do to keep our homeland safe. And at the same time, this partisan Republican bill also goes far beyond what the Commissioners recommended in curbing the civil liberties of American citizens in ways that won't make us any safer.

For example, one of the central recommendations of the 9/11 Commissioners was to establish a National Intelligence Director with full budgetary authority over our national intelligence agencies. The Senate bill upholds this recommendation. The House bill fails to give the NID the authority to establish national priorities and force bureaucracies to work together.

The September 11th Commissioners also recommended that we establish a Cabinet-level National Counterterrorism Center. The Senate bill does that. But again, the House bill doesn't give the new Center the authority to coordinate the war on terror.

The September 11th Commission recommend strengthening the programs that help us secure loose nuclear materials in Russia and around the world. The Senate bill does this—the House bill just calls for a study of the issue. Last week, I joined with Congresswoman Tauscher and Congressman Spratt in introducing a bill that would meet the 9/11 Commission's recommendations for developing a long-term nonproliferation strategy. Unfortunately, when the legislation was offered as an amendment in the Armed Services Committee last week, we were told that it wasn't germane.

The September 11th Commission called for doing more to exchange information on terrorists with trusted allies. The House bill is silent on this matter.

The September 11th Commission also urged Congress to improve aviation security—specifically, that we screen people for explosives and also put cargo in hardened containers. Again, the Senate accomplishes this while the House fails.

Finally, the September 11th Commission calls for a Civil Liberties Oversight Board. This provision is in the Senate bill but not the House bill. In fact, the House bill goes overboard in undermining civil liberties. Instead of reexamining the Patriot Act to see what is working and what goes too far, the Republican leadership has included new powers for law enforcement without even holding a hearing on them.

The Republicans knew that these provisions would prevent Congress from finding consensus, moving forward, and passing a bill before the elections. I would have hoped that, for once, the Republican leadership wouldn't have let politics get in the way of needed steps to improve our national security. Regrettably, it has. But the 9/11 families have waited three years for action, and it's not too late to follow the example and the recommendations of the 9/11 Commission and move forward in a bipartisan way.

This Congress created the September 11th Commission for a reason—to conduct an independent investigation into the terrorist attacks and recommend policy changes to ensure that they never occur again. The Senate bill takes these recommendations seriously. The House bill does not. I therefore urge my colleagues to support the Menendez substitute amendment and adopt the language in the Senate version of the bill.

Mr. MARKEY. Mr. Chairman, I rise in opposition to H.R. 10. This bill is nothing more than a cynical sham masquerading as reform. It purports to implement the recommendations of the 9/11 Commission, but it actually implements only 11 of the Commission's 41 recommendations. What was left off the table? The bill on the House Floor today: Fails to strengthen our efforts to prevent proliferation of nuclear weapons; fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies; and fails to secure U.S. borders by integrating disparate screening systems.

H.R. 10 has numerous additional flaws: There is no requirement to screen all cargo being placed on airplanes to ensure they do not contain explosives. There are NO whistleblower protections for TSA baggage screeners or employees of the FBI and the CIA who are retaliated against for disclosing security problems to their supervisors. Any reorganization of the intelligence community is rendered meaningless by the failure to protect modern day Paul Reveres like Coleen Rowley and Sibel Edmonds when they blow the whistle. An amendment offered by Mr. NADLER to increase the security of nuclear facilities and shipments of extremely hazardous materials that was actually ACCEPTED during the Judiciary Committee markup was inexplicably removed by the Rules Committee.

What was added to the bill? Dozens of pages of extraneous material that have nothing to do with anything that the 9/11 Commission recommended. The underlying bill actually contains a provision that would authorize the outsourcing of torture and limit any judicial review of this process! That's right—in this bill—H.R. 10—the House Republican leadership would actually make it easier for certain foreign persons to be sent to countries where they would be tortured in interrogations. I call this the Abu Ghraib-by-Proxy provision.

It's outrageous that these provisions have been snuck into the 9/11 bill behind closed doors when the 9/11 Commission specifically called for the United States to "offer an example of moral leadership in the world, committed to treat people humanely, abide by the law. . ." Nothing could be farther from the 9/11 Commission's intent when it issued this recommendation.

Where does the Bush Administration stand on this Abu Ghraib? The White House's Legal Counsel sent a letter to the Washington Post saying that the Administration does not support these provisions in this bill.

Earlier this year I introduced H.R. 4674, a bill that would explicitly bar the U.S. from deporting, extraditing, or otherwise rendering persons to foreign nations known to engage in the practice of torture. If we really want to implement the 9/11 commission recommendations, we would be including this type of proposal in the bill before us today. I asked the Rules Committee to approve an open Rule that would allow me to do this, but they refused.

What the Rules Committee did approve was a Rule that makes in order an amendment by the Gentleman from Indiana (Mr. HOSTETTLER). What does the Hostettler amendment do? It would rely on "diplomatic assurances" that detainees would not be tortured. We should not be trusting "diplomatic assurances" from torturers that they won't engage in torture.

Both H.R. 10 and the proposed Hostettler amendment would legitimize the practice of sending suspected terrorists to other countries to be tortured. That is wrong.

I urge a "no" vote on H.R. 10, and a NO vote on the Hostettler amendment.

The CHAIRMAN pro tempore (Mr. LINDER). All time for general debate has expired.

Mr. COX. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–762) on the resolution (H. Res. 830) waiving points of order against the conference report to accompany the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–763) on the resolution (H. Res. 831) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 830 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 830

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill