

# **THE MARK OF REPUBLICAN FAILURE**



## **WHO PAYS THE PRICE? VETERANS, FIREFIGHTERS, THE TRAVELING PUBLIC AND OTHERS**

By virtually any measure, the record of the Republican Majority is an appalling failure. In 2004, the House of Representatives has worked the *fewest* number of legislative days – 93 as of September 29th – of any Congress since 1955.

While taking it easy, this Republican Congress has failed to enact a budget, intelligence reform, comprehensive energy reform, a transportation reauthorization bill or a tax bill that will stop billions of dollars in European Union sanctions against American manufacturers.

And now, this Republican Congress must pass a Continuing Resolution to keep the federal government from shutting down at midnight on September 30<sup>th</sup> (the beginning of the new fiscal year) because it has enacted only one of the 13 annual spending bills that fund government agencies and programs.

### **The following examples demonstrate who bears the brunt of the Republican Party's failures:**

**FIREFIGHTERS AND OUR HOMELAND SECURITY:** Because Congressional Republicans have failed to enact the Homeland Security Appropriations Bill, critical funding for the “Staffing for Adequate Fire and Emergency Response” (SAFER) Program is not available. This funding (\$50 million in the House Bill, \$100 million in the Senate Bill) will help career and volunteer fire departments across the nation hire, recruit and retain firefighters, relieving thousands of fire stations that are currently under-staffed. The events of September 11, 2001 made clear how important firefighters are to our homeland security.

**AMERICA'S VETERANS:** Because Congressional Republicans have failed to enact the Veterans Administration-Housing and Urban Development Appropriations Bill, \$458 million in construction funds for veterans' medical facilities throughout the nation is not available. Several veterans' facilities have

major safety code deficiencies that must be corrected; others must be expanded to relieve overcrowding.

**FAMILIES OF OUR SOLDIERS:** Because this Republican Congress has failed to enact a Military Construction Appropriations Bill, \$400 million in additional funding for military family housing is not available. The House and Senate version of this bill each provides \$4.2 billion for Fiscal Year 2005, compared to \$3.8 billion in 2004.

**OUR EMBASSY WORKERS OVERSEAS:** Because this Republican Congress has failed to enact the Commerce-Justice-State Appropriations Bill, \$658 million in worldwide security upgrades at U.S. facilities (especially in Kabul, Afghanistan) is not available.

**COMMUNITIES VULNERABLE TO GANGS AND VIOLENCE:** Because this Republican Congress has failed to enact the CJS Appropriations Bill, \$349 million for local communities across the nation who sponsor youth violence prevention programs, alternatives to gangs, drug programs and mentoring services is not available.

**THE TRAVELING PUBLIC:** Because this Republican Congress has failed to enact the Transportation-Treasury Appropriations Bill, \$983 million in airport security and improvements grants will not be available. This funding is earmarked for, among other things, perimeter security fencing and construction of airport rescue and firefighting stations.

**VICTIMS OF GENOCIDE:** Because this Republican Congress has failed to enact the Foreign Operations Appropriations Bill, humanitarian assistance (\$311 million in the House Bill, \$690 in the Senate Bill) will not be available to assist Sudanese civilians who are the victims of genocide at the hands of government forces and Arab militias.

**THE UNINSURED:** Because this Republican Congress has failed to enact the Labor-Health and Human Services-Education Appropriations Bill, a \$218 million increase in funding for community health centers is not available. This funding will help provide services for an additional 1.6 million people and is supposedly a priority of President Bush and Republicans.

**AMERICANS' FOOD SAFETY:** Because this Republican Congress has failed to enact the Agriculture Appropriations Bill, increases in funding to protect America's food supply through surveillance and testing are not available. The Food Service Inspection Service (FSIS) and Animal and Plant Health Inspection Service (APHIS) would receive an additional \$46 million and \$115 million, respectively, over last year's funding level to monitor and protect our food safety.

