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Senate Rejects Plan Endorsed by 9/11 Panel

By PHILIP SHENON

ASHINGTON, Oct. 7 - The House voted Thursday night to reject a sweeping bill that would have enacted most of the recommendations of the Sept. 11 commission and was similar to a bipartisan Senate bill that has the endorsement of the White House, the commission's leaders and many of the families of victims of the Sept. 11 attacks.

The vote, 203 to 213, appeared to clear the way for passage on Friday of a related bill being offered by House Republican leaders that includes many contentious law-enforcement provisions that were not recommended by the Sept. 11 commission and have been strongly criticized by Democrats and civil liberties groups.

The Republican bill would create the post of national intelligence director, in keeping with the commission's central recommendation, but would provide the intelligence director with significantly less budgetary and personnel authority than the commission recommended and than is offered in the Senate bill.

Commission members and Congressional Democrats have warned that by pursuing a bill so different from its popular Senate counterpart, House Republicans may have made it impossible for Congress to agree on a final bill this year, perhaps ending any hope for the intelligence overhaul recommended by the bipartisan commission.

"The Republican leadership insists on pursuing a highly partisan process," said Representative Jane Harman of California, the ranking Democrat on the House Intelligence Committee. "The American people want us to defend our country, not our turf."

House Republican leaders acknowledged that their bill did not incorporate some of the major recommendations of the commission. But they said the bill overcame flaws both in the commission's findings and in the Senate bill.

"Forget the spin for a moment and look at the policies," said the House majority leader, Tom DeLay of Texas. "Every provision, every word of this bill will make Americans safer."

The defeated bill, which was offered by Representative Robert Menendez, a New Jersey Democrat and chairman of the House Democratic Caucus, incorporated many of the central provisions of the bipartisan bill adopted Wednesday in the Senate, 96 to 2, including creation of the job of a powerful national intelligence director to direct the work of all of the government's spy agencies.

The supporters of the defeated bill said that, because of its many similarities with the Senate version, a House-Senate conference committee could have quickly agreed on a compromise bill for President Bush's signature. They predict there will be no easy compromise between the Senate bill and the legislation being championed by House Republicans.

"Why would the House want to adopt a bill which falls so short of the reforms identified as urgently necessary and adopted unanimously by the bipartisan commission and by the Senate?" asked the House Democratic leader, Nancy Pelosi of California, asking her colleagues to support Mr. Menendez's bill.

The House vote was a second disappointment Thursday for members of the Sept. 11 commission. The other came in the Senate, which voted 74 to 23 to reject the most important of the recommendations made by the panel for overhauling how Congress conducts oversight of intelligence issues. The commission described Congressional intelligence oversight as "dysfunctional."

The defeated Senate proposal would have restructured the Senate by providing the Senate Intelligence Committee with power to appropriate the billions of dollars in the government's intelligence budget, authority that is now with the Senate Appropriations Committee.

The bipartisan commission had urged that appropriations power be placed in House and Senate intelligence committees, providing them with the stature that comes from having direct authority to determine how the intelligence community's budget is spent.

In arguing for the proposal for a Senate overhaul, its sponsor, Senator John McCain, the Arizona Republican who was instrumental in creating the Sept. 11 commission, cited the "golden rule" of governmental power - "the power resides in the purse, the golden rule prevails around here."

He added: "If we're going to have a truly effective intelligence committee oversight that can function with strength and power, then we're going to have to give them appropriation authority."

But he failed to win over most of his colleagues, especially members of the powerful Appropriations Committee, who made clear that they felt slighted by the implication of the commission that they were unable to deal effectively with oversight of the government's estimated \$40 billion annual intelligence budget.

"I'm not interested in turf," insisted Senator Ted Stevens, the Alaska Republican who is chairman of the appropriations panel. "Consolidating appropriations authority for intelligence would undermine 140 years of Congressional tradition and ignore our years of experience on such matters."

The Senate is considering other plans to restructure itself in response to criticism of the Sept. 11 commission, including a bipartisan proposal from Senate leaders to create a new appropriations subcommittee for intelligence and convert the Senate Governmental Affairs Committee into the Homeland Security Committee, with new powers.

Those plans appeared to have been damned with faint praise from leaders of the Sept. 11 commission. In a statement issued before the Thursday vote, the commission's chairman, Thomas H. Kean, and vice chairman, Lee H. Hamilton, threw their support behind Mr. McCain's actions. They described the other, bipartisan proposals as "constructive" and "useful" but also "modest" and "not as far-reaching as those recommended by the commission."

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