in the Senate voting for it, the House Republicans' misguided criticisms of the bill wouldn't carry much weight in conference.

So I am very pleased that the conference report we are voting on today more closely reflects the Senate bill. And I am encouraged that during this last week of the 108th Congress, we have come together to put country before politics—and to send legislation to the President that will make America safer.

Mr. KIND. Mr. Speaker, I rise today in support of the conference report for H.R. 10, legislation to reform our country's intelligence agencies. I support this report so, as a country, we can move forward quickly to give the President a completed bill to sign. The security of the people of western Wisconsin is of an utmost priority, and I am supporting this measure to make changes necessary to protect our homeland.

On September 11, 2001, our Nation was brutally attacked, and several thousand of our citizens were killed. Our country was shocked and dismayed, but we were far from defeated. The resolve of our Nation is strong, and we stood up to the challenge and struck back.

After the attacks on that fateful day in September, many questions about our homeland security were raised. I supported and worked for a comprehensive Homeland Security bill that created the Homeland Security Department and cabinet level secretary. The creation of the Homeland Security Department was an important first step for our country to ensure the security of its citizens. But there remained many unanswered questions about our Nation's intelligence failures before September 11, which is why I supported the creation of the independent bipartisan 9/11 Commission.

On July 22, 2004, the 9/11 Commission provided a full and complete report to Congress and the American public. I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use this report to make certain this type of attack never happens again; I fully support the unanimous and bipartisan recommendations of the 9/11 Commission.

While I had several concerns with many of the provisions included H.R. 10, I decided to support passage of this legislation back in October. I supported H.R. 10 because when the safety of our country is at hand we need to be able to cross the aisle and work with our colleagues to protect our country. After passage, however, I was glad to see the conference committee move to more closely align the conference report with the 9/11 Commission's 41 recommendations and the Senate passed bill. Over the past several weeks, we have had several opportunities to pass this very important legislation, but the House leadership has been working towards passing the bill with the support of the majority.

I support this conference report for several reasons. First and foremost, the families of the 9/11 victims and the 9/11 Commission supports this conference report and have worked hard to ensure the legislation improves the safety for our country. In addition, the conference report contains not only major reforms of the intelligence community, but significant measures to improve aviation and border security and emergency preparedness and response. This bill implements a substantial portion of the 9/11 Commission's recommendations; I am happy that the conference report includes a strong National Intelligence Director as well as the essential authorities necessary for the National Intelligence Director's success. It also creates a strong National Counterterrorism Center and an independent Privacy and Civil Liberties Board.

The 9/11 report also addresses foreign policy and public diplomacy, something we cannot deal with in this legislation before us today. One of the most important chapters in the 9/11 Report was chapter 12, which offered a global strategy to work with the Arab and Muslim worlds. If we follow the recommendations in this chapter, and focus our energies on improving our economic and political ties to this part of the world, it will not only improve the image of the United States of America, but it will help reduce future terrorist attacks on our country.

Once again, I would like to thank the members of 9/11 Commission for their patriotism and hard work to help safeguard our country. I would also like to recognize the tireless work that the families of the victims of 9/11 have put into creating the Commission on the attacks, and, secondly, that legislation was brought to the floor for deliberation. Finally, I would like to thank the conferees for all their hard work on this essential legislation. I encourage my colleagues join me in supporting this long-overdue, critical legislation. This legislation is a crucial step toward making our country safer from terrorism.

Mr. BLUMENAUER. Mr. Speaker, it is a relief to finally pass this important legislation to make America safer. The bill moves our national security and intelligence coordination efforts forward and paves the way for future counterterrorism measures.

I am concerned by some of the limits placed on the powers of the National Intelligence Director and would like to have seen stronger safeguards for individual civil liberties. I am pleased to see that the most egregious immigration provisions were removed by the Conference Committee.

While it is unfortunate that it took two months to pass this bill, the Senate overwhelmingly passed a bipartisan bill two

months ago that had the support of the 9/11 Commission, families of the 9/11 victims, and President Bush. That legislation could have been passed immediately. Instead, we almost didn't get a bill at all.

The challenge now will be to focus our efforts on the greatest threat to America today: terrorism. My commitment is to work to make the new structure a success and to not allow the quagmire in Iraq to divert us from the essential task dealing with terrorism.

Mr. STEARNS. Mr. Speaker, tonight we vote on the final version of the Intelligence Reform bill. It's appropriate that we do so today, December 7th, Pearl Harbor Day. We hope that this legislation will help prevent future attacks on our homeland. I will vote for final passage, because this bill contains much needed reform of our intelligence community. But more can be done to protect America.

This conference report is supposed to codify the recommendations of the 9/11 Commission, and insofar as intelligence is concerned, it does. But the 9/11 Commission's charter required it to create a full account of the circumstances of the 9/11 attacks and formulate recommendations for guarding against future terrorist threats. This includes immigration and asylum reform, border protection and identification security. The Commission's recommendations and staff report contained repeated and explicit references to immigration, border, asylum and identification problems of which the 9/11 hijackers took advantage and which need to be solved.

I thought that the House version of the Commission's recommendations, H.R. 10, properly attempted to meet these goals. Yet here we are today, debating a conference report that contains hardly any of the strong Title III measures that were passed by the People's House. This is incredibly disappointing. While the final version of this legislation adds to our border security personnel, tightens up our visa application process, and sets up some identification standards, the fact remains that we need to do much more.

We can have all the intelligence in the world, but if we can't protect our own borders or prevent terrorists from coming into our country, then we're just stupid. I support this bill because it reforms our intelligence, but also because the administration and leadership have promised to pursue additional reforms in immigration and border security.

Mr. Speaker, as a member of the Immigration Reform Caucus, I intend to make sure that these promises are kept. I also look forward to working as soon as possible in the 109th Congress on legislation dealing with serious immigration reform, improving our asylum laws, border control, and identification security. Now more than ever, our immigration policies have national security ramifications. I will not rest until we fix our laws to meet these challenges.

Mr. LANGEVIN. Mr. Speaker, I am pleased that we will implement intelligence reform before the close of the 108th Congress and rise in support of the underlying bill.