## A REVIEW OF H.R. 10: DEPARTURES FROM 9-11 COMMISSION RECOMMENDATIONS

COMMISSION RECOMMENDATION	CONTAINED IN H.R. 10?
<p><b>National Intelligence Director</b></p> <p>The Commission recommended that the NID have full budgetary authority over the national intelligence agencies. The NID would also approve and submit nominations for the head of the CIA, DIA, FBI Intelligence Office, the NSA, NGA, NRO, the Director of Information Analysis at DHS, and other key intelligence organizations.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill allows the NID to transfer funds between the intelligence programs only with the approval of OMB, and imposes other limitations on the NID’s budgetary authority.</p> <p>Under the Republican bill, the NID would recommend a nomination only for the Deputy National Intelligence Director and the Director of the CIA. For a few appointments, the “concurrence” of the NID would be required. For others, only “consultation” with the NID would be necessary.</p>
<p><b>National Counterterrorism Center (NCTC)</b></p> <p>The Commission recommended that the head of the NCTC be appointed by the President, and that he or she be confirmed by the Senate. This position would be equivalent in rank to the deputy head of a cabinet department, and have the authority to evaluate the performance of people assigned to the Center. The NCTC should lead all strategic intelligence analysis, assign operational responsibilities to lead agencies, and track implementations of operations.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill allows the NID to appoint the head of the NCTC. The position would not be Senate confirmed or have the rank of a deputy head of a cabinet department. The bill does not provide any explicit authority for the head of the NCTC over personnel assigned to the Center.</p> <p>The NCTC does not have explicit authority to assign operational responsibilities to agencies or track implementation of operations.</p>
<p><b>Securing Nuclear Materials</b></p> <p>The Commission recommended strengthening counter-proliferation efforts, including the Nunn-Lugar programs to secure unsecure nuclear materials in Russia and around the globe.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill fails to take any action to strengthen these critical programs, only requiring a study on the obstacles to counter-proliferation efforts.</p>

**A REVIEW OF H.R. 10, CONTINUED:  
DEPARTURES FROM 9-11 COMMISSION RECOMMENDATIONS**

<b>COMMISSION RECOMMENDATION</b>	<b>CONTAINED IN H.R.10?</b>
<p><b>Budget for Intelligence Agencies</b></p> <p>The Commission recommended that the overall amounts of money being appropriated for national intelligence and to its component agencies should no longer be kept secret, and that Congress should pass a separate appropriations act for intelligence.</p>	<p><b>NO</b>      The Republican leadership bill does not implement this recommendation.</p>
<p><b>Cooperation with International Allies</b></p> <p>The Commission recommended that the US do more to engage other nations in developing a comprehensive coalition strategy against counter-terrorism and to create an international fund to promote modern education in the Muslim world. The US needs to rebuild its public diplomacy programs that reach out to young people in the Muslim countries and the Broadcasting Board of Governors should be provided with larger resources for television and radio broadcasting to the Arab world.</p>	<p><b>NO</b>      The Republican leadership bill does not implement these recommendations.</p>
<p><b>Assessing Homeland Defense</b></p> <p>DOD should regularly assess the Northern Command's strategies and planning in defense of the United States. The Department of Homeland Security and its oversight committees should also regularly assess the types of threats the US is facing, in order to determine the adequacy of our preparedness.</p>	<p><b>NO</b>      The Republican leadership bill does not implement these recommendations, although it expresses the Sense of the House that the DOD should assess the Northern Command's strategies and planning.</p>

**A REVIEW OF H.R. 10, CONTINUED:  
DEPARTURES FROM 9-11 COMMISSION RECOMMENDATIONS**

<b>COMMISSION RECOMMENDATION</b>	<b>CONTAINED IN H.R.10?</b>
<p><b>Aviation Security</b></p> <p>The Commission recommended that each individual selected for special screening should be screened for explosives, and that every passenger aircraft carrying cargo have at least one hardened container to carry any suspect cargo.</p>	<p align="center"><b>NO</b></p> <p>The Republican leadership bill does not require that individuals selected for special screening be screened for explosives, and it does not require that passenger aircraft carrying cargo have at least one hardened container for suspect cargo.</p>
<p><b>Border Security</b></p> <p>The Commission recommended that the current “patchwork of border screening systems” should be consolidated within the USVISIT system. DHS should design a comprehensive border screening system – a large network of screening points that includes our transportation system and access to vital facilities, such as nuclear reactors.</p>	<p align="center"><b>NO</b></p> <p>The Republican leadership bill does not implement these recommendations.</p>
<p><b>Emergency Response</b></p> <p>The Commission recommended that emergency response agencies nationwide adopt the Incident Command System. When multiple agencies or jurisdictions are involved, they should adopt a unified command. The Commission endorsed the America National Standards Institute recommended standards for private sector preparedness and urged DHS to promote their adoption.</p>	<p align="center"><b>NO</b></p> <p>The Republican leadership bill does not implement these recommendations, although the bill expresses the Sense of the House that agencies should adopt the Incident Command System.</p>

