

**OPENING STATEMENT OF JANE HARMAN, RANKING DEMOCRAT  
HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE**

(as prepared for delivery)

**Mark-up of H.R. 10, “9/11 Recommendations Implementation Act”**

**September 29, 2004**

This is the first *public* mark-up of intelligence legislation that has occurred during my tenure on this Committee, and possibly longer. I have often said that we should do more of our work in the sunlight as long as it doesn't compromise national security. And I want to thank the Chairman for conducting this *public* mark-up of *public* legislation in *public*, where it belongs.

Let me welcome our new colleague – Mac Thornberry. Mac and I are veterans of the Armed Services Committee and he will bring excellent skills to our effort to craft good policy.

The winds of bipartisanship are blowing once again through this Committee, and that is very good news. The Chairman and I have worked together to locate common ground on this legislation, and although we don't agree on everything, I greatly appreciate his willingness to consult with the minority on how to proceed today.

I want to underscore the Chairman's statement that today we will be marking up *only* the portions of H.R. 10 that pertain to intelligence reorganization – namely, Title I and small pieces of Titles II through V that are within the jurisdiction of this Committee. The Chairman and I have agreed that we are not being asked to endorse portions of the bill that are in those four other titles and that are outside of this Committee's expertise and jurisdiction.

I strongly support the recommendations of the 9/11 Commission, which were built, in part, on H.R. 4104, a bill all nine minority members of this Committee introduced last April.

The Commission's central recommendation, the creation of a strong national intelligence director with meaningful budget authority, was also the number one recommendation of the bipartisan, bicameral Congressional Joint Inquiry into 9/11. Many members of this Committee – including Chairman Hoekstra and me – served on that Joint Inquiry. We unanimously endorsed the creation of a national

intelligence director with budget execution authority, and today, nearly two years later, we are finally marking up legislation to implement our recommendation.

As the Chairman knows, I am strong supporter of the Collins-Lieberman bill, which was unanimously reported out of Committee on the Senate side and which has been endorsed by 9/11 Commissioners and the 9/11 families.

There are three things I like about that bill.

*First*, it truly empowers the national intelligence director to move money and personnel around the Intelligence Community to counter the threats we face. It gives the NID strong budget authority, strong reprogramming authority, and strong hiring and firing authority. **H.R. 10 falls short on these fronts** – and I hope this Committee will approve amendments we intend to offer that will strengthen the National Intelligence Director’s authorities.

Late yesterday, we received a Statement of Administration policy in which *this Administration* endorsed the Collins-Lieberman bill. I ask Unanimous Consent that this statement be made part of the record.

*Second*, the Collins-Lieberman bill has the advantage of being a “clean” bill. It focuses exclusively on the 9/11 Commission’s recommendations. In contrast, H.R. 10 is a 542-page bill loaded with provisions that were not part of the 9/11 Commission’s recommendations. Some of these provisions are useful. But I strongly disagree with others. Specifically, I am very concerned that H.R. 10 makes changes to immigration laws that have nothing to do with the 9/11 Commission’s recommendations **and are bad policy**. The purpose of this legislation must be to make America safer – not to undermine civil liberties, increase domestic spying, or erode the rights of immigrant communities. As Mary Fetchit, who lost her son on 9/11, said yesterday, these provisions are highly controversial and only serve to undermine support for the 9/11 Commission recommendations.

*Third*, the Collins-Lieberman bill is 100% bipartisan. It is battle-tested, the product of two intense days of Committee mark-up where all amendments to weaken the bill were defeated on a bipartisan basis, and the bill was reported unanimously. Making America safer isn’t a Republican issue or a Democratic issue – it’s an American issue. As I have said before, the terrorists aren’t going to check our party labels before they blow us up.

With limited exceptions, H.R. 10 was not drafted in a bipartisan manner, as occurred on the Senate side. It remains to be seen how bipartisan this mark-up

process will be, and many on our side of the aisle are deeply skeptical of what the floor process will be. It is critical that we have an open process on the floor that allows amendments to the bill to remove the extraneous provisions, and to strengthen the NID's authorities in line with the Collins-Lieberman legislation.

I hope that this Committee today will follow the lead of the 9/11 Commission, the 9/11 families, of the bipartisan group in the Senate, and improve H.R. 10 to reflect the Collins-Lieberman approach.

The Amendments we offer today are in the spirit of strengthening this bill and strengthening our capabilities against terrorists.

Let me conclude by thanking again the families of the 9/11 victims. You are the moral authority behind our work. Your silent witnesses – in our hearings and now as we mark-up this legislation – is the most powerful reminder to do everything we can to prevent another 9/11. The legacy and memory of your loved ones demand nothing less.