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Statement of Rep. Henry A. Waxman September 29, 2004

Today, our Committee is taking up legislation of enormous importance: how to make our nation safe from future terrorist attacks.

Last month, we heard from two of the 9-11 Commissioners, former Navy Secretary John Lehman and former Senator Bob Kerrey. And something that Senator Kerrey said then has stuck with me. He said that as horrific as the 9-11 attacks were, some good had come out of them. They awoke our nation to the terrorism threats we face. And they united the nation in a common purpose.

The work of the 9-11 Commission embodies that sense of unity. Against the odds, they produced a unanimous, bipartisan set of recommendations about how to make our nation safer.

The work in the Senate has also been bipartisan. Senator Lieberman has worked with both Senator Collins and Senator McCain to produce bipartisan legislation embodying the work of the 9-11 Commissioners.

The question is: Can we do the same here?

Some members are clearly trying to cross the aisle to forge a bipartisan consensus about how to combat terrorism and make our nation safer. In particular, Carolyn Maloney and Chris Shays have introduced legislation that follows the carefully crafted Senate approach. I wish our starting point was the bill that they have put together.

Instead, we are considering H.R. 10, legislation drafted by the Republican leadership, not true bipartisan legislation.

As introduced, H.R. 10 is deeply flawed. Today, Rep. Jim Turner, the ranking member of the Homeland Security Committee, released a document that compared H.R. 10 to the 9-11 recommendations and the Senate legislation. I would like to introduce this comparison into the record today.

There are 41 recommendations in the 9-11 Commission report. Mr. Turner's analysis finds that H.R. 10 fully implements just 11 of these recommendations. In contrast, 16 recommendations are not addressed at all, and 14 are only partially implemented.

The missing components are not minor oversights. H.R. 10 does not give the National Intelligence Director the full authority recommended by the 9-11 Commission. It does not take the actions recommended by the Commission to prevent the proliferation of nuclear weapons. It falls short on border security, aviation security, and emergency response.

And at the same time, H.R. 10 includes controversial "poison pills," like the new provisions that expand the Patriot Act and strip away rights from foreign nationals.

At our hearing in August, former Navy Secretary John Lehman said that the 9-11 recommendations are not a "Chinese menu." We can't pick and choose from the recommendations without destroying the fabric that binds them together.

Yet that is exactly what H.R. 10 does.

Today I hope we can — on a bipartisan basis — begin to correct some of the flaws in H.R. 10 and produce a better piece of legislation. We can't make a complete fix. In fact, because our jurisdiction is limited, we can't address the most important flaws in the legislation. But I hope we can make a start.

We will have our work cut out for us. Limited as our jurisdiction is, there are many problems that we need to fix. This bill does not implement the information-sharing provisions recommended by the 9-11 Commission. It does not implement the security clearance recommendations. It fails to set up the civil liberties board. And it lacks key accountability provisions, such as an inspector general.

At the same time, it includes damaging extraneous provisions, such as the one that undermines long-standing financial disclosure requirements. Incredibly, this bill no longer requires intelligence appointees to disclose whether they have assets worth over \$50 million. In fact, they are not required to disclose assets over \$25 million or even over \$5 million. There is no 9-11 Commission recommendation supporting this kind of financial obfuscation.

My hope is that we can put our differences aside today and work to fix these problems. A helpful step has already occurred. H.R. 10 included extraneous provisions that could have stripped collective bargaining rights from employees at the Department of Homeland Security. The Chairman has agreed to drop those provisions.

As we work through the amendment process, I hope we can continue to improve the bill today. It may be an arduous process, but if we put partisanship aside — and ask what will truly make our nation safer — we can succeed. And we must succeed, because the stakes could not be higher

I know there are family members watching what we do. I want you to know that I sympathize with the loss you have suffered. And I am committed to working with you, the 9-11 Commissioners, and my colleagues to enact legislation that is worthy of the sacrifice that your loved ones have made.