## A REVIEW OF H.R. 10, CONTINUED: DEPARTURES FROM 9-11 COMMISSION RECOMMENDATIONS

COMMISSION RECOMMENDATION	CONTAINED IN H.R.10?
<p><b>Information Sharing</b></p> <p>The Commission recommended that information procedures should provide incentives for information sharing across networks and databases that transcend agency lines – a new trusted information network with common standards for information use set by the NID. Congress should also provide funding to accelerate the expansion of secure email systems and classified intelligence product exchanges in FBI field officers. A single agency should be responsible for providing and maintaining security clearances.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill does not implement these provisions, requiring only uniform security and common information technology standards. The FBI is required to provide secure email systems and classified intelligence product exchanges only as “practical.”</p> <p>Rather than a new agency to manage security clearances, the bill creates a new bureaucratic clearinghouse for them.</p>
<p><b>Congressional Oversight</b></p> <p>Congressional oversight of the intelligence communities should be consolidated in either a joint bicameral committee or a single committee in each house of Congress that combines authorizing and appropriations authorities. Oversight of homeland security should be consolidated in one committee in the House and Senate.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill expresses the Sense of the House that the Rules Committee should act upon recommendations provided by the Select Committee on Homeland Security and other committees of jurisdiction on matters relating to homeland security.</p>
<p><b>Civil Liberties</b></p> <p>The Commission recommended that the Executive Branch develop guidelines for the use of new law enforcement authority and that an oversight board be created to oversee adherence to these guidelines.</p>	<p style="text-align: center;"><b>NO</b></p> <p>The Republican leadership bill does not require the government to develop civil liberties guidelines. It does not create the government wide civil liberties board recommended by the Commission. The bill only designates a single civil liberties officer for the intelligence community.</p>

**A REVIEW OF H.R. 10, CONTINUED:  
DEPARTURES FROM 9-11 COMMISSION RECOMMENDATIONS**

<b>NO COMMISSION RECOMMENDATION</b>	<b>PROVISION CONTAINED IN H.R.10</b>
<p>Commission silent.</p>	<p><u>The Republican leadership bill expands authority for law enforcement and other personnel in a number of areas, including:</u></p> <p><b>New authority allowing the President to completely undo the intelligence reforms mandated by Congress.</b> Under this provision, a presidential plan to reorganize the intelligence community would be guaranteed an up or down vote, with no amendments, within 90 days of submission to Congress.</p> <p><b>New national database on drivers' licenses.</b> The bill includes provisions for a national database of drivers' licenses.</p> <p><b>Expedites removal of aliens.</b> The bill directs immigration officers to order aliens "removed from the US without further hearing or review" under some circumstances.</p> <p><b>Revocation of visas.</b> The bill limits all judicial and administrative review of a revoked visa..</p> <p><b>Exceptions to the UN Convention Against Torture.</b> The bill makes an exception to America's implementation of the UN Convention Against Torture and Other Forms of Cruel and Inhuman or Degrading Treatment or Punishment for some aliens as well as terrorists and criminals.</p> <p><b>Expands definition of "agent of a foreign power" for purposes of surveillance and search.</b> The bill allows the US government to spy on individuals without proving they are connected to a foreign government or terrorist group.</p>



# REPORT CARD on H.R. 10

*GOP Bill Fails to Implement Most  
9/11 Commission Recommendations*

Of 41 recommendations:

- \*\* 16 are not implemented at all;
- \*\* 14 are incomplete; and only
- \*\* 11 are implemented



Prepared by the Democratic Staff of the  
Select Committee on Homeland Security  
Rep. Jim Turner, Ranking Member

# REPORT CARD – H.R. 10

## *GOP Bill Fails To Implement Most 9/11 Commission Recommendations*

9/11 Commission Recommendations	Grade
<p><b>#1 Identify and Prioritize Terrorist Sanctuaries</b></p> <ul style="list-style-type: none"> <li>The GOP bill contains a plan to identify and prioritize terrorist sanctuaries, and requires the Administration to report to Congress, within 90 days after enactment, on a strategy for eliminating these sanctuaries. The provision is consistent with the 9/11 Commission recommendation.</li> </ul>	<p style="text-align: center;">● Green</p>
<p><b>#2 Prioritize Efforts in Pakistan</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes a Sense of the Congress resolution expressing support, among other items, for Pakistan’s efforts to fight extremists, and calls for the development of a strategy regarding the long-term engagement of the U.S. with Pakistan.</li> </ul>	<p style="text-align: center;">● Green</p>
<p><b>#3 Prioritize Efforts in Afghanistan</b></p> <ul style="list-style-type: none"> <li>The GOP bill reaffirms existing provisions of the U.S. – Afghan Freedom Support Act, calls for the development of a long-term bilateral strategy to address Afghan economic development and security needs, and includes related language urging – but not requiring – expanded U.S. assistance for counternarcotics and international peacekeeping efforts. <i>By contrast, the McCain-Lieberman bill authorizes an additional \$2.8 billion for FY 2005 and continued assistance to Afghanistan through FY 2009 for specific security and development programs.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#4 Prioritize Efforts in Saudi Arabia</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes a Sense of the Congress provision stressing the importance of a robust dialogue between the U.S. and Saudi Arabia to provide for a reevaluation of the existing bilateral relationship, along with the development of a strategy for collaboration with the people and government of Saudi Arabia.</li> </ul>	<p style="text-align: center;">● Green</p>
<p><b>#5 Promote American Values in the Muslim World</b></p> <ul style="list-style-type: none"> <li>The GOP bill calls for the expansion of the existing Democracy Caucus at the United Nations and other multilateral organizations. <i>By contrast, the McCain-Lieberman bill calls for the creation of a long-term strategy to win the struggle for ideas in the Muslim world, including an articulation of specific goals by which to measure progress and an estimate of financial assistance levels that may be required.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#6 Promote America’s Message of Opportunity to the Arab-Muslim World</b></p> <ul style="list-style-type: none"> <li>The GOP bill affirms the importance of multilateral and bilateral diplomacy in fighting terrorists and promoting American values and principles.</li> </ul>	<p style="text-align: center;">● Green</p>

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9/11 Commission Recommendations	Grade
<p><b>#7 Defend American Ideas Abroad</b></p> <ul style="list-style-type: none"> <li>The GOP bill calls for an annual assessment of the U.S.’s public diplomacy strategy, and includes a Sense of Congress resolution underscoring the importance of public diplomacy, but authorizes no additional resources for the expansion of radio and television broadcasting, or scholarship exchanges and library programs, to the Arab world. <i>In contrast, the McCain –Lieberman bill authorizes \$728 million in fiscal year 2005 for international broadcasting operations in the Islamic world and broadcasting capital improvements, expands existing and creates new scholarly and cultural exchange programs, establishes a college scholarship program for students in Arab and Muslim countries, creates a new secondary school exchange program, and authorizes \$60 million in fiscal year 2005 for such programs.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#8 Support Education Programs in the Arab World</b></p> <ul style="list-style-type: none"> <li>The GOP bill authorizes additional grants for existing U.S.-sponsored schools in the Arab world, but does not seek to create a new program to provide assistance for the improvement of public education in the Middle East. <i>In contrast, the McCain Lieberman bill – consistent with the 9/11 Commission’s recommendation – authorizes \$40 million for an International Youth Opportunity Fund that would support educational projects in Muslim countries that invest appropriately in public education.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#9 Bolster the Economic Development in Arab and Muslim Countries</b></p> <ul style="list-style-type: none"> <li>The GOP bill contains no substantive provisions dealing with economic policies to encourage development, more open societies, and opportunities for people to improve the lives of their families. <i>In contrast, the McCain Lieberman bill authorizes \$200 million for the Middle East Partnership Initiative to encourage development, lower trade barriers, and promote the rule of law in Arab and Muslim countries.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#10 Create a Coalition Strategy to Defeat Terrorists</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes several provisions dealing with bilateral agreements against terrorists, but does not call for engagement with other countries to create a comprehensive coalition strategy against Islamic terrorism. <i>The McCain Lieberman bill encourages and authorizes the President to establish an international terrorism policy contact group to develop a common international strategy to address terrorism.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>