After 9/11, we approached fighting the global war on terrorism as we had the Cold War. But it became clear that we needed to adapt our intelligence community, law enforcement agencies and military to new global threats. The 9/11 Commission gave us a blueprint for that mission, and this legislation will help us implement their vision. Cooperation among agencies and departments will be critical, and this measure shifts the mentality of our intelligence community from ''need to know'' to ''need to share.'' It also makes significant improvements to homeland security, while avoiding some of the controversial provisions included in earlier drafts.

As a member of the House Armed Services Committee, I am pleased that this bill strikes a careful balance between creating a strong national intelligence director and preserving the ability of our men and women in uniform to gain access to the intelligence needed to be successful on the battlefield. I thank all my colleagues for working in a bipartisan fashion to craft a landmark measure that will make America safer.

Mr. MEEHAN. Mr. Speaker, I rise in strong support of this legislation.

I am deeply gratified that today, Congress has put aside turf wars and partisanship and taken this critical step forward for our national security. Over 3 years after 9/11, intelligence reform has been sorely overdue. Today, we got it done.

But before we congratulate ourselves, members of Congress should recognize the debt of gratitude we owe the 9/11 families. Our government failed all of us on 9/11, but most of all the victims and their families. For 3 years, the families who lost loved ones on 9/11 demanded answers. They demanded accountability.

While many in Washington delayed, the families pressed Congress to find out what went wrong, and fix the problems. Today, their impassioned, tireless work has resulted in concrete reforms: a national intelligence director with the authority to coordinate our intelligence efforts and set clear priorities; a National Counter-Terrorism Center to increase our coordinated approach to anticipating future threats; a Civil Liberties Oversight Board to help us strike the balance between freedom and security.

And many other critical steps to improve our security: development of biometric identification technology for travelers; enhanced training of federal air marshals; substantial increases in the number of border patrol agents and immigration investigators; development of air defense systems; upgrades in air cargo screening; expansion of watch lists to passengers and crew of vessels docking in US ports and; a comprehensive plan for transportation security that anticipates the full range of possible attacks.

Many of the 9/11 families live in Massachusetts and traveled to Washington to lobby Congress and hold vigils. Because of their dedication, America will be more alert and better prepared to prevent future tragedies.

Today, Congress should also credit the 9/11 Commissioners, whose thoroughness, independence, and candor forced our nation to confront glaring weaknesses in our defenses.

We live in a time when partisan politics degrades nearly every important issue. It's remarkable that the 9/11 Commissioners were able to check their politics at the door, and unanimously agree on 41 concrete recommendations to present to Congress.

The Commission's work is a landmark achievement. It's a model for bipartisan cooperation that Congress must continue to follow.

Congress has taken the first steps toward making America smarter and more alert. But intelligence reform cannot be the end of our government's response to September 11. We have only begun to meet the challenge of securing the American homeland against all enemies.

With the same urgency and unity, we must move forward to secure the world's nuclear materials. Today's legislation takes the first steps toward creating a national director of nonproliferation efforts. We cannot rest until the world's most dangerous materials are permanently secured.

We must move forward to secure our cities, ports, airports, roads, bridges, and rail lines. Today's legislation directs government agencies and the private sector to develop comprehensive plans to anticipate and respond to attacks. We must ensure that local officials, first responders, and hospitals have the resources they need to execute on those plans.

And finally, we must continue moving forward in hunting down and destroying the terrorists who attacked America three years ago. By improving our intelligence, with this legislation we are one step closer to bringing justice to those who murdered 3,000 of our fellow citizens.

I urge my colleagues' support for this landmark legislation.

Mr. HYDE. Mr. Speaker, the following provides a summary and the legislative intent of the provisions included in the conference report on S. 2845, the National Intelligence Reform Act of 2004, that are within the jurisdiction of the House Committee on International Relations and the Senate Committee on Foreign Relations.

As a member of the conference on S. 2845, and Chairman of the House Committee on International Relations, it is appropriate to provide guidance to those who will be responsible for faithfully executing this important statute. The inclusion in the conference report of several provisions of interest to the International Relations Committee reflects our work to implement the recommendations of the Final Report of the National Commission on Terrorist Attacks Upon the United States, July 2004, hereafter referred to as the 9/11 Commission.

As a practical matter, I consulted with Mr. LANTOS, the Ranking Democratic Member of the House Committee on International Relations (who was not a member of the Conference Committee), Senator COLLINS, Senator LIEBERMAN and, through them, with Senator LUGAR on these provisions included in the legislation. We reached agreement on the text of those provisions, and following is further elaboration of the most significant provisions that shall be considered to have the effect of a statement of managers.

Sec. 7102—Terrorist Sanctuaries. This section transforms the broad recommendations of the 9/11 Commission into action. The 9/11 Commission stated, ''The U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power.'' (Pg. 367) In response, this section provides a comprehensive statement articulating the sense of Congress that U.S. policy should have such a focus or mandate. It establishes reporting requirements to enable the Congress to monitor patterns relating to terrorist sanctuaries and to assess successes or setbacks in our efforts, in order to correct any deficiencies that may exist.

Further, this section amends the Export Administration Act (EAA) to add terrorist

sanctuaries to determinations relating to states that ''repeatedly provided support for acts of international terrorism.'' It is in keeping with the underlying criteria in the Export Administration Act which says that, when imposing, expanding or extending export controls under the EAA, the President ''shall consider the compatibility of the proposed controls with the foreign policy objectives of the United States, including the effort to counter international terrorism, and shall consider the foreign policy consequences of not imposing controls.''

This section merely updates U.S. law to reflect the post-9/11 world. It provides legislative authority to the goals outlined in the National Security Strategy for Combating Terrorism to deny sponsorship, support, and sanctuary to terrorists, and to choke off the lifeblood of terrorist groups from their access to territory, funds, equipment, training, technology, and unimpeded transit.

Through the definition of ''terrorist sanctuary,'' the section seeks to encompass a broad range of activities including training, financing (which includes fundraising), recruitment, and the use of a nation-state territory as a transit point for terrorists, funds, or equipment.

