

# Document Security Provisions Gutted in Conference Report on 9/11 Bill

Provision in H.R. 10	9/11 Commission Findings*	In Conf. Report?
<p>Sec. 3001 requires U.S. citizens to carry secure identification to prove their citizenship when returning from any foreign country, including Canada and Mexico.</p> <p>Sec. 3002 requires Canadians and Mexicans seeking admission into the United States to carry secure identification documents.</p>	<p><i>Americans should not be exempt from carrying biometric passports or otherwise enabling their identities to be securely verified when they enter the United States; nor should Canadians or Mexicans. Currently U.S. persons are exempt from carrying passports when returning from Canada, Mexico, and the Caribbean. The current system enables non-U.S. citizens to gain entry by showing minimal identification. The 9/11 experience shows that terrorists study and exploit America's vulnerabilities.</i> (p. 388, Final Report)</p>	<p style="text-align: center;">NO</p> <ul style="list-style-type: none"> <li>• DHS must come up with a plan to require US citizens, Canadians and Mexicans seeking admission to produce ID that denotes citizenship by 2008</li> </ul>
<p>Sec. 3003 doubles the number of Border Patrol agents.</p>	<p><i>It is elemental to border security to know who is coming into the country. Today more than 9 million people are in the United States outside the legal immigration system. We must also be able to monitor and respond to entrances between our ports of entry.</i> (p. 390, Final Report)</p> <p><i>[T]here are uncorroborated law enforcement reports suggesting that associates of al Qaeda used smugglers in Latin America to travel through the region in 2002 before traveling onward to the United States.</i> (p. 61, Staff Report)</p>	<p style="text-align: center;">YES</p> <ul style="list-style-type: none"> <li>• At least 20% must go to Northern border</li> </ul>
<p>Sec. 3004 triples the number of Immigration and Customs Enforcement (ICE) agents. At least half of new agents are to be for worksite enforcement; at least three are to be assigned to each state.</p>	<p><i>[A]buse of the immigration system and a lack of interior immigration enforcement were unwittingly working together to support terrorist activity....Financial and human resources were also lacking. The budget for interior enforcement remained static in the face of an overwhelming number of immigrants outside the legal framework. Many INS agents were overwhelmed and disheartened.... [S]pecial agents lack the resources and authority to pursue visitors for immigration violations associated with terrorist activity.</i> (pp. 46, 164, Staff Report)</p>	<p style="text-align: center;">YES</p> <ul style="list-style-type: none"> <li>• No designation for worksite enforcement or each state</li> </ul>
<p>Sec. 3005 increases by 5,000 the number of detention beds available for immigration violators.</p>	<p><i>Both Hazmi and Mihdhar [two of the 19 9/11 hijackers] could have been held for immigration violations or as material witnesses in the Cole bombing case... The</i></p>	<p style="text-align: center;">YES</p> <ul style="list-style-type: none"> <li>• Increase of 40,000 beds</li> </ul>

	<i>simple fact of their detention could have derailed the plan. (p. 272, Final Report)</i>	
Sec. 3006 requires aliens in the United States to present either a secure, U.S.-issued identification document or a valid foreign passport when required to establish their identity to a Federal employee.	<p><i>Biblal Alkaisi [who was implicated in the 1993 plot to bomb New York landmarks] initially filed an application for temporary protected status, using what turned out to be a fake Lebanese birth certificate. (p. 49, Staff Report)</i></p> <p><i>FBI agents obtained a search warrant for Ibrahim el Gabrowniy's apartment in connection with the [New York landmark] bombing investigation. There, FBI agents found... five Nicaraguan birth certificates...as well as Nicaraguan drivers' licenses. The foreign documents were in alias names. (p. 224, Staff Report)</i></p> <p><i>Secure identification should begin in the United States...Fraud in identification documents is no longer just a problem of theft. 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. (p. 390, Final Report)</i></p>	<p>NO</p> <ul style="list-style-type: none"> <li>• Instead DHS is to propose standards for documents required of domestic commercial airline passengers prior to boarding; such standards must be approved by Congress</li> </ul>
Sec. 3007 expands expedited removal to cover aliens who entered the United States illegally, have been present here for fewer than five years, and do not ask for asylum.	<i>[Once Congress created expedited removal authority in 1996] for the first time, border authorities were permitted to deny entry, without a hearing, to those failing to qualify for admission. This provision could be used to deny suspected terrorists the opportunity to enter the United States and stay. In the first months of 1997, 1,200 travelers a week were subject to expedited removal, mostly over the Southwest border. Despite this success, the INS never expanded expedited removal to include persons attempting to enter illegally across the expansive physical borders between ports of entry. As a result, it was not used against Gazi Ibrahim Abu Mezer, who was able to stay in the United States despite being apprehended three times for illegal entries along the Canadian border. He later became known as the "Brooklyn Bomber" for his plan to blow up the Atlantic Avenue subway in Brooklyn. The INS never did seek to expand expedited removal to illegal entries along U.S. borders. (p. 97, Staff Report)</i>	NO
Sec. 3008 codifies the current DHS regulation stating that an alien bears the burden of proving eligibility for asylum and that the asylum adjudicator may consider the credibility of	<p><i>[T]he asylum and other benefits systems did not effectively deter fraudulent applicants. (p. 80, Final Report)</i></p> <p><i>A number of terrorists discussed in [this report] abused the asylum system. (p. 99, Staff Report)</i></p>	NO

<p>the claimant (8 CFR 208.13). It also makes it more difficult for terrorists to qualify for asylum.</p>	<p><i>Ramzi Yousef...had also entered with fraudulent documents but claimed political asylum and was admitted. It quickly became clear that Yousef had been a central player in the [1993 World Trade Center] attack. He had fled to Pakistan immediately after the bombing and would remain at large for nearly two years. (p. 72, Final Report)</i></p> <p><i>Abdel Hakim Tizegha, [implicated in the 1999 Millennium plot,] also filed a claim for political asylum. He was released pending a hearing, which was adjourned and rescheduled five times. His claim was finally denied two years after his initial filing. His attorney appealed the decision, and Tizegha was allowed to remain in the country pending the appeal. Nine months later, his attorney notified the court that he could not locate his client. (p. 178, Final Report)</i></p> <p><i>Yousef and Ajaj [two of the terrorists involved in the 1993 World Trade Center bombing] concocted bogus political asylum stories when they arrived...Yousef never appeared for his hearing. Although Ajaj was arrested for involvement in the bombing, he did not give up on his political asylum claim. [He] asked to file a new political asylum claim and was given ten days by an immigration judge to do so. Thus, Ajaj was able to file a political asylum claim after his arrest for involvement in the bombing of the World Trade Center. (pp. 47-8, Staff Report)</i></p> <p><i>Mohdar Mohamed Abdullah [who helped at least two of the 9/11 hijackers find housing and learn English when they arrived here] requested and received political asylum based on his claim of religious persecution in Somalia. [He] received a "Notice of Intent to Terminate Asylum Status" before an immigration judge based on his fraudulent political asylum claim. [He] pleaded guilty to 18 USC § 1001 (False Statements) for submitting fraudulent documents in support of his political asylum claim. While in custody on these charges, Abdullah reportedly claimed that he knew about the 9/11 attack weeks before it happened. (p. 229, Staff Report)</i></p>	
<p>Sec. 3009 makes the revocation of an alien's visa a ground upon which the alien may be removed from the United States.</p>	<p><i>The State Department used its visa revocation authority under section 221(i) of the Immigration and Nationality Act to revoke Mihdhar's [one of the 19 9/11 hijackers] visa under section 212(A)(3)(b) of the Immigration and Nationality Act for his participation in terrorist activities. (p. 32, Staff Report)</i></p>	<p>YES</p> <ul style="list-style-type: none"> <li>• But allows judicial review of removal on grounds of revocation of visa</li> </ul>

	<i>[A]bout six months after it first learned it had issued the visa, the State Department revoked [Sheikh Omar Abdel] Rahman's visa and sent a notice to the INS for entry in their National Automated Immigrant Lookout System (NAILS), which was done on December 10, 1990. However, Rahman had already used the visa to enter the United States on July 18 and November 15, 1990. Even though he was finally on the NAILS watchlist, Rahman used the visa to enter the United States again on December 16, 1990. (p. 51, Staff Report)</i>	
Sec. 3010 restricts judicial review of removal orders and requires that petitions for judicial review be filed with the circuit courts of appeals.	<i>In many cases, the act of filing for an immigration benefit sufficed to permit the alien to remain in the country until the petition was adjudicated. Terrorists were free to conduct surveillance, coordinate operations, obtain and receive funding, go to school and learn English, make contacts in the United States, acquire necessary materials, and execute an attack. (p. 98, Staff Report) These immigration cases against suspected terrorists were often mired for years in bureaucratic struggles over alien rights and the adequacy of evidence. (p. 143, Staff Report)</i>	NO
Secs. 3031-3035 waive certain restrictions on the removal of terrorists from the United States, bar terrorists from being granted asylum, and require alleged terrorists to be detained until they are removed.	<i>[T]he asylum and other benefits systems did not effectively deter fraudulent applicants. (p. 80, Final Report) A number of terrorists discussed in [this report] abused the asylum system. (p. 99, Staff Report) [In response to concerns about a millennium attack, an Administration working group recommended steps that should be taken to prevent a terrorist attack, including] taking legal action to prevent terrorists from coming into the United States and to remove those already here, detaining them while awaiting removal proceedings. (p. 187, Final Report)</i>	NO
Sec. 3041 increases the penalties for smuggling aliens illegally into the United States.	<i>In their travels, terrorists use evasive methods, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud. (p. 384, Final Report)</i>	YES