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# REPORT CARD – H.R. 10

## GOP Bill Fails To Implement Most 9/11 Commission Recommendations

### 9/11 Commission Recommendations

### Grade

<p><b>#11 Ensure the Humane Treatment of Captured Terrorists</b></p> <ul style="list-style-type: none"> <li>The GOP bill contains a Sense of the Congress provision stating that the President should pursue all diplomatic means to develop an effective approach toward the detention and humane treatment of captured terrorists. <i>The McCain Lieberman bill would require the government to treat captured terrorists in the same manner that the U.S. would demand that its personnel be treated if captured by the enemy in the war on terrorism. It also prohibits treating any prisoner inhumanely, or in a manner inconsistent with the Constitution or other laws and treaties of the United States.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#12 Strengthen Counterproliferation Efforts</b></p> <ul style="list-style-type: none"> <li>The GOP bill makes no meaningful effort to address the global threat of nuclear proliferation, or in any way reduce the threat from unsecured nuclear materials. The bill’s only provision calls for an expert study on obstacles to counterproliferation efforts – many of them are already known. <i>In contrast, the McCain Lieberman bill requires the Administration to submit a strategy to strengthen the Nunn Lugar programs, the Proliferation Security Initiative, and other nonproliferation assistance programs and estimate the funding necessary to achieve these goals.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#13 Track Terrorist Financing</b></p> <ul style="list-style-type: none"> <li>The GOP bill authorizes funds for existing Financial Crimes Enforcement Network (FinCEN) mandates, reauthorizes the National Money Laundering Strategy through 2005, and includes related technical amendments. <i>The McCain-Lieberman bill requires the President to submit a report to Congress evaluating the effectiveness of U.S. efforts to curb international terrorist financing, including identifying ways to improve international and financial institution cooperation, and how to better coordinate government agency cooperation.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#14 Track Terrorist Travel</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes a series of specific provisions that address aspects of terrorist travel, such as a study on machine-readable passports and expanded inspection programs at foreign airports. All of the items, however, attack the problem in a piecemeal, versus a strategic, fashion. <i>In contrast, the McCain-Lieberman bill requires the administration to develop a comprehensive strategy to target terrorist travel and directs that the strategy be implemented – fully consistent with the 9/11 Commission’s recommendation.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>

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# REPORT CARD – H.R. 10

## *GOP Bill Fails To Implement Most 9/11 Commission Recommendations*

9/11 Commission Recommendations	Grade
<p><b>#15 Create a Network of Screening Systems to Thwart Terrorists</b></p> <ul style="list-style-type: none"> <li>While the GOP bill addresses the 9/11 Commission’s concerns about the Western hemisphere passport exemption, it contains no provisions that address the critical issue of integrating various screening systems. <i>In contrast, the McCain-Lieberman bill sets out a comprehensive framework for integrating our screening systems as well as addressing the Western Hemisphere exemption.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#16 Create a Robust Biometric Entry-Exit Screening System</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes a provision regarding the creation of a Biometric Entry and Exit System, identical to language contained in the McCain-Lieberman bill.</li> </ul>	<p style="text-align: center;">● Green</p>
<p><b>#17 Set Global Standards for Security Systems</b></p> <ul style="list-style-type: none"> <li>The GOP bill encourages the executive branch to work with a number of nations and international organizations to set security standards, similar provisions in the McCain-Lieberman bill.</li> </ul>	<p style="text-align: center;">● Green</p>
<p><b>#18 Implement Federal Standards for Birth Certificates and Driver’s Licenses</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes provisions providing for federal standards for birth certificates and driver’s licenses, but also includes language that goes well beyond the 9/11 Commission’s recommendation to prevent states from issuing driver’s licenses to illegal immigrants. There are also critical privacy concerns with the GOP language – such as linking the databases of state Department of Motor Vehicles, and requiring biometric identifiers as one of the minimum standards for state driver’s licenses and identification cards – that need to be addressed if any changes are to pass scrutiny. <i>The McCain Lieberman bill sets minimum acceptable minimum standards and requires everyone to obtain a new driver’s license or ID card two years after the standards have been issued.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#19 Prioritize Transportation Assets</b></p> <ul style="list-style-type: none"> <li>The GOP bill requires the Department of Homeland Security to produce a transportation sector strategy – consistent with the 9/11 Commission’s recommendation and the McCain-Lieberman bill – and related modal strategies. The bill also requires TSA to issue operational criteria to protect airport infrastructure and operations against the threat identified in the plans.</li> </ul>	<p style="text-align: center;">● Green</p>

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# REPORT CARD – H.R. 10

## *GOP Bill Fails To Implement Most 9/11 Commission Recommendations*

### 9/11 Commission Recommendations

### Grade

<p><b>#20 Improve Air Screening Systems</b></p> <ul style="list-style-type: none"> <li>The bill requires the Transportation Security Administration (TSA) to test and implement a passenger pre-screening program under the control of TSA, utilizing all appropriate terrorist watch lists, similar to the provision included in the McCain-Lieberman bill.</li> </ul>	<p style="text-align: center;">● Green</p>
<p><b>#21 Improve Screening Checkpoints to Detect Explosives</b></p> <ul style="list-style-type: none"> <li>The GOP bill requires that TSA “give priority to” explosive detection for passengers and carry-on baggage, but does not require such detection capabilities. The bill authorizes collection of \$30 million in fees for purchase and installation of explosives detection equipment, though this amount is insufficient to cover equipment costs. The bill also establishes a pilot program for “next generation checkpoint detection technology,” including a human factors study. <i>In contrast, the McCain-Lieberman bill requires the Secretary to take steps to improve detection capabilities, requires that all high-risk passengers be screened for explosives, and authorizes such sums that may be required to get the job done. The McCain-Lieberman bill also requires a broader human factors study and provides for expedited installation of detection equipment.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#22 Protect Individual Privacy in Information Sharing Systems</b></p> <ul style="list-style-type: none"> <li>The GOP bill creates chief privacy officers in some law enforcement and counterterrorism agencies but does not provide a single entity in the federal government to coordinate all of the federal government’s efforts or ensure that agencies working together are clearly protecting our citizenry’s rights. The bill’s approach also does not provide critical leadership or authority to truly protect individual privacy. <i>Unlike McCain-Lieberman, the GOP bill makes little effort to protect the privacy of information on individuals that is held in information systems, especially national security systems – a key aspect of the 9/11 Commission’s recommendation.</i></li> </ul>	<p style="text-align: center;">● Red</p>

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## *GOP Bill Fails To Implement Most 9/11 Commission Recommendations*

### 9/11 Commission Recommendations

### Grade

<p><b>#23 Satisfy the Burden of Proof in Exercising Governmental Powers</b></p> <ul style="list-style-type: none"> <li>The GOP bill creates a new Civil Liberties Protection Officer for the national Intelligence Community, and states that the FBI, specifically, must perform its intelligence functions in a manner that is consistent with privacy and other civil liberties under the Constitution. <i>By contrast, the McCain-Lieberman bill creates an Inspector General for the National Intelligence Authority, who is responsible for an assessment of the effectiveness of all measures in place within the Intelligence Community for the protection of civil liberties and privacy of U.S. persons, as well as an Intelligence Community Officer for Civil Rights and Civil Liberties in the National Intelligence Authority. Further measures to strengthen our civil liberties and privacy could include a requirement that incentives and safeguards be put in place at the FBI and other agencies to prevent misuse of governmental powers.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#24 Create a Civil Liberties Board</b></p> <ul style="list-style-type: none"> <li>The GOP bill does not call for a Civil Liberties Board or any type of White House-level entity to ensure that Civil Liberties are protected. <i>In contrast, the McCain-Lieberman bill creates a Privacy and Civil Liberties Oversight Board in the Executive Office of the President to analyze and review actions of the Executive Branch to ensure that liberty concerns are considered when our country develops laws, regulations and policies related to efforts to protect the Nation against terrorism. An additional measure could include the creation of a Commission on Homeland Security and Privacy that can provide independent assessments on the performance of our government in protecting one of the most critical parts of our homeland – our civil liberties and democracy.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#25 Base First Responder Assistance on Risk</b></p> <ul style="list-style-type: none"> <li>The GOP bill does implement changes to the first responder grant programs that will result in the provision of more funding based on an assessment of risks and vulnerabilities. The legislation also includes no funding authorization for a revised grant program. <i>In contrast, the McCain-Lieberman bill bases future grants funding for first responders solely on risk – fully consistent with the 9/11 Commission's recommendation.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#26 Adopt Incident Command System Procedures</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes a Sense of Congress provision expressing support for the nationwide implementation of the National Incident Management System (NIMS), and that regular use of the NIMS by state, local, and tribal governments should be a condition for receiving federal preparedness assistance.</li> </ul>	<p style="text-align: center;">● Green</p>

