

our pristine beaches and waters that could be damaged by offshore drilling. If Alabama or Louisiana wants to permit leasing off its shores, then such leasing should be allowed. But, if my State of Florida has concerns about the effect leasing would have on its fragile ecosystem and its tourism economy, then Florida should have the authority to ban leasing off its shores.

The underlying bill opens areas to oil and gas leasing that are currently under moratorium while protecting the rights of States to control activities off their shores. As written, H.R. 4761 gives States 1 year from the date of enactment to decide whether to permit or deny natural gas leasing in the area between 50 and 100 miles of their coastlines. If a state does not act, however, leasing can occur. Thus, States have to act in order to prevent leasing between 50 and 100 miles.

This amendment seeks to increase the power States would have in deciding whether or not to allow leasing off their shores. It would prohibit oil and gas leasing within 125 miles of a State's coast unless the Governor and State legislature agree to permit leasing in this area. Instead of having the State take action to prevent leasing, as the DOER Act would require, leasing could only occur within 125 miles of the coast if the State explicitly allows it.

In closing, Mr. Chairman, in a nation as diverse and with as many competing interests as the United States, it is important to return greater authority to the States so they can control activities 125 miles offshore. This amendment does that and I urge its adoption.

Mr. BILIRAKIS. Mr. Chairman, I yield the remaining 20 seconds to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I have always opposed offshore oil drilling. This amendment extends the protection an additional 25 miles. It is a good amendment. Please support it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The question was taken; and the Acting Chairman announced that the yeas appeared to have it.

Mr. BILIRAKIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. POMBO. 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. BONNER) having assumed the chair, Mr. LAHOOD, Acting Chairman 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. 4761) to provide for exploration, development, and production activities for mineral resources on the Outer Continental Shelf, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 895 and to insert extraneous material thereon.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

Mr. OXLEY. Mr. Speaker, pursuant to House Resolution 896, I call up the resolution (H. Res. 895) supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 895

Whereas the United States is currently engaged in a global war on terrorism to prevent future attacks against American civilian and military interests at home and abroad;

Whereas intelligence programs are essential to gathering critical information necessary for identifying, disrupting, and capturing terrorists before they carry out further attacks;

Whereas there is a national security imperative for maintaining the secrecy of our intelligence capabilities from our potential enemies;

Whereas effective intelligence depends on cooperation with foreign governments and individuals who trust the United States to protect their confidences;

Whereas the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction found that "the scope of damage done to our collection capabilities from media disclosures of classified information is well documented. Hundreds of serious press leaks have significantly impaired U.S. capabilities against our hardest targets";

Whereas the unauthorized disclosure of sensitive intelligence information inflicts significant damage to United States activities in the global war on terrorism by assisting terrorists in developing countermeasures to evade United States intelligence capabilities, costs the United States taxpayers hundreds of millions of dollars in lost capabilities, and ultimately endangers American lives;

Whereas the 1998 disclosure of classified information regarding efforts to monitor the communications of Usama bin Laden eliminated a valuable source of intelligence information on al Qaeda's activities, an example of the significant damage caused by unauthorized disclosures;

Whereas following the September 11, 2001 terrorist attacks, Congress passed the USA PATRIOT ACT, which included anti-terrorist financing provisions that bolster Federal Government and law enforcement capabilities to find and disrupt the financiers of terrorist organizations;

Whereas following the September 11, 2001 terrorist attacks, the President, with the support of Congress, directed the Federal Government to use all appropriate measures to identify, track, and pursue not only those persons who commit terrorist acts here and abroad, but also those who provide financial or other support for terrorist activity;

Whereas consistent with this directive, the United States Government initiated a lawfully classified Terrorist Finance Tracking Program and the Secretary of the Treasury issued lawful subpoenas to gather information on suspected international terrorists through bank transaction information;

Whereas under the Terrorist Finance Tracking Program, the United States Government only reviews information as part of specific terrorism investigations and based on intelligence that leads to targeted searches, such as searches of a specific individual or entity;

Whereas the Terrorist Finance Tracking Program is firmly rooted in sound legal authority based on Executive Orders and statutory mandates, including the International Emergency Economic Powers Act of 1977 and the United Nations Participation Act;

Whereas the Terrorist Finance Tracking Program consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy;

Whereas the Terrorist Finance Tracking Program has rigorous safeguards and protocols to protect privacy in that record searches must identify a terrorism-related basis, and regular, independent audits of the program have confirmed that the United States Government has consistently observed the established safeguards and protocols;

Whereas appropriate Members of Congress, including the members of the Committees on Intelligence of the Senate and House of Representatives, have been briefed on the Terrorist Finance Tracking Program and have conducted oversight of the Program;

Whereas the Terrorist Finance Tracking Program has successfully provided vital intelligence in support of the global war on terrorism, including information leading to the capture of Hambali, the Operations Chief of Jemaah Islamiyah, an al Qaeda affiliate, who masterminded the 2002 nightclub bombing in Indonesia that killed over 200 people;

Whereas the Terrorist Finance Tracking Program has helped authorities uncover terrorist financiers worldwide and find Uzair Paracha, an al Qaeda money launderer operating in the United States;

Whereas Congress has authorized the Secretary of the Treasury to explore the implementation of systems to review all cross-border wire transactions;

Whereas the bipartisan 9/11 Commission recommended that "Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts";

Whereas persons in positions of trust and responsibility granted access to highly sensitive intelligence programs violated their solemn obligations not to disclose classified information and made unauthorized disclosures regarding the program;

Whereas at some point before June 23, 2006, classified information regarding the Terrorist Finance Tracking Program was illegally and improperly disclosed to members of the news media;

Whereas beginning on June 23, 2006, certain media organizations knowingly published details about a classified program that the United States Government had legally and with appropriate safeguards used to track the financing of terrorism, including specific intelligence gathering methods;

Whereas the Administration, Members of Congress, and the bipartisan chairmen of the 9/11 Commission requested that media organizations not disclose details of the Terrorist Finance Tracking Program so that terrorists would not shift their financing to channels in the international financial system that are less easily observed by intelligence agencies;

Whereas the disclosure of the Terrorist Finance Tracking Program has unnecessarily complicated efforts by the United States Government to prosecute the war on terror and may have placed the lives of Americans in danger both at home and in many regions of the world, including active-duty armed forces in Iraq and Afghanistan;

Whereas persons who have access to classified information, or who have classified information passed onto them, have a responsibility to the people of the United States not to endanger the populace through their exercise of the right to freedom of speech; and

Whereas Federal statutes criminalize the unauthorized disclosure and publication of sensitive intelligence information, regardless of the source: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks here and abroad, including through the use of the Terrorist Finance Tracking Program;

(2) finds that the Terrorist Finance Tracking Program has been conducted in accordance with all applicable laws, regulations, and Executive Orders, that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed and consulted for the duration of the Program and will continue its oversight of the Program;

(3) condemns the unauthorized disclosure of classified information by those persons responsible and expresses concern that the disclosure may endanger the lives of American citizens, including members of the Armed Forces, as well as individuals and organizations that support United States efforts; and

(4) expects the cooperation of all news media organizations in protecting the lives of Americans and the capability of the government to identify, disrupt, and capture terrorists by not disclosing classified intelligence programs such as the Terrorist Finance Tracking Program.

□ 1715

The SPEAKER pro tempore. Pursuant to House Resolution 896, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, today I am proud to present to the House for our consideration H. Res. 895, a resolution that expresses the sense of the House supporting intelligence and law enforcement programs that track terrorists and terrorist financing. Additionally, the resolution finds that the Terrorist

Finance Tracking Program was conducted lawfully and with all due protections of civil liberties. The resolution condemns the unauthorized disclosure of classified information and states that the House expects the cooperation of news media organizations in these matters.

Mr. Speaker, this is a resolution that every Member can and should support. We are at war. Thanks to the great job being done by our members of the U.S. military and law enforcement, Americans feel safe to go about their daily lives, but we are still in fact at war. We depend on classified programs and classified information in order to successfully prosecute that war.

While there is the physical war that is being fought, of course another critical front in this war is terrorist financing, and that is where we focus our debate today. It is critical, because where terrorists place and spend their money is one of the best indicators about where the terrorists are located, who they are, and where they may strike again.

The editors at the New York Times would do well to reread the editorial they published on September 24 about 2 weeks after September 11, 2001. In part, it reads: "The Bush administration is preparing new laws to help track terrorists through their money laundering activity and is readying an executive order freezing the assets of known terrorists. Much more is needed, including stricter regulations, the recruitment of specialized investigators, and greater cooperation with foreign banking authorities." The editorial concludes, "If America is going to wage a new kind of war against terrorism, it must act on all fronts, including the financial one."

All of that activity that was recommended by the New York Times so soon after 9/11 was taking place and was being done with an extraordinary amount of international financial cooperation by the U.S. Treasury and its Terrorist Finance Tracking Program. The program was being conducted in accordance with current U.S. and international law, with executive orders, with outside audits, and with all proper care being given to individual liberty. I need to add that it was also being conducted with significant success.

And part of that success was because this Congress passed the PATRIOT Act and our committee stepped forward with antimoney-laundering provisions that became a part of that PATRIOT Act, so important on the war against terror.

However, the recent front-page story in the aforementioned New York Times cut the legs out from under this program. Now the terrorists are well informed of the details of our methods and will find other ways to move money outside of the formal financial system. Now the terrorists will be driven further underground, and we will have to invest further years of work to uncover these new methods.

Unfortunately, a one-day story in the New York Times can ruin years of careful work by those who work to map terrorist networks and the flow of terrorist money. Obviously, the editors of the New York Times are more concerned about their sagging circulation rates and about damaging the Bush administration than they are about disrupting terrorist financing.

For those who may think we are overreacting, all you have to do is go back just a few days to the arrest of the seven terrorist suspects in Miami. That cell was looking to gain funding from al Qaeda to attack American targets. While law enforcement successfully broke that cell in plenty of time, we need to know about financial transactions like those while the attacks are in the planning stage.

In a recent column, Morton Kondracke asked the question: "Would newspapers in the midst of World War II have printed the fact that the U.S. had broken German and Japanese codes, enabling the enemy to secure its communications? Or would they have revealed how and where Nazi spies were being interrogated? Nowadays, newspapers win Pulitzer Prizes for such disclosures."

In the same column, Kondracke says: "But the fundamental problem infecting much of Congress, the media, and the political class, especially those left of center, is that they are consumed with loathing for President Bush and all his works and are prepared to do anything to undermine him, even if it makes the country less safe."

Continuing to quote Kondracke: "Everyone in Congress and the CIA should see the movie 'United 93' as a reminder of what we are up against. Muslim fanatics will not only try to destroy the Capitol, but also explode a nuclear bomb, if they can."

Kondracke goes on: "And people should heed the warning delivered by Princeton University Professor Bernard Lewis. Lewis cast the struggle with Islamic extremism in World War II terms. 'It is 1937,' he said, 'and we seem to be more in the mode of Chamberlain at Munich rather than Churchill.'"

Kondracke, again quoting Lewis: "Osama bin Laden and other would-be Hitlers," he said, "consider the United States an effete, degenerate, pampered enemy incapable of real resistance. It's part of the pattern that we fight among ourselves as much as against our enemies. This is more than serious. It's dire."

These are the words of a well-respected journalist. A profound statement from Kondracke, but right on point.

Another respected voice on the issue is Michael Barone. On USNews.com, Michael Barone recently said: "Why do they hate us? Why does the New York Times print stories that put America more at risk of attack? They say that these surveillance programs are subject to abuse, but give no reason to believe that this concern is anything but

theoretical. We have a press that is at war with an administration while our country is at war against merciless enemies. The Times is acting like an adolescent kicking the shins of its parents, hoping to make them hurt, while confident of remaining safe under their roof."

Nobody could have said it better than Michael Barone and Morton Kondracke.

Mr. Speaker, this is a very serious issue. That is why the Congress is debating this resolution. I ask this resolution be supported strongly on a bipartisan basis.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, people who want things to be done in a bipartisan manner should not engage in extreme partisanship at the outset. The resolution that is before us was drafted entirely by Republicans with no input from any Democrat, from the Intelligence Committee, from the Financial Services Committee, or anywhere else, and presented to us a little over 24 hours ago. We then asked for the right to offer amendments, or at least a substitute resolution. It was denied.

I find it extraordinary that repeatedly in the interest and in the name of democracy the majority degrades democracy. How can it be justified that no alternative can be offered? How can it be justified that no amendment can be offered?

Let me say again: We are telling the Shia majority in Iraq that in their parliament they ought to make an effort to include the Sunni; that it is not simply the majority doing everything, but you work with the minority. You then give, Mr. Speaker, through your party, the opposite example by not allowing even a resolution to be offered for us to be voted on.

We have an alternative that is supported by a very large majority of our caucus. And now let me talk about that resolution, because let us be clear about what is not at issue today.

We have agreement that the method of tracking terrorists through their financial dealings is a good thing. The Democratic resolution, which the majority refuses to allow to be considered in their abusive use of their majority, says explicitly that we support efforts to identify and track terrorists and their financial supporters. So if it isn't unanimous, it is the fault of the majority by doing it so divisively.

We also in our resolution deplore the unauthorized disclosure of classified information. But we talk not simply about people who might print it, but the people in this administration who might release it. Earlier today someone said, well, what would happen if you gave out the name of spies? Well, ask the people in this administration who gave out the name of Valerie Plame. We hope that something will be done.

Here is the difference between the two resolutions: the Republican resolu-

tion, drafted entirely by them and withheld from us until its publication, agrees that we should track terrorist financing. So does the Democratic resolution. Theirs, however, includes a number of factual statements that I do not believe we yet have a basis for making.

Now, in some cases, some of those factual statements are about things that turn out, we think, not to have been true. For example, on page 3 of their resolution they have reference to a prior incident in which the Washington Times was accused of having disclosed classified information regarding efforts to monitor the communication of Osama bin Laden.

They don't mention the Washington Times because they like the Washington Times. They mention the New York Times. Times, they are a changing. If it is the New York Times, they don't like it, and they criticize it. If it is the Washington Times, they talk about a far more serious allegation about the Washington Times, that it gave away to Osama bin Laden how we knew where he was, but they don't mention them.

But now it turns out they may very well have been inaccurate about that, and I plan to submit an article from The Washington Post that defends the Washington Times.

But here is the problem we have: we want to say in our resolution, and we hoped it could have been unanimous, that we support this kind of tracking; that we don't want things to be disclosed. But what we are not prepared to say, and, frankly, nobody here is intellectually prepared to say it, people may say it on faith, but here is what they want to say: we find that the program has been conducted in accordance with all applicable laws, regulations, and executive orders; that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed.

I think that the part about our being informed is very inaccurate, and I don't know the answer to the other. What you have done is to hijack the virtually unanimous support for tracking terrorist financing into an endorsement of the way the Bush administration has conducted itself. That is how it became partisan.

Why should this House vote now to say that the program has been conducted with all the safeguards, et cetera, et cetera? We don't know that. Members don't know that. Members on the other side are entitled to take it on faith. I know faith-based resolutions are very important to them, but I don't think as Members of the House of Representatives we ought to be asked to vote, the most solemn thing you do in a democracy as a representative, on factual statements when people cannot know whether they are true.

Again, I want to go back and say, how can you justify, in the name of democracy, denying us a chance to even

present an alternative resolution supporting this program?

[From the Washington Post, Dec. 22, 2005]

FILE THE BIN LADEN PHONE LEAK UNDER
'URBAN MYTHS'

(By Glenn Kessler)

President Bush asserted this week that the news media published a U.S. government leak in 1998 about Osama bin Laden's use of a satellite phone, alerting the al Qaeda leader to government monitoring and prompting him to abandon the device.

The story of the vicious leak that destroyed a valuable intelligence operation was first reported by a best-selling book, validated by the Sept. 11 commission and then repeated by the president.

But it appears to be an urban myth.

The al Qaeda leader's communication to aides via satellite phone had already been reported in 1996—and the source of the information was another government, the Taliban, which ruled Afghanistan at the time.

The second time a news organization reported on the satellite phone, the source was bin Laden himself.

Causal effects are hard to prove, but other factors could have persuaded bin Laden to turn off his satellite phone in August 1998. A day earlier, the United States had fired dozens of cruise missiles at his training camps, missing him by hours.

Bush made his assertion at a news conference Monday, in which he defended his authorization of warrantless monitoring of communications between some U.S. citizens and suspected terrorists overseas. He fumed that "the fact that we were following Osama bin Laden because he was using a certain type of telephone made it into the press as the result of a leak." He berated the media for "revealing sources, methods and what we use the information for" and thus helping "the enemy" change its operations.

White House spokesman Scott McClellan said Monday that the president was referring to an article that appeared in the Washington Times on Aug. 21, 1998, the day after the cruise missile attack, which was launched in retaliation for the bombings of two U.S. embassies in Africa two weeks earlier. The Sept. 11 commission also cited the article as "a leak" that prompted bin Laden to stop using his satellite phone, though it noted that he had added more bodyguards and began moving his sleeping place "frequently and unpredictably" after the missile attack.

Two former Clinton administration officials first fingered the Times article in a 2002 book, "The Age of Sacred Terror." Daniel Benjamin and Steven Simon wrote that after the "unabashed right-wing newspaper" published the story, bin Laden "stopped using the satellite phone instantly" and "the United States lost its best chance to find him."

The article, a profile of bin Laden, buried the information about his satellite phone in the 21st paragraph. It never said that the United States was listening in on bin Laden, as the president alleged. The writer, Martin Sieff, said yesterday that the information about the phone was "already in the public domain" when he wrote the story.

A search of media databases shows that Time magazine had first reported on Dec. 16, 1996, that bin Laden "uses satellite phones to contact fellow Islamic militants in Europe, the Middle East and Africa." Taliban officials provided the information, with one official—security chief Mulla Abdul Mannan Niazi—telling Time, "He's in high spirits."

The day before the Washington Times article was published—and the day of the attacks—CNN producer Peter Bergen appeared

on the network to talk about an interview he had with bin Laden in 1997.

"He communicates by satellite phone, even though Afghanistan in some levels is back in the Middle Ages and a country that barely functions," Bergen said.

Bergen noted that as early as 1997, bin Laden's men were very concerned about electronic surveillance. "They scanned us electronically," he said, because they were worried that anyone meeting with bin Laden "might have some tracking device from some intelligence agency." In 1996, the Chechen insurgent leader Dzhokhar Dudayev was killed by a Russian missile that locked in to his satellite phone signal.

That same day, CBS reported that bin Laden used a satellite phone to give a television interview. USA Today ran a profile of bin Laden on the same day as the Washington Times's article, quoting a former U.S. official about his "fondness for his cell phone."

It was not until Sept. 7, 1998—after bin Laden apparently stopped using his phone—that a newspaper reported that the United States had intercepted his phone calls and obtained his voiceprint. U.S. authorities "used their communications intercept capacity to pick up calls placed by bin Laden on his Inmarsat satellite phone, despite his apparent use of electronic 'scramblers,'" the Los Angeles Times reported.

Officials could not explain yesterday why they focused on the Washington Times story when other news organizations at the same time reported on the satellite phone—and that the information was not particularly newsworthy.

"You got me," said Benjamin, who was director for counterterrorism on the National Security Council staff at the time. "That was the understanding in the White House and the intelligence community. The story ran and the lights went out."

Lee H. Hamilton, vice chairman of the Sept. 11 commission, gave a speech in October in which he said the leak "was terribly damaging." Yesterday, he said the commission relied on the testimony of three "very responsible, very senior intelligence officers," who he said "linked the Times story to the cessation of the use of the phone." He said they described it as a very serious leak.

But Hamilton said he did not recall any discussion about other news outlets' reports. "I cannot conceive we would have singled out the Washington Times if we knew about all of the reporting," he said.

A White House official said last night the administration was confident that press reports changed bin Laden's behavior. CIA spokesman Tom Crispell declined to comment, saying the question involves intelligence sources and methods.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I am pleased to recognize the gentleman from Alabama (Mr. BACHUS) for 5 minutes.

Mr. BACHUS. Mr. Speaker, I rise in strong support of House Resolution 895 by Chairman OXLEY. I commend Chairman OXLEY as the primary sponsor and author of the USA PATRIOT Act. He has been committed to combating terrorist financing, and I want to commend him for his tireless efforts in bringing this resolution to the floor.

We are at war against a savage and relentless enemy. While Americans have a long-established right to know about the actions of their government, when we are at war, when there is a na-

tional security concern, there is also a well-founded historical precedent for conducting covert actions out of the media spotlight.

Now, there can be alternatives, as the gentleman from Massachusetts said, but there can be no alternatives to a strong national defense. There can be no alternatives to a strong national security. And the judges of what those are and how to conduct those should not be left to the New York Times. They are for this body to determine.

Following the death of Zarqawi, an internal al Qaeda memo was recovered from his hideout. It explicitly states that al Qaeda's efforts have been hurt by tightening the resistance's financial outlets. This statement serves as concrete evidence, concrete evidence that programs such as the administration's Terrorist Finance Tracking Program are both necessary and effective.

Remember, the 9/11 Commission was critical of the government's failure to track the sources of terrorist financing prior to the September 11 attack. However, in its final report, the commission applauded the government-wide effort to combat terrorist financing after 9/11 for making significant strides in using terrorist finance as an intelligence tool.

They were talking about this program. This program was an important stride.

□ 1730

Indeed, the program paid big dividends, including the arrest of the mastermind of the 2002 Bali bombing, a violent bombing that killed 202 innocent people. In fact, he was convicted based on information from this program, a program The New York Times made a determination to expose.

There is no doubt that America and our allies in the war on terror are safer today because of this program, which is exactly the sort of protection that Americans want and expect from their government.

Some question or debate whether al Qaeda knew about this valuable program. Do they know about it now? Do they know the details? The answer to the question is, yes, no doubt about it.

How do they know? Because they put it on the front page of the newspaper. Not just any paper, but the largest newspaper in the biggest city in the United States.

Who are they? They are the editors and publishers of The New York Times. If you are al Qaeda, the appropriate response to this publication is thank you. If you are indifferent, the answer is so what. But if you are an American citizen endangered by terrorists, the insensitivity, the arrogance, the irresponsibility of this paper and its publication, then the appropriate response is anger and outrage and this resolution.

Now, due to their irresponsible actions, this vital intelligence-gathering program is virtually defunct. No longer would terrorists conduct their finan-

cial business with the Swift cooperative. Sadly, no longer will we be able to track their actions. This clearly hampers, clearly hampers, our Nation's ability to conduct the war on terror.

Hopefully, our intelligence agencies will devise other means to effectively monitor our enemies. It won't be easy. They will have to start over. We won't be restricting their financial operations as well as we did before this publication. But at least I would hope that if we do fashion a new program that it will not be reported by the media outlets who want to get a scoop ahead of national security.

Let me close by thanking the chairman.

Mr. Speaker, I rise in strong support of House Resolution 895, which is sponsored by Chairman OXLEY, expressing our support for the Administration's efforts to track terrorist financing through the U.S. Treasury Department's Terrorist Finance Tracking Program. Chairman OXLEY—one of the primary authors and sponsors of the terrorist financing provisions in the USA PATRIOT Act—has been committed to combating terrorist financing, and I want to commend the Chairman for his tireless efforts and for bringing this resolution to the floor today.

We are at war with a savage and relentless enemy. While Americans have a long-established right to know about the actions of their government, when we are at war and when there is an overriding national security concern, there is also a well-founded historical precedent for conducting covert actions out of the media spotlight.

Following the death of Abu Musab al-Zarqawi, an internal al-Qaeda memo was recovered from the terrorist's hideout. It explicitly states that al Qaeda's efforts have been hurt "by tightening the resistance's financial outlets." This statement serves as concrete evidence that programs such as the Administration's Terrorist Finance Tracking Program are both necessary and effective.

Remember, the 9/11 Commission was critical of the government for its failure to track the sources of terrorist financing prior to the September 11th attacks. However, in its final report, the Commission's Public Discourse Project applauded the government-wide effort to combat terrorist financing after 9/11 for making "significant strides in using terrorism finance as an intelligence tool." This program was one such important stride.

Indeed, the program paid big dividends, including the arrest of the mastermind of the 2002 Bali bombing, a bombing in which 202 innocent people were killed. In fact, he was convicted based on information from this program.

There is no doubt that America and our allies in the war on terror are safer today because of this program, which is exactly the sort of protection that Americans want and expect from their government to prevent further terrorist attacks.

Some question or debate whether al-Qaeda knows about this valuable program. Do they know about it? Do they know the details? The answer to the questions is "yes." No doubt about it. How do we know that? Because they put it on the front page of the newspaper. Not just any paper, but the largest newspaper in the biggest city of the United States.

Who are they? The editor and publisher of that very paper.

If you are al-Qaeda, the appropriate response is, "thank you."

If you are indifferent, the answer is, "so what?"

If you are an American citizen endangered by the insensitivity, arrogance and irresponsibility of this newspaper, the appropriate response is anger and outrage!

Now, due to their irresponsible actions, this vital intelligence gathering program is virtually defunct. No longer will terrorists conduct their financial business with the Swift cooperative, and sadly no longer will we be able to track their actions. This result clearly hampers our nation's ability to conduct the War on Terror.

Hopefully, our intelligence agencies will devise other means of effectively monitoring our enemies and restricting their financial operations at least until that program, too, is reported by media outlets that place getting a scoop ahead of national security. Outrageous conduct such as that exhibited in the disclosure of this legal, effective program cannot be allowed to escape just condemnation. Therefore, this resolution.

Let me close by again thanking this Administration and Chairman OXLEY for their efforts in combating terrorist financing. Their dedication and vigilance with regard to these issues have made our nation and the world a safer place.

I urge my colleagues to support House Resolution 895.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, as we approach the Fourth of July, that wonderful holiday where we celebrate America's Declaration of Independence, we must recall that our Founding Fathers understood and placed in our founding documents the important balance between liberty and security.

In that spirit, at the outset, let me reiterate that we all, Democrats and Republicans alike, support two principles. First, we support effective tools to fight terrorism, including the tracking of terrorist financing here and abroad under all applicable laws. Second, no one here condones disclosure of information that harms our vital national interest and makes locating terrorists and terrorist networks and disrupting their plans more difficult.

These basic principles and their frames, liberty and security, are contained in a balanced way in the substitute resolution offered by the distinguished gentleman from Massachusetts (Mr. FRANK). Mr. FRANK's resolution should have been permitted by the rule to be considered today.

But, again, in this closed Congress that we are in, we cannot consider alternatives. We can't even have a motion to recommit. I don't know what is so good about that as we go into the Fourth of July. But let us talk about the Republican resolution.

The Republican resolution before us today is quite clearly a document for political purposes. It makes sweeping and dubious conclusions on the facts

and legality of the financial transaction surveillance program, unsupported by any fact-finding or oversight, and based upon representations by the President.

In a free society, we all have our roles and responsibilities. As public officials, we must safeguard our lawful intelligence activities, many of which have been conducted in secret. We respect that.

Our media, of course, have their public responsibilities. A free press is centered on reporting on the workings of government and on being alert, aware and free. They have an obligation to be responsible about their reporting of national security and to balance any reporting with the harm of disclosure.

Mr. Speaker, the Bush administration lacks credibility when it comes to complaining about leaks. The administration's record, and that of this Republican Congress, are marked by selective disclosures of classified information and selective expressions of displeasure over leaks.

When the identity of an undercover CIA officer was disclosed by high-ranking members of the administration in the White House, as part of a smear campaign against a critic of the Iraq war, the President did not fire any of the leakers. In fact, one of them was actually promoted. As Special Prosecutor Fitzgerald has told us, this disclosure could cause severe damage and irreparable harm to our national security.

Similarly, it was recently revealed that President Bush himself was alleged to have authorized for political purposes the selective leaking of intelligence information in a National Security Estimate.

Where was the outrage and the oversight from this Republican Congress? Nowhere to be seen. Repeatedly, this Republican Congress has spurned resolutions of inquiry and neglected congressional oversight responsibility to get to the bottom of leaks by the Bush administration.

So let us take this resolution for what it is. It is a campaign document. The Republican resolution contains a number of statements that simply cannot be factually confirmed and are not the result of congressional fact-finding or rigorous congressional oversight. The Republican resolution also contains a number of statements regarding the legality of the program and the safeguards it claims protects individual rights.

Let me just read what that is. This resolution finds that the Terrorist Financed Tracking Program has been conducted in accordance with all applicable laws, regulations, and Executive Orders, that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed and consulted for the duration of the Program and will continue its oversight of the Program.

Continue its oversight of the program? There has never been any over-

sight of the program. The fact is, because there has never been any oversight of the program, there isn't one person in this body who will vote on this resolution who can attest to this statement. You are asking us to vote on something that we absolutely cannot attest to. Not any one of you can attest to this as a fact, because it isn't a fact.

So let us just go to where we began, to our founders, liberty and security. As I said before, when the identity of an undercover CIA officer was disclosed by high-ranking members of the administration as part of a smear tactic, nothing was done. Nothing was done by this Congress in terms of oversight. Nothing has been done.

The Frank substitute does not contain any of these unsupported conclusions. The Frank substitute is a resolution that is balanced and accurate and should command the support of all Members.

I intend to vote against this resolution. I wish that we could have the chance to vote for Mr. FRANK's resolution. I think that would have been in keeping with the intentions of our Founding Fathers.

But let us keep in mind their constant admonition that in order to have security, we must have freedom. In order to have freedom, we must have security. We must have balance. This resolution does not.

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the Chair be authorized to reduce to 5 minutes the minimum time for electronic voting, if ordered, on passage of H.R. 4761.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

Mr. FRANK of Massachusetts. Reserving the right to object.

The SPEAKER pro tempore. The gentleman is recognized on his reservation.

Mr. FRANK of Massachusetts. I reserve the right to object. We are being asked to move this very quickly, I guess, because of the baseball game.

If we could get the right to get a vote on our substitute, I wouldn't object. But as long as we aren't even being allowed to have a vote on our substitute, I don't know why we should be asked to hurry up the proceedings.

I would ask the gentleman if we could get unanimous consent now, in addition to this, to allow us to present our substitute. If we could get unanimous consent for that, then I would have no objection to this.

The SPEAKER pro tempore. Does the gentleman object?

Mr. FRANK of Massachusetts. I will object now.

The SPEAKER pro tempore. Objection is heard.

Mr. FRANK of Massachusetts. I ask unanimous consent that the House allow us to present our substitute for a vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. OXLEY. I object, and I withdraw my unanimous consent request.

Mr. Speaker, I yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, we are a Nation at war. As a member of the Intelligence Committee, I am aware of many of the Nation's most important efforts to fight and win this war. I pay close attention to our antiterrorist programs, particularly when the details are revealed without proper authorization and our best efforts are rendered ineffective.

I see a trend developing in the growing number of unauthorized disclosures of classified information. In the past few months, we have read countless articles revealing details and making allegations about a host of sensitive national security programs, from the President's Terrorist Surveillance Program to the Terrorist Finance Tracking Program.

Each time, individuals who lack the fortitude to publicly take responsibility for their actions have leaked the details about these classified programs. Each time, the news media gladly aids and abets them by publishing whatever secret that will sell another paper. I am shocked by the easy attitude of many in the media towards disclosing our Nation's secrets.

This past Sunday, June 25, the executive editor of *The New York Times* wrote a letter to the readers about the newspaper's decision to publish the details of the Terrorist Finance Tracking program. For me, the editor perfectly summed up the prevailing attitude of the media elite.

He wrote, "The question we start with as journalists is not 'why publish?' but 'why would we withhold information of significance?' We have sometimes done so, holding stories or editing out details that could serve those hostile to the United States. But we need a compelling reason to do so."

Frankly, Mr. Speaker, I take issue with that kind of arrogance. I can offer quite a few compelling reasons.

First, it is against the law.

Second, it puts our citizens at risk.

Third, publishing secrets in the open press cripples our capability to stop terrorists.

But don't just take my word for it. The WMD Commission reported this very fact to the President, and the Commission's precise language is quoted in the preamble to this resolution.

Fourth, publishing secrets in the open press costs us the cooperation of our allies.

I mentioned earlier that we are a Nation at war, but we are not alone in this war. The intelligence services of our allies cooperate with us and share their sense of information with us upon mutual understanding that this information won't be revealed.

When the secrets provided to us by our allies wind up on the front page, that sense of trust is deeply fractured. We appear unable to keep a secret. Our

allies get hurt when they tried to help. They will be less likely to cooperate with us on sensitive intelligence matters in the future for fear of compromising their own sources and methods.

Finally, publishing secrets in the open press undermines people's confidence in the intelligence community. The American people support the extraordinary lengths which our government has gone to defend the Nation against the terrorists on September 11. Moreover, the American people rightly believe that our intelligence service, like our military, is the best in the world. The late Mr. Zarqawi could have attested to both sentiments.

However, when our secrets get published, the public's confidence in the intelligence community starts to ebb. Our intelligence community appears incompetent, unable to maintain the secrecy essential to carry out the mission. Our intelligence community also appears to be unsure of itself.

Mr. Speaker, I have no doubt about our efforts to fight the terrorists. Our House Intelligence Committee has conducted extensive oversight of sensitive anti-terror programs, including three briefings on the Terrorist Surveillance Program. We have had one briefing on the Terrorist Finance Tracking Program.

Mr. Speaker, I will like to make a note that the gentlewoman from California said there were no briefings on this information. I personally have had a briefing and also six on these various detainee issues. Unquestionably, these programs are legal, and they were very effective.

It is my hope, Mr. Speaker, that the Department of Justice convene a grand jury, provide immunity to the newspapers, the editors and reporters, if and only if they would reveal their government sources for these classified leaks.

We need to make clear to the men and women of our intelligence agencies, to our allies and to the American people that these leaks must and will stop. We need to make clear to those members of the news media that publishing leaks of sensitive national security information will not be tolerated.

□ 1745

This resolution does just that. I offer my support, and I urge my colleagues in the House to do the same.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 15 seconds to note that the substitute resolution we are being prevented from even allowing to be debated and voted on also condemns the unauthorized leak of information, and it just does it without the praise which we do not think has yet been substantiated for the Bush administration.

I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I want to begin by commending the gentleman

from Massachusetts for the resolution he can't bring to the floor. I am proud to be a sponsor. And it starts off supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate congressional consultation. What's wrong with that? What makes the Republican majority not want to hear the discussion on this amendment? Well, there may be some motive political about this selective crying out about information.

The SWIFT story bears no resemblance to security breaches, disclosure of troop locations, or anything that would compromise the security of individuals. As a matter of fact, I will insert into the RECORD the *New York Times* editorial of June 28, 2006.

Mr. Speaker, I want to point out further, where were these screams when the *Los Angeles Times* gave out information on this subject matter? Other newspapers, the *Wall Street Journal* came out. Nothing was said there. But now we are really worked up.

But why weren't we worked up when the information was published when Judith Miller published her so-called scoops on weapons of mass destruction in Iraq? Or the leaking of the identity of an undercover CIA agent? By the way, that is already a felony, as it already exists.

I cannot support the Oxley resolution. I urge my colleagues to vote "no" also.

It is clear this resolution is rebuking the *New York Times* for publishing information on the Government's access to banking records. In the myriad "leaks" that have been published in the press since 9/11, why is the House acting now, on this issue?

Because it is politically convenient to do so. When Judith Miller published her so called "scoops" on Weapons of Mass Destruction in Iraq, where was the majority then? Where was the call for investigation?

How about leaking the identity of an undercover CIA agent in an attempt to discredit her husband who was critical of the administration? I believe this House refused to take a stand on that issue numerous times, despite clear evidence that the Vice President personally leaked information.

It is clear that the majority would like to pick and choose which national security information can be reported on by the press. I'd like to remind them that under the First Amendment, that is not their prerogative. That is the consequence of a free press—it will sometimes print stories that the Government disapproves of.

There are already laws on the books criminalizing the leaking of classified information. This resolution is absolutely useless in the fair and thorough application of those laws to recent leaks.

In fact, the only purpose of this resolution is to chill freedom of the press, and put reporters and their papers on notice that the Republican majority will come for anyone who doesn't clear their stories with the administration first.

We all took an oath to uphold the Constitution. Therefore I cannot support legislation that on the one hand wholesale approves of a secret surveillance program none of us know

about, and takes a jab at the First Amendment on the other.

[From the New York Times, June 28, 2006]

PATRIOTISM AND THE PRESS

(By Eric M. Tamarkin, Esq.)

Over the last year, The New York Times has twice published reports about secret antiterrorism programs being run by the Bush administration. Both times, critics have claimed that the paper was being unpatriotic or even aiding the terrorists. Some have even suggested that it should be indicted under the Espionage Act. There have been a handful of times in American history when the government has indeed tried to prosecute journalists for publishing things it preferred to keep quiet. None of them turned out well—from the Sedition Act of 1798 to the time when the government tried to enjoin The Times and The Washington Post from publishing the Pentagon Papers.

As most of our readers know, there is a large wall between the news and opinion operations of this paper, and we were not part of the news side's debates about whether to publish the latest story under contention—a report about how the government tracks international financial transfers through a banking consortium known as Swift in an effort to pinpoint terrorists. Bill Keller, the executive editor, spoke for the newsroom very clearly. Our own judgments about the uproar that has ensued would be no different if the other papers that published the story, including The Los Angeles Times and The Wall Street Journal, had acted alone.

The Swift story bears no resemblance to security breaches, like disclosure of troop locations, that would clearly compromise the immediate safety of specific individuals. Terrorist groups would have had to be fairly credulous not to suspect that they would be subject to scrutiny if they moved money around through international wire transfers. In fact, a United Nations group set up to monitor Al Qaeda and the Taliban after Sept. 11 recommended in 2002 that other countries should follow the United States' lead in monitoring suspicious transactions handled by Swift. The report is public and available on the United Nations Web site.

But any argument by the government that a story is too dangerous to publish has to be taken seriously. There have been times in this paper's history when editors have decided not to print something they knew. In some cases, like the Kennedy administration's plans for the disastrous Bay of Pigs invasion, it seems in hindsight that the editors were over-cautious. (Certainly President Kennedy thought so.) Most recently, The Times held its reporting about the government's secret antiterror wiretapping program for more than a year while it weighed administration objections.

Our news colleagues work under the assumption that they should let the people know anything important that the reporters learn, unless there is some grave and overriding reason for withholding the information. They try hard not to base those decisions on political calculations, like whether a story would help or hurt the administration. It is certainly unlikely that anyone who wanted to hurt the Bush administration politically would try to do so by writing about the government's extensive efforts to make it difficult for terrorists to wire large sums of money.

From our side of the news-opinion wall, the Swift story looks like part of an alarming pattern. Ever since Sept. 11, the Bush administration has taken the necessity of heightened vigilance against terrorism and turned it into a rationale for an extraordinarily powerful executive branch, exempt

from the normal checks and balances of our system of government. It has created powerful new tools of surveillance and refused, almost as a matter of principle, to use normal procedures that would acknowledge that either Congress or the courts have an oversight role.

The Swift program, like the wiretapping program, has been under way for years with no restrictions except those that the executive branch chooses to impose on itself—or, in the case of Swift, that the banks themselves are able to demand. This seems to us very much the sort of thing the other branches of government, and the public, should be nervously aware of. We would have been very happy if Congressman Peter King, the Long Island Republican who has been so vocal in citing the Espionage Act, had been as aggressive in encouraging his colleagues to do the oversight job they were elected to do.

The United States will soon be marking the fifth anniversary of the war on terror. The country is in this for the long haul, and the fight has to be coupled with a commitment to individual liberties that define America's side in the battle. A half-century ago, the country endured a long period of amorphous, global vigilance against an enemy who was suspected of boring from within, and history suggests that under those conditions, it is easy to err on the side of security and secrecy. The free press has a central place in the Constitution because it can provide information the public needs to make things right again. Even if it runs the risk of being labeled unpatriotic in the process.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman, Mr. KING of New York, chairman of the Committee on Homeland Security.

Mr. KING of New York. Mr. Speaker, I am proud to speak in support of this resolution.

Mr. Speaker, this is a critical time in our Nation's history. Our Nation is at war, and we have seen serial leaks of very important classified top secret information. It is almost as if we are shadow boxing. We are talking about it in a moot court-type way or a theoretical way.

The fact is lives are at risk. The fact is in this particular situation, by the New York Times' own account it was a program that was working. It was a program for which the Times has raised no questions of illegality. It is a program under which the administration, the Secretary of the Treasury, the two cochairmen of the 9/11 Commission went to the New York Times and asked them, in the interest of national security, not to release the details of this program. But they went ahead and did it anyway. And that really, to me, casts a motive over why, questions the motive of the New York Times in doing this.

Back in December I strongly objected when they leaked the details of the NSA terrorist surveillance program. At least, in that instance, the Times raised what they thought were questions of legality. But that didn't even exist in this current situation which, to me, goes to the heart of an issue here, is what is the obligation of a newspaper, how absolute is the first amendment.

My belief in a democratic society, where there is always friction between freedom and responsibility, and while we give extensive rein to the first amendment, to freedom of speech, freedom of the press, no freedom can be absolute. With freedom comes responsibility. And to me the New York Times has clearly crossed that line of responsibility. Those who leaked the information, yes, they should certainly be prosecuted. To get to them is going to be very difficult to do, unless, as the gentleman from Kansas pointed out, reporters and editors are brought in before a grand jury and threatened with contempt if they do not disclose the names of their sources.

Then we will see if those who say they are so opposed to leaks will stand up and support that. Because reporters should not be sacrosanct. Newspapers should not be sacrosanct. It is fine to launch special investigations and hire special prosecutors to go after any other person in the country. But as soon as anyone focuses on the media, focuses on the New York Times, or the L.A. Times, or the Wall Street Journal, then panic sets in, as if special walls of protection must be set up around them. They are not entitled to that.

To me they have a responsibility. The New York Times has woefully failed in its responsibility. I say the jury might still be out on the L.A. Times and the Wall Street Journal as to whether or not, what their motives were. Did they only follow because the New York Times went first? I don't know. But no one should be immune from investigation here. They should be looked into very, very carefully. We should go after the leakers. And to me, the New York Times, is not just the facilitator of the leakers, they are co-conspirators of the leakers because it was leaked to the Times and the Times leaked it to the American people and to the world. And because of that, our position as a Nation is weaker. Our people are at risk. Our people suffer and face the further suffering and death, and that will be on the hands of the New York Times. That blood will be on their hands.

I urge adoption of the resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the ranking member of the Intelligence Committee.

Ms. HARMAN. Mr. Speaker, I rise to oppose this resolution and to support a more responsible alternative, which, unfortunately, is not made in order for debate.

Mr. Speaker, there is not a single Member of this body who thinks tracking terrorist finances is a bad idea. As the 9/11 Commission said, "follow the money."

But any intelligence program, no matter how critical to national security, must comply with law and the Constitution. The Supreme Court ruled today in the Hamdan case that no President has unlimited powers; no President is above the law, even in matters of national security.

Although this program has been operating for over 4 years, virtually no one in this House knew about it, and there has been absolutely no oversight. Two Members were briefed in 2002 when the program began. One Member in 2003, two in 2005, that is a total of five. And now several dozen more, including me, last month, only after it became clear that the program had leaked. The only reason I and others were briefed is the administration wanted to stay ahead of the press curve.

Mr. Speaker, if you vote for the Oxley resolution, you are certifying that the program is in full compliance with all applicable law. As previous speakers have pointed out, the second finding of the resolution states the program has been conducted in accordance with all applicable laws, regulations, and executive orders; appropriate safeguards and reviews have been instituted to protect individual civil liberties, and Congress has been appropriately informed and consulted.

How can you know this? I don't know this. No Member has been briefed more than once. No hearings have been held and no reports issued.

Moreover, I feel this White House will use a "yes" vote as an authorization for further programs, scope unknown.

Mr. Speaker, I won't go there. Remember the authorization to use military force in Afghanistan? Until today, in the Hamdan decision, the White House has been using that vote to support unlimited detention as well as the NSA program.

There are some legitimate issues raised by this resolution. Leaks can get people killed. Those who leak highly sensitive intelligence information can damage our national security. The resolution many of us wanted to offer makes this clear. But if we prosecute newspapers and erode the first amendment, we will end up killing our Constitution.

In May, the House Intelligence Committee held open hearings on the role and responsibilities of the media in national security. We received over 25 submissions for the record, and the overwhelming sentiment was to tread lightly on action that could chill our first amendment freedoms.

Mr. Speaker, as I said in that hearing, if anyone wants to live in a society where journalists are thrown in prison, I encourage them to move to Cuba, China or North Korea to see if they feel safer.

This resolution asks Congress to give the administration another blank check. It is unworthy.

Mr. OXLEY. Mr. Speaker, I yield 5 minutes to the chairman of the Intelligence Committee, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I would like to thank my colleague from California, the ranking member on the Intelligence Committee, for the work that we have done together on leaks, and I think the approach that we have taken on the committee.

We, today, are on different sides. I rise in strong support of this measure.

Just a week ago, this program was one of the most highly classified and sensitive intelligence programs of our Nation. Former 9/11 Commission Chairman Tom Kean said that the idea of a U.S. having a tap into this type of information would have been, quote, impossible to believe, end of quote.

There is little dispute that the program is lawful. It is appropriate, and it has been an effective tool to identify terrorists and their financial networks. The Intelligence Committee has been briefed, has been conducting oversight.

My colleague has talked a little bit about the Members that were briefed. But also it is important to note, and as many of us know, much of the work that is done on any committee in the House or on the Senate side, there is significant work that is done by staff. Nine staff members, joint House, Senate, 9/11 inquiry staff, were briefed in May of 2002. HPSCI consistently, in 2002, 2003, twice in 2005 and three times in 2006, have been briefed on this program. The program has had extensive exposure to staff and to Members.

A week ago, this program was only about one thing, finding our enemies and keeping Americans safe. If it had been talked about in a secret setting or in a public setting, it would have violated the law, the rules of the House. Today I am not only talking about it; it seems like everyone in America may be talking about it. And the interesting thing is that perhaps the group that is most closely watching this and trying to understand exactly what this program may be capable of doing are our terrorist enemies. They are now aware of what we are doing.

Sure, we told them after 2002 we are going to track you financially, we are going to try to intercept your communications. We are going to try to find you in Afghanistan. We are going to try to find you wherever you may be. Sure, they knew that. But they never had the details of the specific tools that would be at our disposal to help us catch them, to help us stop their funding streams and enable us to go out and make sure that they could not attack us again successfully. That tool has now been compromised, along with other tools.

That is a disappointment. The newspapers bear a responsibility for that. I find it very interesting that as we go through this process, the New York Times has decided that on their part, they went through a process that indicated that now it is okay to release this information. We don't know what process that is. Some of us have had experiences with the New York Times before where they were going, quote, unquote, through their process. And it is a very, very questionable process that they go through, but we don't know and they don't talk about that process.

They don't talk about who they talk to. They don't talk about what infor-

mation is provided to them, and they do not talk about what information they provide to the sources or to the people that they may be seeking information from.

I would love the New York Times to do an exposé of their program and their review process that led them to this decision to publish this program. I would also like to see the exposé of the process that they went through and the deliberative process and the information that they shared when they made the decision to go public with the terrorist surveillance program.

□ 1800

I think it would be enlightening to the American people to understand their process as they make these very, very critical decisions that have an impact on our national security.

And, finally, we do need to focus on finding the people that leaked this information, whether they are in the intelligence community, whether they are somewhere else, in the executive branch, or whether they are in Congress. I think we have a mutual goal and objective to stop these leaks, to do effective oversight, and to make sure that the intelligence community is working within the box that we have set. That function is the responsibility of the House and the Senate. It is not a function of America's press to go through that process in a way that is unaccountable to us and to the American people.

I urge my colleagues to support this resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds.

I note that several on the other side have said, yes, it is true al Qaeda and the terrorists knew we were going to be tracking them financially. They just didn't know that would involve bank records. That seems to me wholly implausible.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I ask unanimous consent that H. Res. 900 be included in the RECORD at this point in time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

H. RES. 900

Whereas the United States is currently engaged in a global war on terrorism to prevent future attacks against American civilian and military interests at home and abroad;

Whereas intelligence programs are essential to gathering critical information necessary for identifying, disrupting, and capturing terrorists before they carry out further attacks;

Whereas there is a national security imperative for maintaining the secrecy of our legitimate intelligence capabilities;

Whereas effective intelligence depends on cooperation with foreign governments and individuals who trust the United States to protect their confidences;

Whereas the unauthorized disclosure of sensitive intelligence information, including

the names of clandestine service officers of the Central Intelligence Agency, inflicts significant damage to United States activities in the global war on terrorism;

Whereas following the September 11, 2001, terrorist attacks, Congress passed the USA PATRIOT Act, which included anti-terrorist financing provisions that bolster Federal Government and law enforcement capabilities to find and disrupt the financiers of terrorist organizations;

Whereas following the September 11, 2001, terrorist attacks, the President directed the Federal Government to use all appropriate measures to identify, track, and pursue not only those persons who commit terrorist acts here and abroad, but also those who provide financial or other support for terrorist activity;

Whereas consistent with this directive, the United States Government initiated a classified Terrorist Finance Tracking Program and the Secretary of the Treasury issued subpoenas to gather information on suspected international terrorists through bank transaction information;

Whereas a few Members of Congress were notified of the existence of the Terrorist Finance Tracking Program, with most notifications taking place only after an intent to publish stories about the program was communicated;

Whereas Congress has authorized the Secretary of the Treasury to explore the implementation of systems to review all cross-border wire transactions;

Whereas the bipartisan 9/11 Commission recommended that "Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts"; and

Whereas persons in positions of trust and responsibility granted access to highly sensitive intelligence programs should not violate their solemn obligations not to disclose classified information: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks here and abroad in accordance with existing applicable law, but notes that the expression of such support in this resolution should not be construed as providing additional authority for such efforts; and

(2) expresses concern that the unauthorized disclosure of classified information may have made efforts to locate terrorists and terrorist networks, and disrupt their plans, more difficult.

Mr. HOYER. Mr. Speaker, I rise in support of H. Res. 900.

Let me read H. Res. 900's opening resolution: "Supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate congressional consultation."

Everybody in this body supports tracking terrorists. Everybody.

The gentleman who chairs the Intelligence Committee just talked about process. Neither the New York Times nor the Los Angeles Times nor the Wall Street Journal raise their hands and swear to defend the Constitution and protect the laws of the United States of America. We do that, and we have processes to determine how best to do that.

We are at war, and we ought to be united, and I will lament the fact that

the Republican leadership continually presents resolutions designed to divide rather than to bring us together. There was not one second of hearing on the resolution before this body, not one. There was no process. There was no oversight. There was no fact-finding. There was no way to determine what, in fact, the facts are.

We are not the newspapers. We have sworn an oath before God and to our constituents to do our work in a way that protects and defends the Constitution and the statutes of this land. You have not done that. You have not brought us together. You have not said let us come together on a resolution. Not only that, but we have an alternative. I have read you its preamble, which accomplishes the same objective you want but without adopting premises that none of us, not one of the 435 of us, know that those premises are accurate.

I tell my friend, the gentleman from Ohio (Mr. OXLEY), he has not had one minute of hearings in his committee on this resolution, not one.

Is that responsible? Is that the way the people of the United States want us to carry out important functions of government when we are at war? I think not. I think they expect more of us. We do not honor this institution or its processes or our Constitution by the actions we take today on this floor.

I will oppose this resolution, but I will support H.R. 900, which says very clearly and emphatically that we want to determine what terrorists are doing. We want to intercept the information from financial institutions that further a conspiracy to create terror and injury and damage to our country and to our people. But we should have done it, I tell the chairman, in a collegial way, in a cooperative way, in a partnership against terrorism, not in a partisan effort to divide and to make political points.

Mr. OXLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, when your house is on fire, do you hold a hearing? When you need emergency treatment, do you take time for a hearing?

I rise in support of this resolution because at times we need not be prisoners of process but instead champions of policy.

What is past is prologue. The year 1944, early in that year, General Dwight David Eisenhower steps before the war correspondents and says, with reference to D Day, Fellows, I want you to know it is going to be in early June.

The war correspondents to a man stopped writing. One asks, General, why did you tell us?

And Ike responds, Because you are good Americans and I know you won't endanger the lives of other Americans.

The question before this House is just that stark and just that simple. In wartime, despite partisan differences, will we stand together knowing that information is sensitive in wartime and some information should remain secret to protect the American people? That is all this resolution says, that we abhor the leaks and that they must stop and together we must win this effort. Our future depends on it.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds.

If that was all the resolution had said, we wouldn't be here. It also says that the Bush administration has carried this out in a perfect fashion. And yet you can have hearings during a war. Harry Truman showed how to do that and made for himself a great reputation and helped the war effort.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Frank amendment because I believe I can embrace security and freedom and liberty.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to the dean of the House, who is a man of great experience in how to handle these conflicting issues, the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, there is no one in this Chamber or in this body that is not a loyal American and does not want to see to it that our troops, our Nation, and our security is protected. But this is not the way to do it.

This resolution is conceived in sin, and it is brought forward to us without an opportunity to consider it or discuss it properly. No hearings, no opportunity to amend, not adequate discussion, not an opportunity for a motion to recommit. All done in a closed fashion, sprung on this body with no time to consider. The end result: The opinion has to be that this is a clear, bald-faced attempt to strangle criticism of this administration. This is an attempt to silence the press.

I would quote to you what Tom Jefferson had to say some years ago: "I am for freedom of the press and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents."

Now, beyond that, Herbert Hoover: "Absolute freedom of the press to discuss public questions is a cornerstone of American liberty."

That is what we are talking about here, the first 10 amendments, the Bill of Rights of the Constitution.

This administration is perhaps the most deceitful and dishonest that I have seen in the 50 years I have served

in this body. They either do not know what they are talking about or they deliberately mislead. They told us about the weapons of mass destruction in Iraq. They told us about Iraqi connection to al Qaeda. They asked us to believe that the giving of no-bid contracts to Halliburton, which wastes billions of dollars, are in the public interest. They tell us that the insurgency is in its last throes. They tell us that they are protecting our civil liberties while they are tapping our phones and spying in our libraries and looking into our bank accounts. They tell us to trust them on everything because they are protecting our civil liberties.

Well, I don't think I can trust this administration to protect my civil liberties or those of the people that I serve. And I certainly don't believe that the majority has shown that we can trust them because they are not having a fair or decent debate on this. They are bringing to the floor a bill under a gag rule to gag the press, to intimidate the press, and to see to it that the one agency in this country that is telling the people the truth about what is going on over in Iraq and elsewhere and the functions of this administration is denied the opportunity to come forward and to tell the truth so that the people may know of the follies and abuses of this administration.

Mr. Speaker, I rise to denounce this resolution that we have before us today. I denounce it because, it is not only inaccurate—and inaccuracies have no place in carefully considered legislation—but also because I believe that it is a pernicious attack on the very foundation of a free society.

It is impossible to have a democracy without a free vibrant press, the claims of this Administration not withstanding.

It is the press that keeps our government transparent, and policy makers honest.

It is the press that informs the public, and we should have nothing to fear from an enlightened population.

In fact, what we should fear is a public that takes its cues from politicians rather than newspapers.

Over two-hundred years ago Thomas Jefferson said, "I am for freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents."

Almost a century ago Walter Lipman wrote, "A free press is not a privilege, but an organic necessity in a great society" and the epitome of Republican presidents, Herbert Hoover, said, "Absolute freedom of the press to discuss public questions is a foundation stone of American liberty."

But this Congress and this President are cut from a whole different cloth. The press, and by extension the people, are things to be feared. They believe the press should be dismissed, and the public should be ignored.

This Administration seems to think that any oversight is bad oversight, and the Congress willingly agrees. In fact, the only thing that has kept the public as woefully informed as they are has been the press.

For the past five and a half years, the President and his deputies have told the American people "Trust us."

Trust us on the existence of weapons of mass destruction in Iraq.

Trust us on an Iraqi connection to Al Qaeda.

Trust us on gigantic no bid contracts to Halliburton which wastes billions of dollars of the taxpayers money.

Trust us on mission accomplished.

Trust us on the insurgency being in its last throes.

Trust us that civil liberties are being protected as we pursue terrorists.

Trust us that we had no idea New Orleans levies could be breached.

Trust us that everything is legal and your civil liberties are protected.

Well, Mr. Speaker, I do not want to trust anymore. I cannot trust the claims of this Administration anymore, and the only people that have even attempted to keep them honest, and to inform the American people, is the press.

An uncomfortable truth was revealed in the New York Times, and a needless detail was included in a Washington Times story in 1998 that enabled Osama bin Laden to escape capture. Yet these are the prices we pay for a free press.

No one ever said that freedom was easy, or neat, or simple to manage. Rather it is hard, it complicates policy, and makes governing messy.

But it also works and it has made us a model to be emulated and to be envied throughout the world—and I would have it no other way.

I urge my colleagues to voted on the resolution.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. DAVIS), a member of the Committee on Financial Services, one of those kept in the dark on this.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of your resolution that the House will not get to vote on; and I have to begin by pointing out some of the absurdities put before the House tonight, Mr. FRANK.

On one hand, we hear that the terrorists are cunning and brilliant and threaten every liberty that we have. On the other hand, on the next hand, they are too dense to know we are monitoring their bank transactions.

On one hand, we decry, with every piece of passion and indignation we have, the New York Times. We dust off the reputation of the deputy chief of staff who tried to leak classified information to them and put him in charge of the fall campaign strategy.

So I begin with the absurdities, but I end with a more profound point. If you vote for this resolution, you are voting for two simple statements: The first statement is to one newspaper and to one executive branch. This is an admonition by the Congress to prosecute an American newspaper. I do not know that we have done that in all the years that we have been here.

And then there is the second statement to every newspaper in the United States of America and every magazine,

to everyone who carries a journalist's pen that the next time you think about piercing the veil of secrecy, be afraid, be very afraid, because the hammer may fall on you.

And I do not trust that, Mr. FRANK, for a very simple reason. These checks and balances have swung far too widely in favor of the Executive. The President, I respect all of his power and all of his authority, but he is not the sole arbiter of what is right and what is wrong. And because we haven't performed our oversight role, we have left him with this role of being the arbiter of what is classified, of what is wise, and what is necessary to protect this country.

So I end with this trade-off: We would be very happy to give up some of the freedom of the fourth estate if this branch of government, the legislative, would do its task of oversight. But because we are not doing our task and we see instances of it time after time, yes, we need a fourth estate that is free. We need a fourth estate that is not chilled.

Mr. OXLEY. Mr. Speaker, I will take a second to correct the gentleman from Alabama. There is not one word in this resolution that calls for prosecution of anything other than leakers. Not the media.

Mr. DAVIS of Alabama. That is the effect, Mr. OXLEY. It is the effect of it.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds.

There is a very clear notice in the Republican resolution, and I call it that simply because that is how they decided it should be. They drafted it and didn't even show it to us until it was printed. They asked for no input. But it very clearly references the current criminal statute that is there, and I do not think that was for no reason.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, there is no American, Democrat or Republican, who does not want to pursue, capture and, if necessary, kill any al Qaeda who threatens our country. And what is happening here tonight is an attempt to shoot the messenger, which is the New York Times and the Wall Street Journal and the L.A. Times, that there may be a program that is being conducted by this administration which may not be constitutional. It may not be proper oversight.

□ 1815

Now, we are told that Booz-Allen, an accounting firm, is checking for us. But we did not subcontract constitutional protections to an accounting firm. Enron hired Arthur Andersen; we know what happened to their investors. We are supposed to be the checks along with the Federal courts.

Now, they say that you don't have to worry, we already know what's going on. Well, the resolution says that the program only reviews information as

part of specific terrorism investigations and based on intelligence that leads to targeted searches. How do we know that?

The resolution says that the program is rooted in sound legal authority based on executive orders and statutory mandates. How do we know that?

The resolution says that the program consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy. How do we know that?

This resolution says that the program has rigorous safeguards and protocols to protect privacy. How do we know that?

There have been no hearings. There has been no oversight. There have been no congressional investigations into this bank record surveillance program. Booz-Allen knows more about this program than the Members of the United States Congress and Federal judiciary. How do we know?

Instead, they shoot the messenger, the press of our country, for revealing that they trust an auditing firm more than the Federal judiciary.

Vote "no."

There is no question that our country must work actively and aggressively to put Al Qaeda out of business.

There is no debate about this point—terrorists are planning to strike our country again, and we must not waiver in our efforts to prevent another attack.

But while we work to destroy Al Qaeda, we must not debase our Constitution.

While we track terrorists around the globe, we must not trample on the very principles that are the foundation of our democracy.

The Bill of Rights did not come with an expiration date.

Taking the fight to the terrorists and abiding by our constitutional requirements are not mutually exclusive responsibilities.

Mr. Speaker, I agree with many of the provisions in this resolution:

We must choke off funds used by terrorists to fund their activities; We must use our intelligence capabilities to detect and disrupt terrorist plots before they occur; We must work with our allies in the global war on terror.

But I cannot support a resolution that falsely claims that the Congress was appropriately consulted on this program, and appropriate oversight of the program was conducted. That is simply not true.

This Resolution is a perfect example of why the American people are getting fed up with the Republican Rubber Stamp Congress.

Just last Friday, the New York Times, the Wall Street Journal, and the Los Angeles Times reported on the existence of a secret Bush administration program to monitor banking transactions. These reports come just six months after earlier revelations about the existence of a program to monitor telephone call records. The reports themselves indicate that some of the Government officials familiar with the program had concerns with the scope and breadth of the bank record surveillance program. Congress was not fully notified about the program. No federal court approved the subpoenas that were sent to the international consortium called "SWIFT" that had these bank records.

So, what is the reaction of this Congress to these revelations?

Are we going to conduct hearings to evaluate this program?

Is there going to be any oversight to determine whether or not it fully complies with all Constitutional and legal requirements?

No, what we're going to do is take up this resolution and retroactively bless a program that we weren't told about.

What we're going to do is shoot the messenger—the news media—for informing this House and the American people that such a surveillance program existed.

The Bush administration has claimed that tapping bank records without a court order is legal. Perhaps it is—but shouldn't we conduct some oversight to find out?

But, the Bush administration also argued that waterboarding and other cruel interrogation techniques were fully legal. Once Congress found out about those techniques, it passed the McCain amendment to make it clear that such techniques were not legal.

The administration argued that trying prisoners at Guantanamo Bay before military tribunals and denying them the protections of the Geneva Convention was also legal, but the Supreme Court just ruled earlier today that it was not.

Now the Bush administration argues that the secret bank records program is entirely legal. Perhaps it is. But, perhaps it is not based on the Bush administration record of expansive legal interpretations of executive authority, I don't think that this Congress should just take the administration's word for it. At minimum, we should be asking questions. We should be conducting some real oversight into this program to find out. We should be holding hearings to examine this program and to determine whether it fully complies with the laws—if necessary, in closed executive session.

The resolution before us today makes findings and reaches conclusions for which there is not yet evidence.

This resolution finds that the program "only reviews information as part of specific terrorism investigations and based on intelligence that leads to targeted searches." How do we know that?

This resolution finds that the program "is rooted in sound legal authority based on executive orders and statutory mandates." How do we know that?

This resolution says that the program "consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy." How do we know that?

This resolution says the program "has rigorous safeguards and protocols to protect privacy." How do we know that?

This resolution says that this secret bank record program "has been conducted in accordance with all applicable laws, regulations, and executive orders, that appropriate safeguards and reviews have been instituted to protect individual civil liberties." How do we know that?

There have been no hearings. There has been no oversight. There has been no Congressional investigation into this bank record surveillance program.

Instead of Congressional oversight, or approval by a Federal Judge, this program has relied on a consulting firm hired by the administration—Booz-Allen—as the only oversight

mechanism to evaluate the legality of the financial surveillance program. The Bush administration should have subjected it to proper oversight by Congress and the courts. But it chose not to do so.

There is no factual or evidentiary basis for the findings and conclusions reached in this resolution, other than the claims issued by the Bush administration. Before this body goes on record in support of those claims, we have an obligation and a duty to actually hold the hearings and conduct the oversight needed to assure ourselves that the Constitutional rights and the privacy rights of the American people have been appropriately respected.

We should not be passing this resolution today, before we have those answers. That is the gentleman of Massachusetts (Mr. FRANK) sought to offer a substitute amendment that would have represented a more appropriate response. The Frank substitute would have deleted the findings and conclusions in the resolution for which there is as yet not sufficient evidence. It would have supported efforts to identify, track and pursue suspected terrorist and to track their money flows in accordance with existing law, and it would have refrained from inappropriately charging the news media with harming our national security. But the rubber stamp Republican majority that controls this Congress refused to make this amendment in order. They're afraid of a real debate on real alternatives.

I urge rejection of this resolution. This body should be able to vote and debate on real alternatives to rubber-stamping whatever position the Bush administration takes.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I find it interesting that when the 9/11 Commission gave this Congress 12 Ds, five Fs, and three incompletes for protecting America, nobody thought it was dangerous to America's national security or for protecting our citizens. Nobody wanted to get the 9/11 Commission recommendations down here for a vote.

The chairman of the Intelligence Committee said it is the Congress who will conduct oversight. When we were told this was a quick war, not a long one and it turned into a long war, where was the oversight?

When we were told that the war in Iraq was going to be conventional and became a guerrilla war, where was the oversight?

When we were told we were going to be greeted as liberators and we became occupiers, where was the oversight?

When we were told that we had enough troops and it has been clear that we needed more, twice as many, where was the oversight?

At every chance there was for the Congress to exercise its oversight, this Congress walked away from it.

On the war on terror, Democrats have given the President everything he wanted. The Republican Congress has denied the President the one thing he needed, oversight. It is in this area that oversight is most important. Every Democrat, every Republican, every Independent, every American wants to protect the country. There is

a role for the United States Congress in oversight. The one institution that is providing some accountability is a free press, and one element of it is singled out for isolation in an attempt to intimidate it.

The Congress, as my Congressman said from Alabama, if the Congress was acting in its role of oversight, you would not have to come up with a gimmick to attack the one entity, the free press, that is also doing its function. I find it almost ironic at this point that we have a political strategy being designed by somebody and we all know what is happening here. It is a political strategy to divert people's attention from the real problems facing this country, one of which is the role of the Congress to protect the American people. Its job is oversight and accountability, and it has abdicated that for 2 years.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 2 minutes to a senior member of the Financial Services Committee and one of the leaders on the whole question of how we should be dealing with our current problem, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of the Frank resolution, 900, which was not made in order by the Rules Committee.

As many of you know, the Financial Services chairman, Mr. OXLEY, introduced House Resolution 895. The Oxley resolution is well-intended, but I cannot support it. It condemns the media for disclosing information related to the Terrorist Finance Tracking Program. The resolution is misleading. It contains whereas clauses characterizing Congress' role in overseeing the program. There is no oversight to this terrorist tracking program.

Mr. Speaker and Members, this is America and Americans ought to be concerned about what is going on in this government at this time. As a matter of fact, I think this government is spinning out of control. The government is violating the United States Constitution and Federal law in the name of fighting terrorism. Your President truly believes he can disregard the Constitution, create new laws and executive orders and whatever he does, he says, is constitutional because he is the President.

Keeping with this imperial Presidency attitude, the Republicans have the audacity to try and intimidate the press, using the same tired old Karl Rove tactics that have become common to this administration: intimidation, threats. They have accused us of cutting and running on the Iraqi war, questioning Members' patriotism, accusing Democrats of being soft on terrorism, and now the press. If the New York Times, The Washington Post and the Washington Times or any other newspaper back off its responsibility to report the news, no matter how unpopular, they may as well close up shop and quit the news business.

This resolution as introduced by Mr. OXLEY, that again is misleading, condemning the media, must be rejected. This is not China, Vietnam, Cuba, Sudan, Zimbabwe or Saudi Arabia. The free press is central to a democracy. We are seeing the PATRIOT Act, the NSA spying, the telecommunications companies giving up our private information. Enough is enough. We must stop with this resolution.

Mr. OXLEY. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from Arizona (Mr. RENZI), the only member of the Financial Services Committee and the Intelligence Committee.

Mr. RENZI. I thank the gentleman for his leadership.

The law is a little bit of a sticky wicket. There are a lot of claims being made on the other side of no oversight and that the President hasn't properly informed the Congress. NANCY PELOSI was properly informed; the ranking member of the Intelligence Committee, properly informed. HARRY REID, properly informed.

What does the law say? The law says the President shall keep the intelligence committees informed. The implementation clause, and I would recommend it to the gentleman from Massachusetts, the President and the congressional intelligence committees together shall establish these procedures. Who established them? Harry Truman, 1947. Who established the Gang of Eight and used it more than any other President? Jimmy Carter prior to September 11.

The law and history is a sticky wicket.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. RENZI. No, I won't yield. I was only given a few seconds.

Mr. FRANK of Massachusetts. The gentleman made it a point to mention me and will not let me respond.

Mr. RENZI. It's my time. I only get a few seconds.

The New York Times and the business of leaking is beginning to have a cumulative effect. By their own account, they have leaked the government's most closely regarded secrets. They said that it has only led to a few potential terrorists.

Let me close with this: a few potential terrorists did damage to this country on September 11. A few terrorists can help to take down and destroy this Nation and wound this Nation. They are not the ultimate arbitrators of how you declassify information. We all agree on that. They can't hold themselves above the law. They have got to allow and work with us.

This is the second time we have passed a resolution asking the media to work with us. I feel, my opinion, that those in the administration, this administration, those in government agencies, those in the media and those in both the Democratic and Republican Party who leak information should be prosecuted. We have got to put an end

to this charade. We have got to do it together.

Mr. FRANK of Massachusetts. I yield myself 10 seconds to point out that, yes, it's true, Ms. PELOSI was briefed. In 2002, at the beginning of the program. She is not a fortune teller.

Mr. RENZI. Whoa.

Mr. FRANK of Massachusetts. Regular order. I ask the gentleman to be seated. I asked the gentleman when he mentioned me to yield. He declined to do so. For him now to interrupt me without even asking for a yield is wholly outside the rules of the House, and I ask he be instructed in them.

Mr. RENZI. Will the gentleman yield to correct a fact?

Mr. FRANK of Massachusetts. I will yield to the gentleman exactly as he yielded to me. No.

The SPEAKER pro tempore. The gentleman from Arizona will suspend. The gentleman from Arizona, please suspend. Please take a seat.

Mr. RENZI. I will be happy to suspend, sir.

The SPEAKER pro tempore. The gentleman from Massachusetts may proceed.

Mr. FRANK of Massachusetts. The gentlewoman from California (Ms. PELOSI) was briefed at the outset. The other gentlewoman from California, the ranking member of the committee, was briefed, as I was offered a briefing, after it was about to be made public.

I now yield 1 minute to the gentlewoman from New York, a member of our committee.

Mrs. MALONEY. Mr. Speaker, I rise in support of the Frank resolution that we are not permitted to vote on. All of us support legal efforts to track terrorist financing. But what we have before us is a nonbinding resolution that is more about stirring the Republican political base and silencing the press than protecting our country.

The resolution makes declarations about actions that have yet to be confirmed without conducting any oversight and without all the facts. The Republican Party has become masters of cut and run, cutting from the issues so that they can run for reelection in November.

This resolution is a diversion. If it was really about condemning leaks of classified information, it would also mention Valerie Plame, Karl Rove and Scooter Libby. And as the Member of Congress representing the district that suffered the greatest loss of life on 9/11, I believe that combating terrorism is a serious, bipartisan issue, not a one-sided, last-minute, take-it-or-leave-it, Republican-only, political campaign stunt.

Mr. OXLEY. Mr. Speaker, I believe I have the right to close, and I reserve the balance of my time.

Mr. FRANK of Massachusetts. May I ask, the gentleman has only one more speaker?

Mr. OXLEY. Me.

Mr. FRANK of Massachusetts. Me, too.

How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. 3½ minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 3½ minutes.

I reiterate, the resolution that we have, very unfortunately, not been allowed to offer even as a recommit, because democracy abroad has a much greater appeal to my colleagues than democracy at home. Indeed, apparently, to the Republican Party in the House, democracy is a great spectator sport. They would like to see it in Afghanistan, they would like to see it in Iraq, but they don't want to practice it at home. It's too hard. Members might be able to make a fair choice.

Here is what our resolution says: we are for tracking the terrorists financially. We do not think there should be leaks. The biggest single difference is that we do not subscribe to their automatic praise that says that the White House, the administration, has done everything right. That is the biggest difference.

Now, no one really can say that. The chairman of the Intelligence Committee said the staff was briefed, some of the staff. Well, let's have a mock Congress, bring the staff in here, and let them vote on it. But those of you who weren't in the briefing and haven't talked to the staff, almost everybody, are not entitled to vote to say things that aren't true.

Let me talk about one of the things that I am unsure about. I don't want the terrorists tipped off and if they are being tipped off, we need to know about it. But we don't know that yet. The gentleman from Alabama earlier, Mr. BACHUS; the chairman of the intelligence committee and others have said, well, yes, it's true that the terrorists learned from Bush administration statements that we were tracking their financial activities. But apparently they didn't know that that involved banks. Did they think we were going through their pockets? How can you acknowledge that people knew that they were being tracked financially but, oh, no, it didn't involve bank records.

Now, I don't know what the answer is. But neither do those who are ready to vote to say this caused that problem. I remind the Members, there is a factual statement here that says, it doesn't mention the Washington Times because you want to be nice to them, but it says that the Washington Times in 1998 made a disclosure that made it hard to find Osama bin Laden. That may well not be true. You are going to vote them this. There is this automaticity to your behavior. You are being asked to vote for things that I know most Members over there and over here can't say.

We are not asking you to vote the opposite. We are not saying the program had legal problems. We are not saying it was conducted badly. We are saying, look, and we could have this, we could

have 430 votes to say, yes, it's a good thing to track the terrorists and it's a bad thing to leak. Those statements of policy could be made, but they wouldn't give any political advantage. To go beyond that and to turn this into a Bush commercial, to say without any basis that we know that they haven't violated their civil liberty, they haven't done privacy, let me say this. If that is in fact the case, if they have run this program as competently, as efficiently, and with as much respect for individual liberties as you say, then this resolution deserves more attention. Because that is a first. If they really have managed to break the record they have had before, wonderful. But you are taking it as they said on faith.

So let me close by saying once again what I have said in previous situations. We have told the Shiia in Iraq, please show some willingness to work with the minority.

□ 1830

We have asked in Afghanistan that people work together. We have said, do not be abusive of your majority power. Try to work together. And then the majority here engages in the most outrageous abuse of power you can think of.

I hope that all those watching will remember one important thing, do not try this at home.

Mr. OXLEY. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, this has been a lively debate. I just want to state some facts. We are at war. All of the decisions, virtually all of the decisions that have been made since 9/11 have been made in this Congress, the administration, with the express purpose of protecting the American people.

The PATRIOT Act, actions that were urged by the New York Times and other media, were undertaken expressly to protect the American people. And the fact that we have not had a major attack in this country is I think fairly good news and indicates to everybody that the system and what we have done is working.

We all served with Lee Hamilton. He was a great Member, well respected on both sides of the aisle. Lee Hamilton was the co-chairman, along with Governor Kean, of the 9/11 Commission. They testified before numerous committees. They wrote an excellent report.

And that report was critical looking backward on things that we had not done to better protect ourselves. We did not connect the dots. We had a wall between the CIA and the FBI. There were things that could have been done better.

And this was all constructive criticism. And then those gentlemen went out, not only did they testify, but they spoke in public. And they are still very active in that operation.

Why do you think, why do you think that Lee Hamilton asked the New York

Times to resist publishing that information? Do you not think that he thought that our Nation was at risk and that that kind of information out in the public would notify al Qaeda and our enemies that we were in grave danger?

Why would somebody with the reputation of a Lee Hamilton or a Governor Kean make that extraordinary effort to try to keep a news organization from publishing that information? That is what this argument is all about. That is what this resolution is all about. This is serious business. This is not politics. This is about the safety of our children and our country.

And we talk about politics all of the time. I am frankly disappointed. Vote for this resolution and let us get on with the business at hand.

The SPEAKER pro tempore. Pursuant to House Resolution 896, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker. Is a motion to recommit in order at this time?

The SPEAKER pro tempore. The gentleman is correct.

Mr. FRANK of Massachusetts. Further parliamentary inquiry. Since we are in the whole House, would it be in order, by unanimous consent, to modify the rule so that the motion to recommit could become a motion with instructions, including the resolution we have alluded to today? Would that be in order to ask for a unanimous consent request?

The SPEAKER pro tempore. By unanimous consent, the House could amend its previous order to admit a motion to recommit with instructions.

Mr. FRANK of Massachusetts. Mr. Speaker, I then ask unanimous consent that our motion to recommit be made a recommit with instructions so our resolution, supported by the overwhelming majority of the Democratic Caucus, could receive a vote on the floor of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. OXLEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The gentleman from Massachusetts?

Mr. FRANK of Massachusetts. Mr. Speaker, I mourn democracy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 895, the Oxley resolution. I support efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks. But it does not serve the nation well to condemn the media for performing its watchdog function even in a time of war. Indeed, it is especially important during wartime that the media be even more vigilant and aggressive in informing the public. I do not support the resolution because it encourages the media to become lapdogs who see their role as cheerleaders for the Administration rather than as

watchdogs who exist to safeguard the public interest.

During the 1790s under the Alien and Sedition Acts, and then again during the Civil War and World War I, the government prosecuted journalists. Today, we are again hearing government officials calling for prosecution of journalists who report on the conduct of the global war on terrorism and the war in Iraq and disclose to the American public information which the Administration would rather the American people not know. Some even accuse journalists who do so of treason.

But what these self-styled media critics fail to understand is that the American people have a need for a free press to check the excesses of government, and never more so than today.

Mr. Speaker, the resolution declares, without any proof or evidence, that the House of Representatives “finds that the Program has been conducted in accordance with all applicable laws, that appropriate safeguards and reviews have been instituted to protect civil liberties, and that Congress has been appropriately informed and consulted and will continue Program oversight.”

This is a major flaw in the resolution. Affirming as fact claims that are not nothing more than unsupported assertions is not persuasive or in the best interest of the Congress and the country. Rather, it is merely argument by ipse dixit. Today the Supreme Court ruled that the Administration overstepped its bounds regarding Guantanamo Bay detainees. Who’s to say that the Administration has not overstepped boundaries in the area of domestic spying as well? The fact is we simply do not know. We do not know because this Republican-led Congress has been derelict in its Constitutional duty of oversight.

Mr. Speaker, as a senior member of the Homeland Security Committee, I support efforts to identify and track down terrorists and oppose the leaking of classified information. But I will not play politics with this Nation’s security. Nor will I support the majority’s trampling on liberty and freedom of the press.

Most disconcerting is the chilling effect this ill-conceived resolution will have on the press. In the words of one of our distinguished founding fathers, George Mason, “The freedom of the press is one of the greatest bulwarks of liberty, and can never be restrained but by despotic governments.”

I oppose the resolution and urge its defeat.

Mr. STARK. Mr. Speaker, I reject all the ridiculous premises of the resolution: The premise that terrorists would have had no clue that international wire transfers would be subject to monitoring until they read about it in the *New York Times*; the premise that the media should conceal information leaked by responsible officials who are concerned about the runaway police-state tactics of the Bush Administration; and, the premise that by telling a select few Congressional leaders, the Bush Administration can do whatever it wants, regardless of the lack of constitutional or statutory authority.

When concerns were expressed about the far-reaching powers of the Patriot Act, President Bush said any wiretap would require a court order. He lied. When the National Security Agency’s (NSA) warrantless wiretapping program was revealed, he said we should trust him to use the program judiciously. When we learned that the NSA also collects millions

of domestic telephone records, the President said it wasn’t what it seemed. Now, we add financial records to the list, and his only response is to criticize the messenger. What will it take for the do-nothing Republican Congress to start standing up for the Constitution, or at least the prerogatives of the Legislative Branch?

If this Congress spent half as much time doing oversight as it did criticizing those who dare question their government, we wouldn’t have to find out what our government is doing on the front page of the *New York Times*. But given that no lie, no unlawful program, no petulant signing statement is too much for the Bush toadies, I salute the *Times* and other media outlets for their occasional bravery and for maintaining some semblance of accountability in government.

Mr. SHERMAN. Mr. Speaker, I am proud to cosponsor H. Res. 900, offered by Ranking Member BARNEY FRANK, which provides that the House of Representatives supports efforts to track terrorist financing and their financial supporters by tracking terrorist money flows and by uncovering terrorist networks, both here and abroad, in accordance with existing applicable law.

The Frank resolution also expresses concerns that unauthorized disclosure of classified information may have made efforts to locate terrorists and terrorist networks and to disrupt their plans more difficult. It does not include controversial whereas clauses or findings that cannot be verified. The Rules Committee should have allowed this resolution to come before the House for a vote.

I am unable to sponsor H. Res. 895, which Financial Services Committee Chairman MICHAEL G. OXLEY introduced yesterday afternoon, because his resolution contains a number of statements that simply cannot be factually confirmed at this time. There has been no fact finding, no oversight, no hearings whatsoever by any Committee of the House to even try to establish whether or not the partisan findings contained in H. Res. 895 are accurate.

The only way that these issues can be developed properly is through hearings, classified hearings where required, before the committees of jurisdiction, the House Financial Services Committee and/or the House Intelligence Committee. Matters that are highly classified can be dealt with by the Intelligence Committee.

Mr. SPRATT. Mr. Speaker, had it been my decision, I would not have released a report on the Terrorist Finance Tracking Program, and I co-sponsored H. Res. 900 to register my disapproval. For no good reason, H. Res. 900 was not made in order as a substitute amendment.

I have reluctantly decided not to vote for H. Res. 895 for the following reasons. H.R. 895 was written exclusively by Republicans, with no Democratic input, no committee hearings, and no committee mark-up. The resolution was rushed to the floor shortly after being filed under a rule that prohibits amendments of any kind, for one hour’s debate, and then a vote up or down. I agree with much of the resolution. I wholeheartedly support “efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking money flows and by uncovering terrorist networks here and abroad.”

I have not been briefed on the program, however, and I am no position to find “that the

Terrorist Finance Tracking Program has been conducted in accordance with applicable laws, regulations and Executive Orders, and that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed and consulted for the duration of the Program and will continue its oversight of the Program.” I hope that is the case, but I have no basis on which to make such a judgment, and I do not think that Members of Congress should hold out such a conclusion if we cannot support it.

Mr. HOLT. Mr. Speaker, I rise today in opposition to this partisan and ill-considered resolution. This resolution will do absolutely nothing to stop leaks. It’s just another cheap, hypocritical political stunt.

My colleagues should know that only last month, the House Permanent Select Committee on Intelligence held an open hearing on the very issue of the media’s role in leaks. What many of us observed at that hearing is that there are at least two contributing factors to leaks to the media. One of those is the use of the classification system to conceal improper, even potentially criminal, conduct by executive branch officials.

One example of this was the original report by General Taguba on the Abu Ghraib abuse investigation. It was originally classified SECRET/NOFORN but ultimately declassified in its entirety when the images of prisoner abuse appeared in the media. To the best of my knowledge, the House Intelligence Committee has never investigated why that report—which detailed criminal behavior by American military personnel—was classified in the first place. What I do know is that we in the Congress must never allow the classification system to be used to conceal criminal conduct—which brings me to the second factor contributing to leaks of classified information to the media: the refusal of this Congress to take its oversight responsibilities seriously.

As I’ve said before, this Congress doesn’t exactly put out a welcome mat for those executive branch employees who seek to report misconduct or illegal activity by their agencies. If you don’t believe me, just look at the status of the only bill before Congress right now that would actually offer some modest protections for national security whistleblowers.

H.R. 1317, Federal Employee Protection of Disclosures Act, was offered by my colleague, the gentleman from Pennsylvania (Mr. PLATT), last year. This bill would clarify which disclosures of information are protected from prohibited personnel practices, and require that non-disclosure policies, forms, and agreements conform to certain disclosure protections. Last September, this bipartisan bill was reported favorably by the House Government Reform committee on a vote of 34–1, yet the Rules committee has refused to allow this bill to come to the floor for a vote on at least three occasions.

This resolution shoots the messenger. A more useful approach would address the problems of overclassification, the lack of oversight, and whistleblower protections. If you want to stop leaks, if you want to ensure that classified information doesn’t appear in the press, then give executive branch employees who have concerns about their agency’s conduct a place to go with their concerns without fear of retaliation so that we can do our job: oversight of the executive branch. I urge my colleagues to vote no on this resolution.

Mr. PAUL. Mr. Speaker, I am not sure that the federal government's program examine records of international financial transactions collected by the Society for Worldwide Interbank Financial Telecommunications (SWIFT) is worth all the sound and fury that has surrounded the program since its existence was revealed last week. For one thing, this program appears to threaten civil liberties less than the already widely known "Know Your Customer" program or the requirement that American financial institutions file suspicious activity reports whenever a transaction's value exceeds \$10,000. However, the program's defenders should consider the likelihood that having federal bureaucrats wade through mountains of SWIFT-generated data will prove as ineffective in protecting the American people as other government programs that rely on sifting through mountains of financial data in hopes of identifying "suspicious transactions."

According to investigative journalist James Bovard, writing in the *Baltimore Sun* on June 28, "[a] U.N. report on terrorist financing released in May 2002 noted that a 'suspicious transaction report' had been filed with the U.S. government over a \$69,985 wire transfer that Mohamed Atta, leader of the hijackers, received from the United Arab Emirates. The report noted that 'this particular transaction was not noticed quickly enough because the report was just one of a very large number and was not distinguishable from those related to other financial crimes.'" Congress should be skeptical, to say the least, that giving federal bureaucrats even more data to sift through will make the American people safer.

Congress should examine all government programs that monitor the financial transactions of American citizens to ensure they are effective and they do not violate the rights of Americans. Unfortunately, many of my colleagues are attacking newspapers that inform the American people about government surveillance on the grounds that revealing that the federal government is monitoring financial transactions somehow damages national security. It is odd to claim that, until last Friday, neither the American people nor America's enemies had any idea that the government is engaging in massive surveillance of financial transactions, since the government has been openly operating major financial surveillance programs since the 1970s and both the administration and Congress have repeatedly discussed increasing the government's power to monitor financial transactions. In fact, such an expansion of the government's ability to spy on Americans' banking activities was a major part of the PATRIOT Act.