Governments of terrorist sanctuaries are knowledgeable about the recurring use of their territory for terrorist purposes and are ignoring or tolerating such activity. Their failure and unwillingness to take action against such use of their territory contributes to the spread of global terrorism and, in turn, augments the threat to U.S. national security and interests.

This provision seeks to serve as an inducement for cooperation with U.S. counterterrorism efforts, as well as a deterrent to keep governments from allowing their territories to be used as terrorist sanctuaries.

Asked about this provision, 9/11 Commission Co-Chair Lee Hamilton said, during an August 24, 2004 hearing of the House International Relations Committee, ''There must be a strategy developed in dealing with wherever these sanctuaries are; economic sanctions, of whatever kind, would certainly be one of those tools to deny those sanctuaries.''

Sec. 7104—Assistance for Afghanistan. This section is largely derived from Sections 4061—4070 (Subtitle D of Title IV) of H.R. 10 as passed by the House of Representatives (the House amendment), and Section 1004 of the Senate bill.

Sec. 7104(a)—Short Title. Sets out a short title for this section; derived from the House amendment.

Sec. 7104(b)—Coordination of Assistance. Derived from section 1004 of the Senate bill, this subsection sets out Congressional findings, consistent with the Commission's Final Report, relative to the United States assistance program for Afghanistan and related topics. Expresses the sense of Congress on actions to be taken.

Sec. 7104(c)—Coordinator for Assistance. This section's findings note that the 9/11 Commission criticized American assistance to Afghanistan as overly divided among specific programs and note that the flexible funding mechanisms put in place by the Afghanistan Freedom Support Act of 2002 have not been used to date.

The provision requires the appointment of a powerful coordinator for assistance to Afghanistan. This coordinator would have powers similar to those used effectively by such persons as Deputy Secretary Armitage when he served in a similar role with respect to the Former Soviet Union and Eastern Europe. The coordinator would be a locus of responsibility, as contemplated by the Afghanistan Freedom Support Act, but the intent of which was frustrated when no government-wide coordinator was appointed.

This provision was derived from section 4062 of the House amendment. The Senate bill contained no comparable provision.

Sec. 7104(d)—Assistance Plan: International Coordination. The coordinator would submit the Administration's plan, or program, for assistance to Afghanistan in the form of a program plan. The plan should be submitted as early as possible after the beginning of the fiscal year or after the enactment of the relevant appropriations acts, whichever is later, and certainly before a significant portion of the year's appropriations are obligated. The plan should indicate its relation to the Administration's long-term strategy for Afghanistan.

The coordinator would work with the international community and the Afghan government to ensure that assistance to Afghanistan is implemented coherently and efficiently. The coordinator would, in general, work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions (as defined in Sec. 1701(C)(2) of the International Financial Institutions Act (22 U.S.C. 262r(C)(2)) in order to effectuate his or her responsibilities with respect to international financial institutions.

This provision was derived from section 4062 of the House amendment. The Senate bill contained no comparable provision.

See. 7104(e)—General Provisions Relating to the Afghanistan Freedom Support Act (AFSA) of 2002.

(1)(A) and (2) These provisions set out a general declaration of policy reaffirming the commitment of Congress to the authorities of the Afghanistan Freedom Support Act of 2002 and establishes some key policies underlying the bill—the commitment of the United States to its undertaking in April 2004 when it supported a development program of Afghanistan, the forthcoming parliamentary elections, and the necessity for additional nations to step forward and shoulder additional economic and military burdens.

(1)(B) This subparagraph broadens an inappropriately narrowed ''notwithstanding'' provision from the Afghanistan Freedom Support Act of 2002 which had the effect of limiting certain flexible authorities for the implementation of Title I of the Afghanistan Freedom Support Act of 2002. It is consistent with the flexibility recommended by the 9/11 Commission. The only ''notwithstanding'' authority currently applicable to Title I of AFSA relates to the Brooke Amendment.

(3) The Conference agreement, in a provision similar to the House amendment, permits reports to Congress required under the Afghanistan Freedom Support Act to contain a classified annex.

(4) This paragraph amends AFSA to require the President to prepare and submit to Congress a long-term strategy for United States policy toward Afghanistan, as well as an annual statement of progress made in executing that plan and of changes to it.

These provisions were derived from section 4063 of the House amendment. The Senate bill contained no comparable provisions.

Sec. 7104(f)—Education, Rule of Law, and Related Issues. Derived from section 4064 of the House Amendment, this subsection updates the Afghanistan Freedom Support Act (AFSA) of 2002 with respect to programs to help courts, prosecutors, and others in reflecting the information gathered by Congress in the course of its oversight of conditions in Afghanistan, as the situation in Afghanistan has evolved since late 2002. Provisions emphasizing the need to assist Afghanistan with respect to aiding democratic political parties, renovating and otherwise supporting secondary schools and universities, improving the physical infrastructure of the justice system, and providing for professional education for Afghanistan's officials have been added in the conference process. The section of AFSA (Sec. 103(A)(5)) in which all of these provisions are found is restated and re-enacted in its revised form for the sake of clarity. The Senate bill contained no comparable provision.

Sec. 7104(g)—Monitoring of Assistance for Afghanistan. This subsection provides that the Secretary of State shall provide an annual report to the Congress describing assistance to Iraq, including a report on activities and their funding sources by agency, program, and fiscal year, obligations incurred, the participation of each government agency, and any other information the Secretary considers necessary to fully inform the Congress on assistance to Iraq. This report would become a responsibility of the coordinator provided for in section 104 of AFSA. All government agencies involved in assistance to Afghanistan shall provide the Secretary information the Secretary reasonably requires to prepare and submit this report.

Sec. 7104(h)—United States Policy to Support of Disarmament of Private Militias and Expansion of International Peacekeeping and Security Operations in Afghanistan. This subsection is derived from Section 4066 of the House amendment. The Senate bill contained no comparable provision.

This subsection, in paragraph (1), establishes that it shall be United States policy to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan. ''Active support'' does not necessarily mean the deployment of military assets, but all appropriate means to help the Government of Afghanistan rid the country of private militias should be considered. The semi-annual report provided under section 206 of AFSA is to contain a report on activities taken pursuant to this subsection.

Paragraph (2) of the subsection addresses the need to increase the area in which security is provided by international security forces in Afghanistan. To that end, it is established that it is the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations within Afghanistan. The purpose of that expansion is to allow international security forces to undertake vital tasks related to promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production. Moreover, a force spread over a larger area might safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.

Sec. 7104(i)—Efforts to Expand International Peacekeeping and Security Operations in Afghanistan. Subsection (i), derived from section 4067 of the House amendment, addresses the issue of encouraging and enabling additional countries to participate in international peacekeeping and security operations in Afghanistan. (This is not to be confused with subparagraph (h)(2), which addresses the issue of helping those forces within Afghanistan to expand their reach.) Subsection (i) provides that the President shall encourage, and, as authorized by law, enable other countries to actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time. It also

provides for semi-annual reports to the Congress on the President's efforts in this regard, which may be submitted with the reports required by AFSA section 206(c). The Senate bill contained no comparable provision.

Sec. 7104(j)—Provisions Relating to Counternarcotics Efforts in Afghanistan. Subsection (j), derived from section 4068 of the House amendment, amends AFSA to provide assistance for a variety of non-military measures to disrupt the opium trade, such as technical assistance, credit, and farm-to-market facilities for alternative crops, and training for counternarcotics police. The Senate bill contained no comparable provision.

A second section to be added to AFSA expresses the sense of Congress that the President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism; that the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and that the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations. The provision also requires a joint report to Congress from the Secretaries of Defense and State within 120 days of the date of enactment that describes the progress made toward substantially reducing poppy cultivation and heroin production capabilities in Afghanistan, and the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

This provision makes needed changes in the Afghanistan Freedom Support Act to update it from late 2002.

Since the fall of the Taliban, there has been a tremendous resurgence of narcotics cultivation and trafficking in Afghanistan. Money made dealing in narcotics has flowed to the neo-Taliban and to al-Qaeda terrorists. Those criminals seek to kill members of Afghanistan's army, of our Armed Forces, and of our Coalition. Unchecked, they will destroy Afghanistan's economy and environment, its nascent government, and Afghan society itself. Today, half of the economic activity in Afghanistan is based on narcotics.

If the narcotics trade is not suppressed, Afghanistan will become a narco-state that will once again become a sanctuary for terrorists: the United States and its allies will have gained little if anything for the valiant efforts of those who struggled on America's behalf in this difficult theater of war.

Sec. 7104(k)—Additional Amendments to the Afghanistan Freedom Support Act of 2002. This subsection, derived from section 4069 of the House amendment, makes a technical change in AFSA to reflect the change in the name of an Afghan institution and extends AFSA's main reporting provision through 2010. The Senate bill contained no comparable provision.

Sec. 7104(1)—Repeal of Prohibition of Assistance. Section 620D of the Foreign Assistance Act of 1961 bans aid to Afghanistan. This section repeals that provision of law, which has outlived its usefulness. This law is no longer needed, given the efforts of the American-led Coalition and the Afghan people. This subsection is derived from section 4070 of the House amendment. The Senate bill contained no comparable provision.

Sec. 7104(m)—Authorization of Appropriations. This subsection amends the AFSA to authorize the appropriation of such sums as may be necessary for each of FY05 and FY06.

The Senate bill, in section 1004(c), provided for the appropriation to the President, for each of the Fiscal Years 2005 through 2009, ''such sums as may be necessary to provide assistance for Afghanistan, unless otherwise authorized by Congress,'' for development assistance, children's health programs, economic assistance, international narcotics and law enforcement, nonproliferation, anti-terrorism, demining and related programs, international military education and training, foreign military financing program grants, and peacekeeping operations. Assistance provided by the President under this subsection ''shall be consistent with the Afghanistan Freedom Support Act of 2002,'' and shall be provided with reference to the ''Securing Afghanistan's Future'' document published by the Government of Afghanistan.

Sec. 7109—Public Diplomacy Responsibilities of the Department of State. This section amends the State Department Basic Authorities Act to provide a description of the Secretary of State's public diplomacy responsibilities. It also directs the Secretary of State to make every effort to coordinate public diplomacy activities of federal agencies subject to the direction of the President. As the foreign policy agency for the United States, the State Department should also take the lead role in U.S. international public diplomacy.

The provision states that the Secretary of State shall coordinate with the Broadcasting Board of Governors (BBG) to develop a comprehensive strategy and measurable objectives for public diplomacy.

Although this section is designed to ensure the highest level of attention by our foreign policy agencies to public diplomacy needs and objectives, it does not provide new authority to the Secretary of State over the programs of the BBG. The role of the BBG as a firewall against political interference in the content of the broadcasts remains unchanged, as does the independence of the agency.

Numerous studies of U.S. public diplomacy provide recommendations to improve the current system and strategic direction at the State Department. This provision seeks to support the State Department and others involved in public diplomacy by establishing a clear set of responsibilities.

Sec. 7110—Public Diplomacy Training. This section seeks to enhance the quality and depth of public diplomacy capabilities within the State Department. The findings emphasize the recruitment by the Foreign Service of individuals with expertise and professional experience in public diplomacy, and enhanced training in the range of public diplomacy activities. The findings also emphasize the role which chiefs of mission should assume in designing and carrying out public diplomacy strategies.

This section encourages the State Department to be more creative in its recruitment strategies in the area of public diplomacy. To meet a serious foreign language gap, the section requires the Secretary of State to provide special consideration for individuals with such language abilities, and sets a goal to increase the number of Foreign Service officers proficient in languages spoken in predominately Muslim countries.

In addition, a change is made in the precepts for promotion in the Foreign Service so as to reward the willingness and ability of officers to participate in public outreach efforts related to their jobs as well as other aspects of public diplomacy. Expressing and explaining U.S. policies and the breadth of American values is an important element of the professional skills necessary for Foreign Service officers. It should be recognized within the promotion precepts.