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## *GOP Bill Fails To Implement Most 9/11 Commission Recommendations*

<b>9/11 Commission Recommendations</b>	<b>Grade</b>
<p><b>#27 Ensure Adequate Radio Spectrum for Public Safety</b></p> <ul style="list-style-type: none"> <li>The GOP bill does not address the principal recommendation of the 9/11 Commission for improving interoperability: that Congress should pass H.R. 1425, the HERO Act, in order to free up additional radio spectrum for first responders. Although the bill does make necessary changes to the Federal structure for improving interoperability, it creates an unfunded interoperability grant program. <i>In contrast, the McCain-Lieberman bill includes the full text of H.R. 1425, mandating the transfer of radio spectrum for public safety purposes no later than January 1, 2007.</i></li> </ul>	<p style="text-align: center;">● <b>Red</b></p>
<p><b>#28 Adopt the ANSI Standard for Private Sector Preparedness</b></p> <ul style="list-style-type: none"> <li>The GOP bill contains no provisions addressing the need for the Department of Homeland Security to adopt private sector preparedness standards as developed by the American National Standards Institute (ANSI). <i>In contrast, the McCain-Lieberman bill takes steps to implement the ANSI standards – fully consistent with both the 9/11 Commission’s recommendation and H.R. 4830, the Private Sector Preparedness Act.</i></li> </ul>	<p style="text-align: center;">● <b>Red</b></p>
<p><b>#29 Create a National Counterterrorism Center (NCTC)</b></p> <ul style="list-style-type: none"> <li>The GOP bill creates an NCTC, but significantly limits the operational role of the NCTC and does not allow for its input in setting budgets or nominating officials. <i>In contrast, the Collins-Lieberman bill more accurately represents the 9-11 Commission’s recommendations to vest the NCTC with planning and integrating counterterrorism operations across the government, along with being the government’s central knowledge bank for all terrorism information.</i></li> </ul>	<p style="text-align: center;">● <b>Yellow</b></p>
<p><b>#30 Create a National Intelligence Director (NID)</b></p> <ul style="list-style-type: none"> <li>The GOP bill creates a NID, but does not implement the 9/11 Commission’s recommendation, nor include the Collins-Lieberman bill’s provision, to grant the NID the authority needed to effectively manage the Intelligence Community. Specifically, the NID is not given the authority to set budgets of the intelligence agencies or the authority to set requirements and priorities for DOD intelligence components. <i>In contrast, the Collins-Lieberman bill would provide robust authorities to the NID to effectively lead the government’s intelligence efforts.</i></li> </ul>	<p style="text-align: center;">● <b>Yellow</b></p>

● **Green = Implemented**   ● **Yellow = Partially Implemented**   ● **Red = Not Implemented**