Congress should be leery of criticizing media reporting on government activity. Attacking the media for revealing information about government surveillance of American citizens may make reporters reluctant to aggressively pursue stories that may embarrass the government. A reluctance by the media to "embarrass the state" will make it easier for the federal government to get away with violating the people's rights. Media reports on government surveillance and other security programs can help Congress and the American people ensure the government's actions effectively protect Americans' security without infringing on basic constitutional liberties. I therefore urge my colleagues to reject this resolution.

Mr. UDALL of Colorado. Mr. Speaker, I object to—and voted against—the restrictions the

Republican leadership has imposed on our consideration of this resolution.

Those restrictions made it impossible for the House to even consider changes to this resolution, including parts to which I must take strong exception.

I do agree with some parts of the resolution.

For example, I agree that "the United States is currently engaged in a global war on terrorism to prevent future attacks against American civilian and military interests at home and abroad."

Furthermore, I agree that the House of Representatives "supports efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks here and abroad, including through the use of the Terrorist Finance Tracking Program."

And, I do support making clear that the House "condemns the unauthorized disclosure of classified information by those persons responsible and expresses concern that the disclosure may endanger the lives of American citizens, including members of the Armed Forces, as well as individuals and organizations that support United States efforts."

But, like most Members of Congress, I cannot of my own knowledge say it is true that, as the resolution states, the tracking program that is the subject of the resolution "only reviews information as part of specific terrorism investigations and based on intelligence that leads to targeted searches," or that the program "is firmly rooted in sound legal authority" or that it "consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy," or that it "has rigorous safeguards and protocols to protect privacy."

In fact, to paraphrase Will Rogers, most of us—Members of Congress as well as members of the public at large—know about this only what we have read in the newspapers or heard over the airwaves.

So, it is ironic, to say the least, that so many are so ready to describe and praise the program's details and at the same time condemn those who told us about those details.

In short, I think the resolution should not be adopted at this time because its conclusions are based too much merely on the assertion of claims for which no solid evidence has been presented. For that reason, I will vote against it.

Mr. NADLER. Mr. Speaker, today we see how a great Nation loses its freedom.

This resolution seeks to chill free speech by punishing the *New York Times* and other publications for doing their job. That is unacceptable and, frankly, beneath the dignity of the United States Congress. All of us here took an oath to support and defend the Constitution. Yet those pushing this resolution seek to do just the opposite: to batter the Constitution's most hallowed pillar, the right of free speech and a free press.

Rampant lawbreaking by the Government, secrecy and selective leaks of classified information to cover up that illegality, and threats of retaliation and prosecution against anyone who dares to tell the truth.

How has the Republican Congress responded? Have they lived up to their responsibility to get to the truth? To subpoena administration officials or records? To hold anyone accountable?

No. The lapdog Republican Congress has worked hand and glove with the Karl Rove

White House to cover up the administration's lies and crimes. The Republican Congress, with the chorus of cooperating media, has helped the administration retaliate against anyone who challenges them or tries to tell the American people the truth.

Does Osama bin Laden know that we had tapped into his phone lines? Of course. The administration leaked it to the *Washington Times* which published it. Any outrage here? No.

Did the White House leak the name of a CIA agent to friendly reporters to retaliate against a critic? Yes. Did the President promise to fire anyone who leaked? Yes. Now that we know it was the Vice President and Karl Rove, did the President make good on his promise? Of course not.

Does anyone here really think that Osama bin Laden didn't assume we were tracking bank transactions? Administration officials have testified before Congress that they did, and, for those members who read bills before they vote, we required the administration to do just this in the PATRIOT Act. Not a big secret.

Do you really think the terrorists didn't know we would be tapping their phones? The only people who were kept in the dark were the American people who were never told that their privacy was illegally being invaded by the government. Bin Laden doesn't care if the government gets a warrant, but law abiding citizens should and they have a right to know that, even if the President tries to cover it up.

If the President breaks the law and covers it up, if the Congress refuses to get the truth and joins the cover-up, then the free press is the only guardian of truth and democracy. That is why Thomas Jefferson said he would prefer a free press without a government to a government without a free press.

Free speech and a free press are what keep a Nation free.

Is it espionage to tell the American people that the President is breaking the law? Is it treason to report the truth? Of course not. It is the duty of a free press to tell the truth especially when people in power would prefer that the American people be kept in the dark.

Think of the thousands of young people who might still be alive if the press had more carefully scrutinized the lies and distortions used to lead this Nation to war in Iraq. Would we know about the illegal use of torture if the press hadn't uncovered it? Would we know that the government was spying on innocent citizens without a warrant?

No President should be able to cover up his wrongdoing just by declaring it "secret." That is what some here are suggesting. We are a great and free Nation because the Government can't put you in jail simply for telling the truth, and the Government can't use its prisons to cover up its crimes.

A lawless President cannot hide behind the law. A cover-up Congress cannot complain if the truth gets out.

What sort of countries prosecute journalists? What sort of country hates free speech? Countries whose governments fear the truth. Stalin locked up journalists. So does China. Free nations do not. As Justice Brandeis wrote, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants."

Once again, the administration and its apologists tell us that this activity was legal

and the leak helps the terrorists. How do we know this? Because they say so and tell us to trust them.

After six years of lies and cover-ups, of law breaking and leaking, this administration and the Republican Congress cannot be trusted.

Let's get the facts. I haven't seen them, and I don't think the members who will be voting today have either. We only know what we read in the papers.

The American people deserve better from their representatives. They deserve and demand the truth. Thank G-d we have a free press. Thank G-d we are still a free people. If the Republican Congress is afraid to get to the truth, someone else will have to do it for them. For now, we have a free press. Perhaps next year we will have a Congress willing to assume its constitutional duties now abandoned by the lap-dog Republican Congress.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DEEP OCEAN ENERGY RESOURCES ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 897 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4761.

□ 1835

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes, with Mr. GINGREY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 5 printed in House Report 109-540 offered by the gentleman from Florida (Mr. BILIRAKIS) had been postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. BILIRAKIS of Florida.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 4 OFFERED BY MARKEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 249, not voting 13, as follows:

[Roll No. 354]

AYES—170

Ackerman	Hastings (FL)	Owens
Allen	Higgins	Pallone
Andrews	Hinchee	Pascrell
Baca	Holt	Pastor
Baird	Honda	Payne
Baldwin	Hooley	Petri
Bass	Hoyer	Price (NC)
Bean	Inslee	Rahall
Becerra	Israel	Ramstad
Berkley	Jackson (IL)	Rangel
Berman	Johnson (CT)	Rothman
Bishop (NY)	Johnson (IL)	Roybal-Allard
Blumenauer	Jones (OH)	Ruppersberger
Boehlert	Kaptur	Ryan (OH)
Bradley (NH)	Kelly	Sánchez, Linda
Brown (OH)	Kennedy (RI)	T.
Brown, Corrine	Kildeer	Sanchez, Loretta
Butterfield	Kilpatrick (MI)	Sanders
Capps	Kirk	Saxton
Capuano	Kucinich	Schakowsky
Cardin	Langevin	Schiff
Cardoza	Lantos	Schwartz (PA)
Carmahan	Larsen (WA)	Scott (GA)
Carson	Larson (CT)	Scott (VA)
Case	Leach	Serrano
Castle	Lee	Shaw
Chandler	Levin	Shays
Clay	Lewis (GA)	Sherman
Cleaver	Lipinski	Simmons
Clyburn	LoBiondo	Slaughter
Conyers	Lofgren, Zoe	Smith (NJ)
Costello	Lowey	Snyder
Crowley	Lynch	Solis
Cummings	Maloney	Spratt
Davis (CA)	Markey	Stark
Davis (FL)	Matsui	Stupak
Davis (IL)	McCarthy	Tauscher
DeGette	McCollum (MN)	Thompson (CA)
Delahunt	McDermott	Tierney
DeLauro	McGovern	Towns
Dingell	McIntyre	Udall (CO)
Doggett	McKinney	Udall (NM)
Emanuel	McNulty	Van Hollen
Engel	Meehan	Velázquez
Eshoo	Meek (FL)	Visclosky
Etheridge	Michaud	Wasserman
Farr	Millender-	Schultz
Fattah	McDonald	Waters
Ferguson	Miller (NC)	Watson
Filner	Miller, George	Watt
Foley	Moore (KS)	Waxman
Frank (MA)	Moore (WI)	Weiner
Frelinghuysen	Moran (VA)	Weldon (PA)
Gilchrest	Nadler	Wexler
Gordon	Napolitano	Woolsey
Grijalva	Neal (MA)	Wu
Gutierrez	Obey	Wynn
Harman	Oliver	

NOES—249

Abercrombie	Berry	Boozman
Aderholt	Biggert	Boren
Akin	Bilbray	Boswell
Alexander	Bilirakis	Boucher
Bachus	Bishop (GA)	Boustany
Baker	Blackburn	Boyd
Barrett (SC)	Blunt	Brady (PA)
Barrow	Boehner	Brady (TX)
Bartlett (MD)	Bonilla	Brown (SC)
Barton (TX)	Bonner	Brown-Waite,
Beauprez	Bono	Ginny

Burgess	Hinojosa	Peterson (MN)
Burton (IN)	Hobson	Peterson (PA)
Buyer	Hoekstra	Pickering
Calvert	Holden	Pitts
Camp (MI)	Hostettler	Platts
Campbell (CA)	Hulshof	Poe
Cantor	Hunter	Pombo
Capito	Hyde	Pomeroy
Carter	Inglis (SC)	Porter
Chabot	Issa	Price (GA)
Choccola	Istook	Pryce (OH)
Coble	Jackson-Lee	Putnam
Cole (OK)	(TX)	Radanovich
Conaway	Jefferson	Regula
Cooper	Jenkins	Rehberg
Costa	Jindal	Reichert
Cramer	Johnson, E. B.	Renzi
Crenshaw	Jones (NC)	Reyes
Cubin	Keller	Reynolds
Cuellar	Kennedy (MN)	Rogers (AL)
Culberson	Kind	Rogers (KY)
Davis (AL)	King (IA)	Rogers (MI)
Davis (KY)	King (NY)	Rohrabacher
Davis (TN)	Kingston	Ros-Lehtinen
Davis, Jo Ann	Kline	Ross
Davis, Tom	Knollenberg	Royce
Deal (GA)	Kolbe	Rush
DeFazio	Kuhl (NY)	Ryan (WI)
Dent	LaHood	Ryan (KS)
Diaz-Balart, L.	Latham	Sabo
Diaz-Balart, M.	LaTourrette	Salazar
Doolittle	Lewis (CA)	Schmidt
Doyle	Lewis (KY)	Schwarz (MI)
Drake	Linder	Sensenbrenner
Dreier	Lucas	Sessions
Duncan	Lungren, Daniel	Shadegg
Edwards	E.	Shimkus
Ehlers	Mack	Shuster
Emerson	Manzullo	Simpson
English (PA)	Marchant	Skelton
Everett	Matheson	Smith (TX)
Feeney	McCaul (TX)	Smith (WA)
Flake	McCotter	Sodrel
Forbes	McCrery	Souder
Fortenberry	McHugh	Stearns
Fossella	McKeon	Strickland
Fox	McMorris	Sullivan
Franks (AZ)	Meeks (NY)	Sweeney
Galleghy	Melancon	Tancredo
Garrett (NJ)	Mica	Tanner
Gibbons	Miller (FL)	Taylor (MS)
Gillmor	Miller (MI)	Taylor (NC)
Gingrey	Miller, Gary	Terry
Gohmert	Mollohan	Thomas
Gonzalez	Moran (KS)	Thompson (MS)
Goode	Murphy	Thornberry
Goodlatte	Murtha	Tiahrt
Granger	Musgrave	Tiberi
Graves	Myrick	Turner
Green (WI)	Neugebauer	Upton
Green, Al	Ney	Walden (OR)
Green, Gene	Northup	Walsh
Gutknecht	Norwood	Wamp
Hall	Nunes	Weldon (FL)
Harris	Nussle	Weller
Hart	Oberstar	Westmoreland
Hastings (WA)	Ortiz	Whitfield
Hayes	Osborne	Wicker
Hayworth	Otter	Wilson (NM)
Hefley	Oxley	Wilson (SC)
Hensarling	Paul	Wolf
Herger	Pearce	Young (AK)
Herseth	Pence	Young (FL)

NOT VOTING—13

Bishop (UT)	Ford	McHenry
Cannon	Gerlach	Pelosi
Dicks	Johnson, Sam	Sherwood
Evans	Kanjorski	
Fitzpatrick (PA)	Marshall	

□ 1857

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from "aye" to "no."

Messrs. CLEAVER, RAHALL, FATTAH, Ms. MOORE of Wisconsin and Ms. DeGETTE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. BILIRAKIS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the