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Key Aide to 9/11 Panel Praises Offer by House

By PHILIP SHENON

WASHINGTON, Oct. 26 - The staff director of the independent Sept. 11 commission has sent a memorandum to Capitol Hill praising provisions of a Republican House proposal to enact the panel's major recommendations, complicating delicate last-minute negotiations in Congress on Tuesday because the 10 members of the commission and the White House have endorsed provisions of a rival bipartisan Senate bill.

House Republicans made public the Oct. 23 memorandum from Philip D. Zelikow, the former staff director, as proof that House negotiators were not standing in the way of a compromise bill to enact the commission's chief recommendation: creation of the powerful job of a national intelligence director to coordinate the government's spy agencies.

Lawmakers have said negotiations over a final bill have reached a stalemate over the issue of the extent of the intelligence director's authority, and that they are increasingly uncertain whether the talks can be concluded this week. Senate negotiators and members of the Sept. 11 commission say they want far more budget and personnel authority for the job than House negotiators will accept.

In his memorandum, which was sent by e-mail to Senate staff members, Mr. Zelikow said that a compromise offer made by House Republicans last week in House-Senate conference committee appeared to provide a national intelligence director with adequate powers and that other differences "should not be a reason for bringing down the whole bill."

"Our overarching objectives were to establish a NID that had strong budget and personnel authorities, as well as authorities over I.T., security and personnel policies," said Mr. Zelikow, a University of Virginia historian, using acronym for national intelligence director. "The current House offer gets there, with one major caveat."

The caveat, he said, was over a related issue of whether to classify the government's overall intelligence budget, which House negotiators have insisted on. But if the issue was resolved, Mr. Zelikow said, "the House offer, with the latest concessions, seems a relatively reasonable way to do the job" of empowering a national intelligence director.

The public disclosure of the memorandum, which was made available to The New York Times by Representative Duncan Hunter of California, one of the House Republican negotiators, created alarm among Senate negotiators and prompted a spokesman for the former members of the Sept. 11 commission to distance the former commissioners from Mr. Zelikow.

"He's a private citizen, he's not affiliated with the P.D.P.," said Adam Klein, a spokesman for the 9/11 Public Discourse Project, the lobbying group set up by the 10 former members. "The commissioners speak for the commissioners and for this organization. Dr. Zelikow speaks for himself."

Senator Susan Collins of Maine, an author of the Senate bill and the chief Senate negotiator in the conference committee, said in an interview she had been "stunned" by Mr. Zelikow's memorandum since it appeared to conflict with the public support the commission had offered to her bill. "I'm sure it was well-intended, but it was not helpful," she said.

In a joint letter last week, the 10 members of the commission offered enthusiastic endorsement for the bipartisan Senate bill and, specifically, for the powers it offered to a national intelligence director to oversee the work of the government's 15 spy agencies, including the Central Intelligence Agency. The White House has also endorsed the Senate language.

Representative Hunter, chairman of the House Armed Services Committee, said in an interview that Mr. Zelikow's memorandum demonstrated "my point that we've got a good House offer, and that we have made changes to accommodate the Senate."

Mr. Hunter said that in negotiations in a House-Senate conference committee over the last week, House members had agreed to rewrite the House bill to offer explicit, wide-ranging budget powers to a national intelligence director. "We now have a bill which is acceptable to the staff director of the 9/11 commission," he said. "The question for the Senate is: 'Why can't you take yes for an answer?'"

Told that his memorandum had been made public, Mr. Zelikow said in an interview that he still believed that the Senate provisions for the authority of a national intelligence director were preferable. "Our view has been all along that the Senate language is preferable," he said. But he said the latest compromise being offered by House Republicans was "extremely forthcoming" and suggested that a final bill might be near.

"My analysis was not an official commission analysis," he said. "It was the opinion of former commissioner staffers offered as opinion."

The e-mail message was addressed to two senior staff members of the Senate Governmental Affairs Committee, which has responsibility for drawing up legislation to respond to the Sept. 11 commission's recommendations.

In interviews, the former chairman and vice chairman of the commission also distanced themselves from the conclusions of Mr. Zelikow's memorandum, saying that they continued to stand behind Senate negotiators in pressing for provisions of the Senate bill.

"The House language has moved forward and is a lot closer to the Senate language and better," said the panel's former chairman, Thomas H. Kean, a former Republican governor of New Jersey.

The former vice chairman, Lee H. Hamilton, a retired Democratic House member from Indiana, said he and Mr. Kean "have said repeatedly that the Senate bill is preferable." He added that Mr. Zelikow "is the former executive director of the commission and he's operating personally here."

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