# REPORT CARD – H.R. 10

## GOP Bill Fails To Implement Most 9/11 Commission Recommendations

### 9/11 Commission Recommendations

### Grade

<p><b>#31 Improve the CIA</b></p> <ul style="list-style-type: none"> <li>The GOP bill would require the NID to report to Congress on the status of, and any remaining needs to improve, human intelligence collection. The GOP bill also makes improvements to training and education programs within the Intelligence Community that would improve CIA performance. <i>In contrast, however, the Collins-Lieberman bill requires a much broader strategy to include personnel recruitment, use of foreign liaison relationships, metrics, and other needs.</i></li> </ul>	<p style="text-align: center;">● Yellow</p>
<p><b>#32 Give the Department of Defense Control over Paramilitary Operations</b></p> <ul style="list-style-type: none"> <li>The GOP bill does not address this issue. <i>In contrast, the McCain-Lieberman bill includes several Sense of Congress findings on DoD’s control over paramilitary operations – consistent with the 9/11 Commission’s recommendation.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#33 Declassify the Intelligence Budget</b></p> <ul style="list-style-type: none"> <li>The GOP bill does not call for the declassification of the total amount of the Intelligence Community’s budget. <i>In contrast, the McCain-Lieberman bill would declassify the aggregate amounts requested and appropriated each year for the overall Intelligence Community and each major Community component.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#34 Provide Incentives for Information Sharing</b></p> <ul style="list-style-type: none"> <li>The GOP bill has no provisions to create positive incentives or reduce negative incentives to better share information. <i>In contrast, the Collins-Lieberman bill would require agencies to provide incentives for sharing information and would create a system through which information could easily and effectively be shared.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#35 Create a Trusted Information Network</b></p> <ul style="list-style-type: none"> <li>The GOP bill has no provision to create an information network other than granting the NID authority to ensure maximum sharing. <i>In contrast, the Collins-Lieberman bill requires the President to create a trusted information network consistent with the 9/11 Commission’s recommendation that meets the recommendations of the Markle Task Force.</i></li> </ul>	<p style="text-align: center;">● Red</p>
<p><b>#36 Reform the Intelligence Committees</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes no language regarding changes to the Congressional structure for handling intelligence legislation or oversight. <i>In contrast, the McCain-Lieberman bill includes a requirement that the Congress adopt changes to its rules to reform the intelligence committees as recommended by the 9-11 Commission.</i></li> </ul>	<p style="text-align: center;">● Red</p>

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# REPORT CARD – H.R. 10

## *GOP Bill Fails To Implement Most 9/11 Commission Recommendations*

9/11 Commission Recommendations	Grade
<p><b>#37 Create a Permanent Homeland Security Committee</b></p> <ul style="list-style-type: none"> <li>The GOP bill only expresses the Sense of Congress that the Rules Committee should take up the recommendations of the Select Committee of Homeland Security on how to consolidate jurisdiction over homeland security matters. <i>In contrast, the McCain Lieberman bill provides that the 108<sup>th</sup> Congress should not adjourn until each House of Congress has adopted changes in its rules, effective at the beginning of the 109<sup>th</sup> Congress, to consolidate jurisdiction over homeland security matters in one committee.</i></li> </ul>	<p style="text-align: center;">● <b>Red</b></p>
<p><b>#38 Accelerate National Security Appointments</b></p> <ul style="list-style-type: none"> <li>The GOP bill includes two provisions designed to accelerate appointments to national security positions during the time of an inaugural transition.</li> </ul>	<p style="text-align: center;">● <b>Green</b></p>
<p><b>#39 Create a Specialized National Security Workforce at the FBI</b></p> <ul style="list-style-type: none"> <li>The GOP bill provides management flexibility and authority to improve the FBI workforce and makes several changes to the FBI personnel system to prioritize the role intelligence analysis within the organization, consistent with the 9/11 Commission’s recommendation.</li> </ul>	<p style="text-align: center;">● <b>Green</b></p>
<p><b>#40 Assess and oversee the Northern Command’s Strategy</b></p> <ul style="list-style-type: none"> <li>The House GOP bill requires the Sec Def to assess the adequacy of NORTHCOM’s strategy and plans to protect this country. <i>In contrast, the McCain-Lieberman bill contains a requirement for the congressional armed services committees to exercise their oversight responsibilities in this matter – fully consistent with the 9/11 Commission’s recommendation.</i></li> </ul>	<p style="text-align: center;">● <b>Yellow</b></p>

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# REPORT CARD – H.R. 10

## *GOP Bill Fails To Implement Most 9/11 Commission Recommendations*

### 9/11 Commission Recommendations

### Grade

9/11 Commission Recommendations	Grade
<p><b>#41 Assess Plans to Protect Critical Infrastructure</b></p> <ul style="list-style-type: none"><li>The GOP 9/11 bill does nothing to improve the protection of our nation’s physical critical infrastructure, such as water supplies, surface transportation networks, and industrial facilities. <i>In contrast, the McCain-Lieberman bill requires the Department of Homeland Security to account for its progress in assessing critical infrastructure security and measure progress in readiness. An even stronger bill in line with the 9/11 recommendations would require a comprehensive critical infrastructure risk assessment to be delivered to Congress with a firm deadline; would address serious, well-recognized gaps in critical infrastructure protection such as nuclear power and chemical plant security; and require the development of metrics in areas from the preparedness of hospitals for bioterrorism to the readiness of first responders. These are mandates Congress needs to assess progress and ensure accountability.</i></li></ul>	<p>● <b>Red</b></p>