Sec. 7111—Promoting Democracy and Human Rights at International Organizations.

Sec. 7111(a)—Support and Expansion of Democracy Caucus. Derived from section 4032 of the House amendment, this subsection calls on the President to continue to strongly support and seek to expand the work of the nascent Democracy Caucus at the United Nations and the United Nations Human Rights Commission; and to seek to establish a Democracy Caucus at the United Nations Conference on Disarmament and at other broad-based international organizations. The purpose of the Caucus is to forge common positions, revise outmoded systems of membership selection and regional voting, and establish a rotational leadership agreement.

Sec. 7111(b)—Leadership and Membership of International Organizations. This subsection, derived from section 4033 of the House amendment, urges the President, acting through the Secretary of State, to use United States influence and vote to: (1) reform criteria for membership and leadership positions within all United Nations bodies and other international institutions so as to exclude countries which violate the principles of the specific organization; (2) make it the policy of the United Nations and other international organizations and multilateral institutions in which the United States is a member that a member country may not stand in nominations for membership or significant leadership positions if the member country is subject to sanctions imposed by the United Nations Security Council; and (3) ensure that no country stand in nomination for membership or in rotation for significant leadership positions in such organizations, or for membership on the United Nations Security Council, if it has been determined by the Secretary of State that a member country has repeatedly provided support for acts of international terrorism.

Sec. 7111(c)—Increased Training for Multilateral Diplomacy. This subsection, derived from section 4034 of the House amendment, states that it shall be the policy of the United States that training courses should be established for Foreign Service officers and civil service employees for the State Department, including appropriate chiefs of mission, on the conduct of multilateral diplomacy. It specifies that the Secretary of State shall ensure that multilateral diplomacy training is provided at various stages of the careers of members of the service, including as part of their training upon entry into the service; and for officers, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C., to positions that have as their primary responsibility formulation of policy towards such organizations and institutions or towards participation in broad based multilateral negotiations of international instruments, receive specialized training in multilateral diplomacy prior to the beginning of service for such assignment or, if receiving such training is not practical at the time, within the first year of the beginning of such assignment. It also directs the Secretary of State to ensure that employees of the Department of State who are members of the civil service and who are assigned to international organizations or multilateral institutions also receive multilateral diplomacy training.

Sec. 7112—Pilot Program to Provide Grants to American-sponsored Schools in Predominately Muslim Countries to Provide Scholarships. This section authorizes the Secretary

of State to initiate a scholarship program for grade school kids in predominately Muslim countries to attend American-sponsored schools. The Office of Overseas Schools assists many schools overseas, therefore this grant program would operate through this office. The purpose of the provision is to complement other U.S. Government efforts to broaden the understanding of American values and support a wider use of English. Numerous studies of U.S. public diplomacy point to the need for creative, measurable programs. This trial scholarship program provides a new option for American outreach efforts.

The provision allows the Secretary of State to start a pilot program to provide full or partial scholarships to children of low and middle-income families to encourage them to attend an American-style school. The pilot program is intended to determine whether such a scholarship program can be more broadly used in the region and whether such a program is supported by the participating parties: the American-sponsored schools, the families, the State Department, and the Congress.

Sec. 7118—Designation of Foreign Terrorist Organizations. This section amends section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) by making two principal changes to the current law regarding the designation of foreign terrorist organizations (FTOs). First, it would replace the requirement to formally re-designate FTOs every two years with a procedure allowing these groups to petition the Secretary of State at two-year intervals to have their designation revoked. It would also require the Secretary of State to review the designation of each FTO every five years. Second, section 7118 would establish a new procedure for handling the situation in which a terrorist organization changes its name or uses new aliases. This provision allows the government to amend the underlying administrative record instead of re-creating a voluminous document every time this occurs. A group will be able to appeal these additional designations.

Under existing law, the U.S. government must devote significant amounts of its counter-terrorist resources to the time-consuming and burdensome FTO re-designation effort. Section 7118 changes the re-designation process to allow the State Department and other government agencies to focus more of their scarce resources on responding to new terrorist threats or tracking and analyzing newer groups that emerge on the horizon.

Sec. 7120—Case-Zablocki Act Requirements. The 9/11 Commission report states that of all the recommendations, strengthening congressional oversight may be among the most difficult and important. Recently, the House Committee on International Relations learned that, due to numerous management failures within the Department of State, over 600 classified and unclassified international agreements dating back to 1997, had not been transmitted to Congress, as required by the Case-Zablocki Act.

This failure by the Department of State covers a variety of sensitive international agreements, including intelligence and military cooperation agreements. The full knowledge of these agreements by the Congress is not only required by United States law, but is also critical to the ability of Congress to execute Constitutional oversight responsibilities. This strikes at the heart of the relationship between the two branches of government, severely inhibiting our ability to carry out effective foreign policy objectives to prevent foreign terrorist operations. Although the Department of State is working to immediately address these management shortcomings and produce the remaining outstanding international agreements to Congress as soon a possible, this has reached crisis proportion which demands immediate Congressional attention and oversight.

In 1972, the Case-Zablocki Act (1 U.S.C. 112a and 112b) was passed as a result of the Executive Branch's failure to adequately inform Congress of the international executive agreements entered into by the President and other officials on behalf of the United States. At that time, the Symington Subcommittee on National Commitments uncovered contemporary examples of secret agreements entered into without adequate reference to Congress. The provisions of the Yalta Agreement at the end of World War II were also not publicly disclosed for three years, or published until some time later. These actions prompted great Congressional and public discourse and controversy. Congress stated that each incident in which such secret agreements become known creates tensions and irritations between the Congress and the Executive Branch which severely inhibit carrying out an effective foreign policy. (House Report 92–1301.)

Currently, the Case-Zablocki Act requires that the Secretary of State publish an annual report of all treaties and international agreements to which the United States became a party during each calendar year, unless the publication would be contrary to the national interest of the United States. It further requires the transmission to Congress any international agreement, other than a treaty, no later than 60 days, with classified agreements transmitted under a secrecy agreement.

