

Ambassador Bridge, the Detroit-Windsor Tunnel, and the Port of Detroit is vital to the economic wellbeing of our city, region, state, and nation. Protecting the rights of way of these thoroughfares is critical to the health of the American automobile industry, the largest industry in the manufacturing sector. Protecting these assets against terrorist attack is so important that the City of Detroit is one of the few major cities in the United States that has created an Office of Homeland Security. Matters of homeland security and enhanced intelligence capabilities are urgent concerns to my district and they should not be trivialized. The Republican Leadership in this chamber had the opportunity to stitch together a bill that would strengthen the nation's intelligence apparatus, but frankly it has "pooched" the job. The Leadership has confused the 9/11 Commission's urging to enhance America's security apparatus with its predilection to crack-down on the nation's immigrants.

The only area where the bill makes its mark on strengthening the intelligence community is the establishment of a National Intelligence Director (NID). But all progress at intelligence reform ends there—with the creation of NID. We create a position but gives the person occupying it no powers and no authority to implement any significant changes in the intelligence bureaucracy. For example, the NID has no budget authority, no hiring authority, and on reprogramming authority. By establishing a position of power without authority to hire or fire or to control the budget, we are in fact creating a paper tiger, a position with a lot of roar and no bite. The members of the 9/11 Commission have expressed their support for a strong NID, but the bill crafted by the Republican leadership fails to meet their expectations.

This bill does very little in the way of strengthening the intelligence community. It goes a long way in turning the U.S. immigration system upside down. I support immigration reform, but we should not be enacting such sweeping changes under a bill whose purpose is to reform and reorganize the intelligence community. The Republican Leadership is confused. It took its eye off the goal of intelligence reform and moved forward with a bill that cracks down on immigrants.

Let me highlight some of the more egregious provisions of this bill. The "Lone Wolf" provision would remove the requirement that non-citizen targets of secret intelligence surveillance be connected to a foreign power. The bill would permit the deportation of individuals to countries lacking a functioning government—an issue that is currently before the U.S. Supreme Court. The bill makes asylum claims more restrictive. The bill restricts the use of internationally accepted consular identification cards. Immigrants are being used as a wedge issue in this presidential election year. The bill is designed to mobilize the base vote of neo-isolationists and not the legitimate security concerns confronting our country and our countrymen and women.

By using immigration as a wedge issue, we are distracted from taking a thoughtful approach to improving our intelligence capability. We are undermining our efforts to combat terrorism. Many on my side of the aisle will be voting to support this bill in order to move the process forward in the hope that a final product will be closer to the bill that was approved in the other chamber. My vote today is based

on the substance and the merit of the provisions contained in this bill before us today. If a conference agreement can produce a bill that truly strengthens our intelligence community, it will have my support. Today, I must cast my vote against the passage of H.R. 10.

Mr. PAUL. Mr. Chairman, the 9/11 Recommendations Implementation Act (H.R. 10) is yet another attempt to address the threat of terrorism by giving more money and power to the federal bureaucracy. Most of the reforms contained in this bill will not make America safer, though they definitely will make us less free. H.R. 10 also wastes American taxpayer money on unconstitutional and ineffective foreign aid programs. Congress should make America safer by expanding liberty and refocusing our foreign policy on defending this nation's vital interests, rather than expanding the welfare state and wasting American blood and treasure on quixotic crusades to "democratize" the world.

Disturbingly, H.R. 10 creates a de facto national ID card by mandating new federal requirements that standardize state-issued drivers licenses and birth certificates and even require including biometric identifiers in such documents. State drivers license information will be stored in a national database, which will include information about an individual's driving record!

Nationalizing standards for drivers licenses and birth certificates, and linking them together via a national database, creates a national ID system pure and simple. Proponents of the national ID understand that the public remains wary of the scheme, so they attempt to claim they're merely creating new standards for existing state IDs. Nonsense! This legislation imposes federal standards in a federal bill, and it creates a federalized ID regardless of whether the ID itself is still stamped with the name of your state. It is just a matter of time until those who refuse to carry the new licenses will be denied the ability to drive or board an airplane. Domestic travel restrictions are the hallmark of authoritarian states, not free republics.

The national ID will be used to track the movements of American citizens, not just terrorists. Subjecting every citizen to surveillance actually diverts resources away from tracking and apprehending terrorist in favor of needless snooping on innocent Americans. This is what happened with "suspicious activity reports" required by the Bank Secrecy Act. Thanks to BSA mandates, federal officials are forced to waste countless hours snooping through the private financial transactions of innocent Americans merely because those transactions exceeded \$10,000.

Furthermore, the Federal Government has no constitutional authority to require law-abiding Americans to present any form of identification before engaging in private transactions (e.g. getting a job, opening a bank account, or seeking medical assistance). Nothing in our Constitution can reasonably be construed to allow government officials to demand identification from individuals who are not suspected of any crime.

H.R. 10 also broadens the definition of terrorism contained in the PATRIOT Act. H.R. 10 characterizes terrorism as acts intended "to influence the policy of a government by intimidation or coercion." Under this broad definition, a scuffle at an otherwise peaceful pro-life demonstration might allow the federal govern-

ment to label the sponsoring organization and its members as terrorists. Before dismissing these concerns, my colleagues should remember the abuse of Internal Revenue Service power by both Democratic and Republican administrations to punish political opponents, or the use of the Racketeer Influenced and Corrupt Organizations (RICO) Act on anti-abortion activists. It is entirely possible that a future administration will use the new surveillance powers granted in this bill to harm people holding unpopular political views.

Congress could promote both liberty and security by encouraging private property owners to take more responsibility to protect themselves and their property. Congress could enhance safety by removing the roadblocks thrown up by the misnamed Transportation Security Agency that prevent the full implementation of the armed pilots program. I co-sponsored an amendment with my colleague from Virginia, Mr. Goode, to do just that, and I am disappointed it was ruled out of order.

I am also disappointed the Financial Services Committee rejected my amendment to conform the regulations governing the filing of suspicious activities reports with the requirements of the U.S. Constitution. This amendment not only would have ensured greater privacy protection, but it also would have enabled law enforcement to better focus on people who truly pose a threat to our safety.

Immediately after the attack on September 11, 2001, I introduced several pieces of legislation designed to help fight terrorism and secure the United States, including a bill to allow airline pilots to carry firearms and a bill that would have expedited the hiring of Federal Bureau of Investigation (FBI) translators to support counterterrorism investigations and operations. I also introduced a bill to authorize the president to issue letters of marque and reprisal to bring to justice those who committed the attacks of September 11, 2001, and other similar acts of war planned for the future.

The foreign policy provisions of H.R. 10 are similarly objectionable and should be strongly opposed. I have spoken before about the serious shortcomings of the 9/11 Commission, upon whose report this legislation is based. I find it incredible that in the 500-plus page report there is not one mention of how our interventionist foreign policy creates enemies abroad who then seek to harm us. Until we consider the root causes of terrorism, beyond the jingoistic explanations offered thus far, we will not defeat terrorism and we will not be safer.

Among the most ill-considered foreign policy components of H.R. 10 is a section providing for the United States to increase support for an expansion of the United Nations "Democracy Caucus." Worse still, the bill encourages further integration of that United Nations body into our State department. The last thing we should do if we hope to make our country safer from terrorism is expand our involvement in the United Nations.

This bill contains a provision to train American diplomats to be more sensitive and attuned to the United Nations, the Organization for Security and Cooperation in Europe (OSCE)—which will be in the U.S. to monitor our elections next month—and other international non-governmental organizations (NGOs). even worse, this legislation actually will create an "ambassador-at-large" position

solely to work with non-governmental organizations overseas. It hardly promotes democracy abroad to accord equal status to NGOs, which, after all, are un-elected foreign pressure groups that, therefore, have no popular legitimacy whatsoever. Once again, we are saying one thing and doing the opposite.

This bill also increases our counter-productive practice of sending United States' taxpayer money abroad to prop up selected foreign media, which inexplicably are referred to as "independent media." This is an unconstitutional misuse of tax money. Additionally does anyone believe that citizens of countries where the U.S. subsidizes certain media outlets take kindly to, or take seriously, such media? How would Americans feel if they knew that publications taking a certain editorial line were financed by foreign governments? We cannot refer to foreign media funded by the U.S. government as "independent media." The U.S. government should never be in the business of funding the media, either at home or abroad.

Finally, I am skeptical about the reorganization of the intelligence community in this legislation. In creating an entire new bureaucracy, the National Intelligence Director, we are adding yet another layer of bureaucracy to our already bloated federal government. Yet, we are supposed to believe that even more of the same kind of government that failed us on September 11, 2001 will make us safer. At best, this is wishful thinking. The constitutional function of our intelligence community is to protect the United States from foreign attack. Ever since its creation by the National Security Act of 1947, the Central Intelligence Agency (CIA) has been meddling in affairs that have nothing to do with the security of the United States. Considering the CIA's overthrow of Iranian leader Mohammed Mossadeq in the 1950s, and the CIA's training of the Mujahidin jihadists in Afghanistan in the 1980s, it is entirely possible the actions of the CIA abroad have actually made us less safe and more vulnerable to foreign attack. It would be best to confine our intelligence community to the defense of our territory from foreign attack. This may well mean turning intelligence functions over to the Department of Defense, where they belong.

For all of these reasons, Mr. Chairman, I vigorously oppose H.R. 10. It represents the worst approach to combating terrorism—more federal bureaucracy, more foreign intervention, and less liberty for the American people.

Mr. DEFAZIO. Mr. Chairman, I rise today to discuss H.R. 10, the legislation that ostensibly implements the recommendations made by the independent commission that investigated the federal government's failure to prevent the terrorist attacks of September 11, 2001.

Let me say at the outset that this bill is certainly not perfect. But, I am pleased it includes a number of critical aviation security improvements I have pushed for.

It also includes the core recommendation made by the 9/11 Commission to create a National Intelligence Director to centralize coordination and oversight of the disparate branches of our intelligence community.

Therefore, despite some flaws, I will vote for H.R. 10, with the hope that its shortcomings can be resolved in the conference with the Senate.

I want to expand on my comments about the aviation security provisions in H.R. 10. I

am pleased that this bill provides \$60 million over two years for the deployment of checkpoint explosive detection equipment. The bill also directs the Transportation Security Administration (TSA) to give priority to developing, testing, improving, and deploying equipment at screening checkpoints that will be able to detect nonmetallic weapons and explosives on individuals and in their baggage.

This bill would implement the 9/11 Commission recommendation that TSA not wait until the issues surrounding a successor to the CAPPs program are resolved before utilizing all available government terrorist watch lists to prescreen passengers boarding an aircraft. The air carriers currently manage the "no-fly" and "automatic selectee" lists that they receive from TSA. Because the airlines have access to these lists, some government agencies are unwilling to give their watch lists to TSA because they are reluctant to share intelligence information with private firms. This problem will be resolved when TSA takes over the passenger pre-screening function, as mandated by this bill.

Perimeter security is still a weak link in aviation security as evidenced by the recent events at the Orlando airport in which workers were charged with sneaking drugs and guns aboard commercial aircraft. Importantly, the bill requires TSA to submit a study to Congress on airport perimeter security to determine the feasibility of access control technologies and procedures, as well as an assessment of the feasibility of physically screening all individuals prior to entry into secure areas of an airport.

With regard to strategic planning, the bill requires the Department of Homeland Security to develop a risk-based strategic plan to protect transportation assets in general, and aviation assets in particular. The bill would also require the TSA to develop a threat matrix that outlines each threat to the civil aviation system, and the layers of security to respond to that threat. A strong strategic planning process may avert any future "failures of imagination" as cited by the Commission.

The bill also incorporates H.R. 4914, the Aviation Biometric Technology Utilization Act, which I introduced with Chairman MICA. Biometric technologies can improve aviation security, and the TSA must act quickly to promulgate guidelines and standards for biometrics so that airports can equip with biometric access control technology.

In addition, the bill incorporates H.R. 4056, the Commercial Aviation MANPADS Defense Act of 2004, which I also introduced with Chairman MICA. MANPADS have been used against commercial airplanes and we must do what we can to reduce the threat of MANPADS by working to reduce their availability and developing plans to secure airports and the aircrafts arriving and departing from airports against MANPADS attacks.

The bill contains several other important provisions including a pilot program to determine whether federal flight deck officers can be permitted to carry weapons on their persons, as well as directing TSA to: conduct a pilot program for the use of blast resistant cargo containers; continue its efforts to develop technology to screen cargo; conduct a study on the viability of technologies that would provide discreet methods of communication for flight cabin crew to notify pilots in the event of a security breach, and a study on

the costs and benefits associated with the use of secondary flight deck barriers. In addition, I am pleased a provision was included to require the Director of the Federal Air Marshal Service to develop operational procedures that ensure the anonymity of Federal air marshals.

I am also pleased that this legislation implements the core recommendation of the 9/11 Commission—creation of a National Intelligence Director. While the bill may not create quite as robust an NID as the Senate legislation, it does represent a useful step in bringing accountability to the intelligence community and improving coordination.

Despite the aviation security provisions I mentioned previously, there are shortcomings in the transportation security provisions of H.R. 10. For example, there is no money to deploy explosive detection systems to screen checked baggage. In the security bill approved by the House Transportation and Infrastructure Committee, on which I sit, we included an additional \$250 million in mandatory spending to deploy these critical devices. Unfortunately, this provision was stripped out of the version of H.R. 10 on the floor today. Further, H.R. 10 does next to nothing to improve rail, mass transit, or port security. These shortcomings need to be addressed in the conference with the Senate.

I am also concerned that H.R. 10 is weak on combating the proliferation of weapons of mass destruction. The bill just requires a study of how to strengthen our non-proliferation programs. We don't need another study. We already know what needs to be done. In 2001, a bipartisan commission recommended tripling funding to \$3 billion a year for programs to help secure nuclear materials around the world from terrorists. The non-proliferation programs under Nunn-Lugar should also be expanded beyond the states of the former Soviet Union in order to secure nuclear materials in other countries, notably Pakistan. The non-proliferation provisions of H.R. 10 should be strengthened in conference.

I am opposed to a provision in H.R. 10 that would violate U.S. obligations under the Convention on Torture by allowing the U.S. to deport suspects to countries that might torture them. While I supported an amendment that was adopted during consideration of H.R. 10 to slightly improve the provision in H.R. 10 authorizing deportation of suspects to countries with atrocious human rights records so it wasn't quite as objectionable, I would rather see the provision removed all together during the conference with the Senate.

I am concerned that the civil liberties protections in H.R. 10 are too weak. H.R. 10 creates a Civil Liberties Protection Officer that is appointed by and reports to the NID, which means he or she is not independent. Under these circumstances, the officer is unlikely to provide robust protection for civil liberties. By contrast, the 9/11 Commission and the Senate legislation propose an independent Privacy and Civil Liberties Oversight Board. The Senate legislation also includes an Office for Civil Rights and Civil Liberties as well as a Privacy Officer within the National Intelligence Authority. The Board would continually review legislation, regulations and policies for their impact on privacy and civil liberties. The Board would be required to issue reports to Congress at least twice a year and to make the reports available to the public. I hope that the Senate