Mr. President, as I believe most of my colleagues know,

Senator Lieberman and I made a commitment to the families and the 9/11

Commission that we would ensure that all of their 41 recommendations

were considered one way or another in this legislation. Because of the

lack of scope of the Governmental Affairs Committee, there were several

recommendations which were not considered.

Senator Lieberman and I have already proposed and had adopted several

amendments addressing the recommendations of the 9/11 Commission. There

are three remaining issues. One of them is noncontroversial, which I

will be proposing at this time and would hope would be voice voted

since it is noncontroversial. Then there are two additional amendments

concerning two additional recommendations of the 9/11 Commission. Both

of those are controversial, so I would propose those amendments and

then ask that they be set aside after they are placed for

consideration. Then they would be disposed of after debate, discussion,

or however the managers would like to dispose of those additional two

amendments.

I hope I made myself somewhat coherent in that explanation.

The amendment that is at the desk addresses the 9/11 Commission's

recommendation to improve the transitions between administrations. It

is nearly identical to title IV of the 9/11 Commission Report

Implementation Act, which we introduced on September 7, except that it

does not include the security clearance-related provisions that were

adopted by the Governmental Affairs Committee and are already in the

underlying bill, S. 2845.

The Commission report states:

As recommended by the Commission, this amendment is designed to help

ensure an incoming President-elect has his or her national security

team in place during a transition between administrations. The

amendment would direct the outgoing administration to provide the

President-elect, as soon as possible after the general election, a

detailed, highly classified summary of current threats to the national

security, major military and covert operations, and pending decisions

on possible uses of military force.

It also provides that the President-elect should submit to the agency

responsible for background checks the names of possible candidates for

high-level national security positions as soon as possible after the

date of the Presidential election. In turn, it requires that agency to

undertake and complete, to the fullest extent possible, the background

investigations necessary to provide appropriate security clearances to

these individuals by the date of inauguration.

Finally, it urges the Senate to consider the nominations of top

national security appointees as soon as possible, preferably within 30

days of the submission of a nominee.

As the chairman of a committee which has responsibility for the

confirmation of many Presidential nominees, I assure my colleagues that

I consider the Senate's advise and consent responsibilities to be very

important. This amendment is not proposing that we shirk our duties in

any way but that we act in the most efficient manner possible to

thoroughly review the nominees to national security-related positions

and allow for their confirmation so they can carry out the very

important duties to which they are charged.

I recognize that some, including administration officials, would

prefer that we go further. It has been suggested and I believe the

House bill even proposes that if the Senate has not voted to confirm a

nominee within 30 days after the nominee's name has been submitted, the

President alone should have the power to make that appointment. I, for

one, cannot support such a proposal, and I doubt that it would have the

support of the majority of Members in this body.

Let me also point out that this amendment does not include the

Commission's recommendations that the Senate should not require

confirmation of such national security executive appointees below

executive level 3. One of the reasons our amendment does not address

that particular proposal is that upon review of such positions, we

learned that it would eliminate the Senate's advise and consent duties

for many important security positions that we believe merit the

Senate's action. Executive level 4 includes all of the Assistant

Secretary positions, many of which one would argue are important

national security-related positions. Examples of these positions

include the Assistant Secretary of Defense for Strategy and Threat

Reduction, the Assistant Secretary of Defense for International

Security Affairs, the Assistant Secretary of Defense for Force

Management Policy, and others.

We believe that instead of removing the Senate's advise and consent

obligations, a better approach would be for the Senate to fulfill its

obligation in as expeditious a manner as possible. We hope this body

will make a greater effort to hold confirmation hearings and report

those national security-related nominations to the full Senate for

swift consideration. To help spur swift Senate consideration, this

amendment includes a sense of the Senate urging the President-elect to

submit the nominations for high-level national security positions to

the Senate by the date of the inauguration. It also calls for Senate

committees to hold nomination hearings and consider these nominations

to the fullest extent within 30 days of their submission.

The amendment before the Senate is but one proposal that we need to

Move forward. The more critical proposal which we still need to act on is

congressional reorganization and oversight over intelligence and

homeland security. As the Commission very directly pointed out, not

only are Government agency reforms needed, so too are institutional

reforms within Congress. The Commission went so far as to call

congressional oversight as ``dysfunctional.''

I remain hopeful that the bipartisan working group tasked by the

leadership to develop a proposal for congressional restructuring will

be successful. We owe it to the American public to fulfill our

collective responsibilities. These are not normal times. We are at war.

I just want to say again, as a member of the Armed Services

Committee, I have seen particularly the Defense Department, as well as

other national-security-related positions, literally vacant for months

and months and months. This is really not an acceptable situation, and

it has grown worse and worse. Background security checks have

lengthened in their time. The Senate doesn't get moving until a couple

of months after we are in session. It is not fair. It is not fair to

the nominees, it is not fair to the country, it certainly is not fair

to the Departments that are deprived of the services of a new

President's team. So I hope we will support this amendment.

I do not believe there is any controversy, so I ask for a voice vote

before I move to a second amendment.

Mr. President, this amendment may be subject to more

debate and discussion and may require a recorded vote. I intend to

propose this amendment, discuss it, and recognize that there will be

further discussion about this amendment.

This amendment addresses the terrorist travel and screening sections

of the 9/11 Commission report. Contained in this amendment are the

recommendations found on pages 383-390

of the 9/11 Commission report. The text of this amendment is nearly

identical to Title VI of S. 2774, which was introduced September 7.

In addition to working with the Commission on this amendment, Senator

Lieberman and I have sought the advice and counsel from as broad a

range of interested parties as possible. Meetings have been held to

address the concerns of many of the interested groups. While some may

prefer that we do not address these provisions, that is simply not an

option. We must act one way or the other on all of the recommendations

in the Commission report.

Despite the hard work by the people at the Department of Homeland

Security, it is apparent that our Government has just begun to carry

out some of the reforms necessary to prevent terrorists from entering

our country. Much remains to be done to target terrorist travel,

combine our multiple screening systems and ensure that identification

documents used to enter this country or to be used as feeder documents

are trustworthy.

Additionally, more must be done to improve the training we provide to

our immigration and consular officers. These people represent the first

line of defense in the security of our borders. We must ensure that

these officers have access to the best training, technology and

information available.

According to the Commission Report:

By restricting terrorist access to travel documents, we increase the

difficulty to travel into the United States. Our legislation aims to

address this pressing issue by requiring the Secretary of Homeland

Security to work with multiple Government agencies to develop a unified

strategy for combining terrorist travel intelligence, operations and

law enforcement into a cohesive effort to intercept terrorists, find

terrorist facilitators, and constrain terrorist mobility domestically

and internationally. All agencies responsible for guarding our Nation

against terrorist attack must be on the same page in our approach to

keeping terrorists out.

In order to efficiently screen those entering the United States, the

multiple terrorist screening systems already in place must be

integrated. Our legislation would require the Secretary of Homeland

Security to develop a comprehensive screening system that brings

together an integrated network of screening points that includes the

Nation's border security systems, transportation system, and critical

infrastructure and facilities. The Department of Homeland Security will

begin to address this issue as they carry out the orders given in HSPD-

11; however, our amendment represents a more comprehensive approach to

uniting our various screening systems.

Fundamental to increasing the security of our borders is the quick

and full implementation of US VISIT. I, like many of my colleagues,

have been troubled by the pace in which this system has been rolled

out. This legislation requires the Department of Homeland Security to

develop and implement a plan for the accelerated and full

implementation of the US VISIT system. Additionally, the amendment

directs the Secretary of Homeland Security to implement a single,

consolidated program designed to expedite the travel of previously

screened travelers across the borders of the United States.

Lastly, this amendment would implement 9/11 Commission's

recommendation that the Federal Government set standards for the

issuance of birth certificates, driver's licenses, and other sources of

identification. It has been well documented that many of the hijackers

and their associates used counterfeit social security numbers and other

fraudulent documents to obtain legal driver's licenses or State-issued

ID cards--or were able to simply but fake ID's--which they then used to

open bank accounts, rent cars, board airplanes, and attend flight

schools. The ease with which these basic documents of American life can

be counterfeited or obtained fraudulently is clearly a gaping hole in

homeland security.

Since the September 11, 2001, terrorist attacks, at least half the

States have passed legislation to tighten up their eligibility

requirements and procedures for issuing driver's licenses and State ID

cards. These initiatives are commendable and have improved security,

but the report of the 9/11 Commission, and numerous reports by Federal

agencies and other organizations have all concluded that additional

measures must be taken to improve the security of driver's licenses and

other forms of identification.

One study deserves special note. Over a 10-month period in 2002 and

2003, the Government Accountability Office--GAO--conducted an

undercover investigation of State driver's license practices and

procedures, visiting seven States--Arizona, New York, Michigan, South

Carolina, Virginia, Maryland, California and the District of Columbia.

In every jurisdiction, GAO investigators were able to obtain a driver's

license or State-issued ID using fraudulent documents, including fake

birth certificates and fake licenses from other States.

Our amendment would require birth certificates and driver's licenses

to meet new minimum Federal standards in order to be accepted by a

Federal agency for any official purpose. Minimum standards would be

established for proof and verification of identity by the applicant,

and to make the documents themselves more resistant to counterfeiting

and tampering. The amendment also would require minimum standards for

the processing of applications to address a widely recognized and

growing problem of fraud within the offices that issue licenses and

birth certificates, including the Arizona Department of

Transportation's Motor Vehicle Division. The amendment would authorize

grants to the States to assist them in meeting the new standards and to

help States computerize and match their birth and death records.

To improve the security of social security numbers, the amendment

would restrict the number of replacement cards that can be issued to an

individual; require verification of records used to obtain an original

social security card; and add death, fraud, and work authorization

indicators to the social security number verification system. DHS and

the Social Security Administration would also be tasked to take other

steps to safeguard social security cards from counterfeiting and

tampering, and increase enforcement against the fraudulent use of

social security cards.

Today, incredibly, the Social Security Administration will issue any

individual up to 52 replacement cards a year, a practice GAO has cited

as increasing the potential for misuse and fraud. Roughly two-thirds of

the 12.4 million social security cards issued by SSA in 2002 were

replacement cards. I am also incredulous that the system SSA uses to

verify social security numbers does not include notations for death,

fraud, or work authorization. Employers often use the system to verify

the social security number of new employees. Because there is no

notation on the records for death, a social security number for a

decreased individual used fraudulently by another person will be

verified as valid.

This amendment would not mandate a national ID card. It would not

infringe upon the right of the States to determine who can get a

driver's license. It would not establish a national database with

information on all drivers. And it would prohibit the establishment of

a single design for driver's licenses and birth certificates. We

believe it fulfills the recommendation of the 9/11 Commission without

trampling on States' rights, privacy, or civil liberties.

We must face the fact, however, that rightly or wrongly, the driver's

license is the basic form of ID in the United States. We use it to

board airplanes, to purchase alcohol and cigarettes, to cash checks,

and for a host of other purposes. We cannot ignore that the security of

driver's licenses and State-issued ID cards affect homeland security.

And we cannot ignore that driver's licenses can and indeed have been

used as an enabler for terrorism. There is a legitimate Federal role in

establishing minimum standards for these documents.

As the 9/11 Commission noted in its report, ``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.''

Making these documents more secure will help make our country more secure, and help prevent another

terrorist attack on our country.

In closing, this amendment was carefully crafted to translate the

commission recommendations into legislative language. I applaud the

work of the commission and fully believe that the reforms they suggest

in this section of their report will go a long way towards increasing

the security and safety of all Americans.

The Commission released their report in late July. Their

recommendations are taking on a life of their own. The Commission

report is the No. 1 nonfiction bestseller on both the New York Times

and the Washington Post bestsellers list. The public is taking their

recommendations very seriously, and so too should we. The people will

hold us accountable for our failure if we don't enact these

recommendations.

I would like to point out a couple of additional facts.

Today, each State has a different set of requirements for driver's

licenses. Some States allow more than 30 different documents to be used

by applicants as proof of identity. How in the world can an employee at

the department of motor vehicles be expected to verify the authenticity

of the applicant?

I am amazed what some States will accept as proof of identity in

supporting documents. For example, one State allows a picture from a

high school yearbook to be used as one form of identification. Another

State allows the school report card to be used as long as it is less

than 1 year old. A third allows a snowmobile permit to be used as a

form of identification. Several States allow permits for concealed

weapons to be used in getting a driver's license. One State still has

licenses without a photograph of the license holder.

I recognize that we are on very interesting ground on this issue. On

the one hand, we are trying to balance people's civil liberties. We are

trying to make sure everyone has a right to privacy. We are trying to

make sure there is no national database which would be used to follow

people around the country. At the same time, if someone can

fraudulently obtain a driver's license and that driver's license is

used in obtaining access to places where acts of terror can be

committed, we have to try to see that does not happen.

What we have done with this amendment is try to carefully balance the

requirement for some better way of assuring identity and at the same

time not infringe on Americans' civil liberties. That is why I believe

this amendment probably will be the subject of some debate and

discussion and will probably require a recorded vote.

If somebody has a better idea, I would like very much to hear it, but

I do not know that there is a better idea. We have done extensive

research, have had extensive discussions and an extensive amount of

investigation building on the 9/11 Commission's findings and

recommendations.

It seems to me that this is a reasonable approach. But to have the

status quo in America where people can easily and fraudulently acquire

identification which allows them then to be able to commit acts of

sabotage, espionage, or terror and risk the lives of others is not a

status quo by which I think we can abide.

I thank my colleagues for their consideration. I look forward to the

debate.

If the distinguished manager would perhaps illuminate as to how she

would like to handle this particular amendment, I would be agreeable to

whatever the manager's procedure would be.

Mr. President, as I noted on the floor yesterday, the

Senate is now engaged in perhaps the most important debate of the 108th

Congress. Increasing the security of our country against terrorist

attack requires new strategies, new ways of thinking, and new ways of

organizing our Government. That is what this legislative debate is all

about.

Earlier this month, I joined with Senator Lieberman and others in

introducing comprehensive legislation to implement all the 9/11

Commission recommendations. Along with Senator Lieberman, I pledged

that the Commission's recommendations--including the ones not already

addressed in the underlying bill--would be fully debated. Yesterday, we

offered an amendment that was designed to address the Commission's

transportation security-related recommendations. Now we will offer an

amendment that encompasses the Commission's diplomacy, foreign aid, and

military-related recommendations.

I send an amendment to the desk on behalf of myself, Senator

Lieberman, and Senator Bayh, and ask for its immediate consideration.

This amendment is very similar to Title V of S. 2774, the 9/11

Commission Report Implementation Act of 2004, which we introduced

earlier this month. In drafting this amendment, we have worked with the

Senate Foreign Relations Committee to develop consensus language

concerning areas of their jurisdiction, and with the Senate Armed

Services and Banking Committees to develop language for other

provisions.

As the Commission report observed, there were many deficiencies that

led to the terrorist attacks of September 11. Not the least was the

failure of the United States to adapt its foreign policy to address the

changed realities of the post-cold war era. In hindsight, it is evident

that we did not do enough to prevent the creation of terrorist

sanctuaries, encourage the democratization of the Greater Middle East,

and engage countries such as Pakistan, Afghanistan and Saudi Arabia in

their battles against fundamentalism.

In light of this realization, the Commission found that no single set

of strategies is sufficient to prevent future terrorist attacks. The

United States must use all of the instruments at our disposal to

counter the short-and long-term threats posed by international

terrorism. For this reason, it is critical to pay due attention to the

role of diplomacy, foreign aid, and the military.

Consistent with the Commission's recommendations, this amendment

requires the executive branch to develop a strategy to address and,

where possible, eliminate terrorist sanctuaries. It renews the U.S.

commitment to Pakistan's future, in light of the critical role that

country plays in the war on terror, and authorizes assistance to

Afghanistan--aid that many of us believe must be increased. The

amendment addresses our relations with Saudi Arabia and suggests

establishing an international contact group to develop a multilateral

counterterrorism strategy.

Our amendment also calls on the U.S. Government to work with our

coalition partners to develop a common approach to the treatment of

detainees, and reiterates standards for the humane treatment of enemy

detainees--standards that our soldiers and officials should have been

following all along. Most of this language was taken directly from the

Senate-passed version of the Department of Defense Authorization bill,

which is now pending in conference. The Senate has already spoken on

this issue once; however, it has yet to be enacted. We must continue

pressing to ensure that America treats individuals in its custody

humanely, as the Commission rightly advocates. As the 9/11 Commission

rightly pointed out, allowing torture of prisoners only makes it more

difficult to build the alliances and support we need to defeat

terrorism. Portrayals of inhumane treatment of captured terrorists

hinder our ability to engage in the wider struggle against them.

Other provisions in this amendment are designed to enhance America's

ability to fight the war of ideas by promoting universal values of

democracy, tolerance, and openness. It authorizes funding for U.S.

broadcasts to Muslim countries, and authorizes an increase in our

education and exchange programs. In addition, it establishes an

International Youth Opportunity Fund that will provide financial

assistance for the improvement of public education in the Middle East.

Finally, the amendment notes that the proliferation of weapons of mass

destruction is a grave and gathering threat to this country, and

requires the executive branch to develop a strategy to expand and

strengthen our nonproliferation programs.

This amendment is the next step in fulfilling the mandate of the

9/11 Commission recommendations and ensuring that we orient our

diplomacy, foreign aid, and military programs toward combating

terrorist threats, in both the short and long terms. The provisions in

our amendment are not the only steps that are needed, and there are a

number of other important actions that the executive branch should

undertake in order to fully implement the Commission's recommendations.

But I believe that passing this amendment is a vital and necessary

step.

I urge my colleagues to support this amendment.