The Conferees support the tightening of the Case-Zablocki reporting requirement in an effort to conduct more rigorous congressional oversight over the Executive Branch. Specifically, it clarifies the types of agreements subject to Congressional transmittal and further requires the State Department to compile an annual classified index containing all executive agreements acted upon during the past year by country. Not only does it require the transmission of any bilateral or multilateral counterterrorism agreement, it requires the notification of any agreement the United States enters into with a country designated by the U.S. government as being a state sponsor of terrorism. Last, it requires the expedited publishing of agreements, when possible.

Therefore, this section makes it clear that Congress is concerned about not being fully informed regarding international agreements entered into by the Executive ranch, particularly sensitive agreements. While the Secretary of State has discretion over determining the which agreements are considered significant enough to be reported to Congress, Congress considers certain agreements of such import that it desires to be notified during contemplation of, and as soon as practicable after, signing the agreement, although by strict interpretation of Case-Zablocki, notification would not have to be made until after the agreement was entered into force. However, many of the agreements do not enter into force for years after they are signed. Congress wants to be informed about the significant agreements prior to that time. In general, these types of agreements would consist of any agreement which would: (1) significantly broaden our commitments with another country (regardless of duration of agreement); (2) concern co-production of weapons systems, transfers of defense equipment, cooperative research, development and testing of weapons systems; (3) grant access to foreign military facilities, installations, or bases; (4) involve the deployment of the U.S. military forces; or (5) involve covert intelligence operations. Similarly, Congress expects that significant political undertakings should not be disguised as non-binding agreements in order to avoid Case-Zablocki's reporting requirements.

Effective foreign policy is not created in a vacuum whereby individually-requested briefings on narrowly-selected topics of interest will adequately explain the depth necessary for making important legislative decisions on how to fund the executive branch's foreign policy programs. Foreign policy is best conducted through a prolonged process of sharing objectives and information which leads to informed discussion and context, ultimately concluding in Congress' support of the President's initiatives.

In order to strictly enforce this provision, no funding may be made available during 2005–2007 for any international agreement if Congress is not notified pursuant to statute.

Sec. 7202—Establishment of Human Smuggling and Trafficking Center. The 9/11 Commission Report found that terrorist travel and facilitation issues should be further studied and emphasized in order to confront terrorists at their weakest points, when they travel.

The Secretary of State, the Secretary of Homeland Security and the Attorney General currently exchange information on human smuggling and trafficking through the interagency Human Smuggling and Trafficking Center (''The Center''). This section would specifically establish The Center and codify The Center's responsibilities.

The Center will increase integration and overall effectiveness in the U.S. Government's enforcement and other response efforts, and work with other governments to address the separate but related issues of alien smuggling, trafficking in persons, and smuggler support of clandestine terrorist travel. Migrant smuggling, clandestine terrorist travel and trafficking in persons are transnational issues that threaten national security.

The Center will continue to provide a mechanism to bring together all appropriate U.S. agency representatives from policy, law enforcement, intelligence and diplomatic areas to work together on a full-time basis to achieve increased effectiveness and to convert intelligence into effective law enforcement and other action.

The Center shall be supported by signatories to the original Memorandum of Understanding (in existence on October 1, 2004), which shall provide appropriate personnel, resources, and funding to the Center. All other appropriate U.S. law enforcement and intelligence agencies are encouraged to support The Center and its mission.

Participating agencies shall utilize The Center to: (1) facilitate broad dissemination of all-source information by serving as an information fusion center and clearinghouse; (2) prepare strategic assessments; (3) identify issues for interagency coordination or attention; (4) coordinate select initiatives and provide support; and (5) conduct related activities. The Center shall be governed by an inter-agency steering group in such a manner as agreed upon by the participating agencies.

All relevant U.S. agencies shall disseminate the information to the front-line personnel as appropriate.

Sec. 7203—Responsibilities and Functions of Consular Officers. This section consists of four parts aimed at increasing the resources

of the Department of State's Bureau of Consular Affairs and improving the training and operation of U.S. consular officers in detecting fraudulent documents and preventing the entry of terrorists.

Subsection (a) increases the number of consular officers from 65 (FY04 and FY05) to 150 per year for FY06–FY09. Since the 9/11 attacks, consular officers have changed their policy and now are required to interview almost all visa applicants between the ages of 14 and 80.

Subsection (b) places limitations on the use of foreign nationals to screen both immigrant visa and nonimmigrant visa applications by stating that all such applications shall be reviewed and adjudicated by a U.S. consular officer. This provision does not preclude the assistance of foreign nationals in the review of visa applications. However, it assures that a U.S. Government official is involved in the decision on such applications.

Subsection (c) requires that the training program for consular officers include training in detecting fraudulent documents and working directly with Department of Homeland Security immigration inspectors at ports of entry.

Subsection (d) requires the Secretary of State to conduct a survey to determine which consular posts have the greatest frequency of presentation of fraudulent documents. An anti-fraud specialist employed by the Department of State must be assigned to each such post unless the Department of Homeland Security has already assigned a person to the post who has both sufficient experience training and experience in the detection of fraudulent documents. This provision will provide consulates with expertise in the detection of fraudulent travel documents and other papers that are submitted by visa applicants as part of their immigrant visa or nonimmigrant visa applications.

Sec. 7204—International Agreements to Track and Curtail Terrorist Travel Through the Use of Fraudulently Obtained Documents. This section calls upon the President to lead efforts to reach international agreements to track and stop international travel by terrorists through the use of lost, stolen or falsified documents. Section 7204 states that one agreement should require the establishment of a system to share information on lost, stolen and fraudulent passports, the establishment of a real time verification system of passports with issuing authorities, the sharing of this information by governments with officials at ports of entry, and that parties to the agreement criminalize the production or use of fraudulent travel documents.

In addition, Section 7204 calls upon the United States to continue to support efforts at the International Civil Aviation Organization to strengthen the security features of passports and other travel documents.

Sec. 7205—International Standards for Transliteration of Names into the Roman Alphabet for International Travel Documents and Name-based Watch List System. This section is a sense of Congress that the President should seek to enter into an international agreement to modernize and improve standards for the translation of names into the Roman alphabet in order to ensure one common spelling for such names for international travel documents and name-based watch list systems.