<p>Secs. 3051-3056 establish minimum Federal standards, including a lawful presence requirement, that states must meet in issuing driver's licenses and ID cards, if such documents are to be recognized as secure proof of identity by Federal agencies.</p> <p>Secs. 3061-3067 establish minimum Federal standards states and localities must meet in issuing birth certificates, if such documents are to be recognized as proof of nationality by Federal agencies, and create a birth-death registry system to prevent fraud.</p> <p>Secs. 3071-3076 prohibit the display of social security numbers (SSNs) on licenses; require verification of birth records of SSN applicants; and limit the issuance of multiple replacement SSNs.</p>	<p><i>Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers licenses. Fraud in identification documents is no longer just a problem of theft. 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. (p. 390, Final Report)</i></p>	<p>NO</p> <ul style="list-style-type: none"> <li>• Instead the Dept. of Transportation, representatives of the states, and "interested parties" are to negotiate minimum standards for driver's licenses, but states may opt out of compliance; the lawful presence requirement was removed entirely</li> </ul> <p>NO</p> <ul style="list-style-type: none"> <li>• Instead the Dept. of Health and Human Services is to establish minimum standards for birth certificates; does not require birth-death registry</li> </ul> <p>PARTLY</p> <ul style="list-style-type: none"> <li>• Permits SSA to waive verification of birth records</li> </ul>
<p>Secs. 3081, 3084-3089, 3091-3092, and 3101-3104 set as a national priority the targeting of terrorist travel, designate government officials to coordinate the effort, increase the penalties for document fraud and misrepresentation, establish criminal penalties for false claims to citizenship, encourage increased cooperation with foreign governments to intercept terrorists, increase by 600 the number of consular officers, prohibit the use of foreign nationals for visa screening, and enhance training for consular officers in the</p>	<p><i>For terrorists, travel documents are as important as weapons. Terrorists must travel clandestinely to meet, train, plan, case targets, and gain access to attack. To them, international travel presents great danger, because they must surface to pass through regulated channels, present themselves to border security officials, or attempt to circumvent inspection points. In their travels, terrorists use evasive methods, such as altered and counterfeit passports and visas, specific travel methods and routes, liaisons with corrupt government officials, human smuggling networks, supportive travel agencies, and immigration and identity fraud... We found that as many as 15 of the 19 hijackers were potentially vulnerable to interception by border authorities. (p. 384, Final Report)</i></p> <p><i>Targeting travel is at least as powerful a weapon against terrorists as targeting their money. The United States should combine terrorist travel intelligence, operations, and law enforcement in a strategy to intercept terrorists,</i></p>	<p>MOSTLY</p> <ul style="list-style-type: none"> <li>• Does not include criminal penalties for false claims to citizenship</li> </ul>

<p>detection of fraudulent documents.</p>	<p><i>find terrorist travel facilitators, and constrain terrorist mobility. (p. 385, Final Report)</i></p>	
<p>Secs. 3082-3083 require increases in the number of foreign airports at which U.S. immigration personnel are stationed to preinspect passengers boarding planes to the United States.</p>	<p><i>The further away from our borders that screening occurs, the more security benefits we gain. At least some screening should occur before a passenger departs on a flight destined for the United States. We should also work with other countries to ensure effective inspection regimes at all airports. (p. 389, Final Report)</i></p>	<p>YES</p>
<p>Sec. 3090 requires DHS to present to Congress a detailed plan for implementing a biometric entry-exit system (the US VISIT system) as quickly as possible.</p>	<p><i>The Department of Homeland Security, properly supported by the Congress, should complete, as quickly as possible, a biometric entry-exit screening system, including a single system for speeding qualified travelers. It should be integrated with the system that provides benefits to foreigners seeking to stay in the United States. Linking biometric passports to good data systems and decisionmaking is a fundamental goal. No one can hide his or her debt by acquiring a credit card with a slightly different name. Yet today, a terrorist can defeat the link to electronic records by tossing away an old passport and slightly altering the name in the new one. (p. 389, Final Report)</i></p>	<p>YES</p>
<p>Sec. 3121-3126 bars from admission and makes deportable aliens who have committed torture or extrajudicial killings abroad, and foreign government officials who have severely violated religious freedom.</p>	<p>-----</p>	<p>YES</p>

\* All citations are to either *The 9/11 Commission Report* (Final Report) or *9/11 and Terrorist Travel* (Staff Report), a monograph prepared by the staff of the 9/11 Commission. Both documents are available from the Commission's website: <http://www.9-11commission.gov/>.