Section 7205 is a direct result of findings of the 9/11 Commission. In its Report, the Commission found that the current lack of a single convention for transliterating Arabic names enabled the 19 hijackers to vary the spelling of their names to defeat name-based watch list systems and confuse any potential efforts to locate them. While the introduction of biometric identifiers may lessen this problem, that process will take many years, and a name-based watch list system will always be useful. Therefore, a standardized way of translating names into the Roman alphabet should be a top priority.

Sec. 7206—Immigration Security Initiative. This section expands the Immigration Security Initiative, which is a Department of Homeland Security (DHS)-operated program that assists and trains airline personnel at foreign airports in identifying fraudulent travel documents. Currently, the Immigration Security Initiative is operating in two foreign airports. Section 7206 expands the program to include at least 50 additional foreign airports by December 31, 2006.

This section authorizes $25,000,000 in FY 05, $40,000,000 in FY 06, and $40,000,000 in FY 07 to carry out the expansion of this program.

The program's objective is to identify and stop passengers, including potential terrorists, who seek to enter the United States using fraudulent documents. Stopping terrorists at foreign airports provides another line of defense in the U.S. Government's border security strategy. Further, as we saw with the shoe bomber, Richard Reid, preventing terrorists from even boarding a flight can forestall a terrorist attack.

Sec. 7209—Biometric Entry and Exit Data System. This section states that, consistent with the 9/11 Commission Report, Congress calls on the Secretary of the Department of Homeland Security to develop a plan to accelerate the full implementation of an automated entry and exit data system at U.S. ports of entry as required by existing law. The Secretary of Homeland Security must report to Congress on the plan no later than 180 days after the enactment of this legislation. Section 7209 requires the Secretary of Homeland Security to integrate the biometric entry and exit data system with other databases maintained by the United States Citizenship and Immigration Services that contain information on aliens. This section also calls for the Secretary of Homeland Security to implement a plan to expedite the processing of registered travelers at ports of entry.

Section 7209 also contains specific requirements and goals with respect to the entry-exit system, as well as additional reporting requirements on the part of the Department of Homeland Security and the Department of State.

Sec. 7211—Exchange of Terrorist Information and Increased Pre-Inspection at Foreign Airports. This section expands the pre-inspection program to at least 25 additional foreign airports. The additional locations should be operational by January 1, 2008. The pre-inspection program allows Department of Homeland Security immigration and customs inspectors to screen passengers at airports located outside the United States instead of inspecting them when they arrive at U.S. airports. This program is currently operating in eight airports in Canada, four in the Caribbean nations, and at airports in Shannon and Dublin, Ireland.

In addition, the selection criteria for pre-inspection locations is based on reducing the number of aliens who arrive to the United States who are inadmissible. Section 7211 changes the selection criteria for pre-inspection locations to include the objective of preventing the entry of potential terrorists and facilitate the travel of admissible aliens.

Section 7211 requires the Secretary of Homeland Security and the Secretary of State to submit a report to Congress on the progress being made in establishing these locations no later than June 30, 2006. Section 7211 also contains findings with respect to the exchange of terrorist information and pre-inspection at foreign airports. Subsection (c) of section 7211 requires a report regarding the exchange of terrorist information.

The pre-inspection program allows U.S. Government officials to conduct a thorough screening outside the United States. Not only is this an important tool for preventing the entry of inadmissible aliens, but the pre-inspection program can also help prevent terrorists from boarding flights bound for our country.

Sec. 7217—Increase in Penalties for Fraud and Related Activity. This section amends section 1028 of Title 18 to increase penalties for the possession and transfer of fraudulent government identification documents that are used to further an international terrorist attack. Specifically, it increases the maximum term of imprisonment for the production, use or transfer of fraudulent government documents from 25 years to 30 years if the crime involving fraudulent government documents was used to facilitate an act of 14 international terrorism.

Sec. 7218—Study on Allegedly Lost or Stolen Passports. This section requires the Secretaries of State and Homeland Security to jointly conduct a study on the feasibility of establishing a system, in coordination with other countries, so that border and visa issuance officials will have access to real-time information on newly-issued passports to persons who alleged that their previous passports were lost or stolen. If developed, the system studied in Section 7218 will assist consular officers and immigration inspectors in preventing the movement of terrorists who obtain new passports to hide indicators of travel to certain countries. This study must be completed by May 31, 2005.

The 9/11 Commission found that three of the 9/11 hijackers, including Mohammed Atta, obtained new passports prior to seeking visas to enter the U.S., possibly to eliminate evidence regarding their previous travel. Each claimed that his old passport had been lost.

Sec. 7219—Establishment of Visa and Passport Security Program in the Department of State. This section establishes a Visa and Passport Security Program within the Bureau of Diplomatic Security of the Department of State. The Assistant Secretary for Diplomatic Security will designate an individual, who has experience in the investigation and prosecution of visa and passport fraud, to be in charge of this Program.

Section 7219 will require the Assistant Secretary of Diplomatic Security, in coordination with officials of the Bureau of Consular Affairs, the Coordinator of Counterterrorism, the National Counterterrorism Center and the Department of Homeland Security, to develop a strategic plan to target and disrupt individuals and organizations that are involved in document fraud. The objective of the Visa and Passport Security Program is to increase awareness within the Department of State regarding document fraud crimes and their links to terrorism.

Mr. CONYERS. Mr. Speaker, earlier this year, the 9–11 Commission reached across the partisan divide and came up with a unanimous agreement. Ten members, five Democrats and five Republicans, held countless hearings and issued a well-written report with well-reasoned recommendations.

To the disappointment of partisans, the Commission refused to divert itself with election-year political considerations, declining to cast blame on this Administration or its predecessors. The Senate, almost evenly split between Republicans and Democrats, followed the Commission's example by taking up a bipartisan bill, authored by Senators MCCAIN, LIEBERMAN and COLLINS.

Today, at last, the House has seen fit to follow this fine example. The product we have before us is the product of extensive negotiations, that included all parties Democrats and Republicans.

My Democratic colleagues on the conference deserve credit for their determination and hard work. I want to offer praise for the work of Ranking Member HARMAN and her staff. They have been steadfast.

I want to offer particular praise across the aisle to my Republican colleagues who have worked so hard on this bill: my colleague from Michigan, Chairman HOEKSTRA, Mr. SHAYS and the Speaker of the House and his Chief of Staff.

Like any product of compromise, this bill falls far short of what any of us would consider perfect. Some of my Republican colleagues wanted extraneous immigration provisions that would penalize victims of torture and asylum seekers. Those are not in this bill. Others did not want a board to oversee violations of privacy and civil liberties. That is in the bill, albeit in significantly weakened form.

I did not want any additions to the Patriot Act. One provision, on material support for alleged terrorist organizations, is in the bill. Like other provisions of the Patriot Act, it sunsets in two years.

For both sides, there will be time for oversight of the provisions they did not want. I predict the next Congress will see a substantial debate about the Patriot Act, what should be renewed in it and what should be allowed to expire.

But today, we have a product that keeps faith with the 9–11 Commission and the 9–11 families that worked so hard to make this legislation happen.

First and foremost, this bill represents a truly comprehensive 9–11 reform bill. Second, the approach outlined in the substitute has been endorsed by members of the 9–11 Commission and the family members of the 9–11 victims. Third, the substitute includes strong budgetary authority for the newly created National Intelligence Director, and targets terrorist traveling, as recommended by the 9–11 Commission.

The choice today is clear. We can either choose the status quo—a broken system of competing intelligence bottlenecks or a positive and promising reform. I urge my colleagues to vote for this bill. Our number one priority is to protect the American people and this bill is a step in the right direction.

Mr. BACA. Mr. Speaker, I rise in support of this legislation.

It has been over 3 years since the September 11 attacks on America. The American people cannot wait any longer for intelligence reform.

I voted against the original version of this bill, because although it made strides to protect our Homeland, it failed to protect our civil liberties.

I am pleased that the version of the bill before us today has fixed these problems. We now have comprehensive intelligence reform that protects our homeland and our constitutional rights.

If House Republicans wish to discuss immigration reform, I welcome that debate. But that is not the task that was laid out for us by the 9/11 Commission.

I am also pleased to say that this bill includes language I introduced in the Financial Services Committee to encourage private sector anti-terrorism preparedness. The private sector controls 85 percent of the critical infrastructure in this country.

On 9/11 it became clear that the private sector is one of the first lines of defense in preventing and responding to terrorist attacks. There are steps businesses can take to protect office buildings against terrorist attacks, to ensure that escape procedures are in place and to speed up recovery and communications.

By encouraging private sector preparedness, we are taking a giant step towards making America safer.

Mr. Speaker, today we have a choice. We can either pass this bill, or we can choose to do nothing. If we do nothing, our country will be left with the same intelligence system that failed us on September 11. The same intelligence system that allowed terrorists to live in our country unnoticed for months, plotting an attack on Americans. This is unacceptable. We cannot allow another September 11 to occur.

We must pass this legislation today. We owe it to the families of the 9/11 victims, we owe it to America, and we owe it to ourselves.

My only regret about this legislation is that it has taken us 3 years to pass it.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. HOYER. At the present time I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoyer moves to recommit the conference report on the bill S. 2845 to the committee of conference.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Speaker, I demand a recorded vote.

A recorded vote was rejected.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 75, not voting 22, as follows:

[Roll No. 544]

AYES—336

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burton (IN)
Butterfield
Buyer
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chandler
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)

Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—75

Aderholt
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blackburn
Bono
Boozman
Brown-Waite, Ginny
Burgess
Calvert
Camp
Chabot
Coble
Collins
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
Duncan
Everett
Feeney
Flake
Forbes
Gallegly
Gingrey
Goode
Gordon
Green (WI)
Gutknecht
Hayworth
Hefley
Hostettler
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kucinich
LaHood
Lewis (KY)
Lucas (OK)
Manzullo
McDermott
McInnis
Miller, Gary
Mollohan
Murtha
Myrick
Neugebauer
Oberstar
Obey
Ose
Otter
Paul
Pitts
Pombo
Radanovich
Rehberg
Rohrabacher
Royce
Sabo
Sensenbrenner
Simpson
Smith (TX)
Sullivan
Sweeney
Tancredo
Taylor (NC)
Wamp
Weldon (FL)

NOT VOTING—22

Abercrombie
Ballenger
Bell
Boehlert
Boswell
Burr
Cannon
Case
Davis (AL)
Davis (FL)
Dooley (CA)
Fattah
Hastings (FL)
Houghton
Jones (OH)
Lipinski
Lucas (KY)
Norwood
Payne
Rahall
Smith (MI)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1938

Mrs. CAPPS changed her vote from ''no'' to ''aye.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PAYNE. Mr. Speaker, I was unavoidably absent for consideration of the Conference Report on S. 2845, the 9/11 Implementation Act. I have been a strong supporter of this legislation, and had I been present, I would have voted in favor of the bill.

PROVIDING FOR PRINTING AND BINDING OF REVISED RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 871) providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress, and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 871

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Ninth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 872) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 872

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO COMMITTEE TO INFORM PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION AND ARE READY TO ADJOURN

The SPEAKER. Pursuant to House Resolution 872, the Chair appoints the following Members of the House to the Committee to notify the President:

The gentleman from Texas, Mr. DELAY;

The gentlewoman from California, Ms. PELOSI.

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. DELAY. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session of the 108th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF HONORABLE WAYNE T. GILCHREST OR HONORABLE TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 108TH CONGRESS

The Speaker laid before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2004.

I hereby appoint the Honorable WAYNE T. GILCHREST or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Eighth Congress.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER. Without objection, the appointment is approved.

There was no objection.

PROVIDING FOR SINE DIE ADJOURNMENT OF SECOND SESSION OF 108TH CONGRESS

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 531) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 531

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, December 7, 2004, through Friday, December 10, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant