

research and development tax credit is due to expire again.

Since 1981, Congress has erratically extended this tax credit, and extensions have ranged from 6 years to 5 months. Sometimes extensions have applied retroactively. The tax credit even lapsed for a year. A permanent R&D tax credit is long overdue, and Congress should act now to make a permanent R&D tax credit a reality.

Congress was right to offer an R&D tax credit. Doing so boosted America's competitive edge in an increasingly cut-throat global marketplace of ideas, products, and services. Yet we ignore, to our economic peril, the fact that other countries, including Australia, Canada, China, France and India, also offer tremendous R&D incentives to their industries.

Now is the time to make R&D tax credits permanent. Doing so would remove an unnecessary burden on our industries, including roughly 35,000 Idahoans employed in high-tech jobs.

Madam Speaker, there is no reason for keeping this kind of tax credit temporary. Let us unleash the power of American ingenuity and make the R&D tax credit permanent.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 859 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 859

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington, Representative HASTINGS. All time yielded during consideration of the rule is for the purposes of debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am going to submit my full statement for the RECORD and abbreviate it. I, however, wish to commend Chairman REYES for the leadership on this bill. Under his leadership, and that of many others, consideration of this intelligence bill has been one of the most open intelligence authorization bills that we've seen. There may be some who will disagree with some of the report's content, but there should be none who disagree with the openness of the process.

Madam Speaker, over the past week, as we debate the CIA's destruction of videotapes of past interrogations, the Nation has realized the importance of congressional oversight of the intelligence community.

For far too long, Congress has been silent as a partner in the unchecked actions of this administration. In neglecting to do our jobs, we were failing the people of America.

With this new majority Congress, we are again conducting the necessary oversight of the executive branch. With this bill, we are fulfilling our responsibility to give the intelligence community the tools it needs to succeed.

One thing that I think Members will be particularly interested in is that interrogation techniques put forth in this measure are limited to those of the Army Field Manual, making it clear that harsh or aggressive interrogation techniques are prohibited.

I participated in the conference myself, Madam Speaker, and I saw the development of this report that we have here. I would like to take a moment of personal privilege to say that I took the liberty of leaving the Select Committee on Intelligence with the hope of returning in the successive year. It is my great hope that all of the Members of that committee and the tremendous staff that work under awesome pressure know how much I and others in Congress appreciate their work.

Madam Speaker, this rule provides for consideration of the Intelligence Authorization Act conference report under the standard rule for conference reports. As the chairman of the Intelligence Committee noted here on the floor yesterday, Madam Speaker, Members wishing to view the classified portions of the conference report can do so in H-405 of the Capitol.

Madam Speaker, this rule provides for consideration of the Intelligence Authorization Act Conference report under the standard rule for conference reports.

As the chairman of the Intelligence Committee noted here on the floor yesterday, Madam Speaker, Members wishing to view the classified portions of the Conference Report can do so in H-405 of the Capitol.

Madam Speaker, I am pleased to come to the floor today in strong support of the underlying Intelligence Authorization Conference Report for Fiscal Year 2008.

As a member of the Conference and a signatory of its Report, I take great pride in being

a part of a Majority which has successfully completed its work on the Intelligence Authorization bill after the previous Majority failed to do so for the last 3 years.

I commend Chairman REYES for his leadership on this bill. Under the Chairman's leadership, and that of many others, consideration of this intelligence bill has been one of the most open intelligence authorization bills that we've seen.

There may be some who will disagree with some of the Report's content. But there should be none who disagree with the openness of the process.

During the original consideration of this bill by the House in May, the House adopted multiple bipartisan amendments.

For example, the gentleman from Michigan, Representative ROGERS and I offered an amendment which took aggressive steps to limit the growth of the Office of the Director of National Intelligence.

The two of us share concerns that the Director of National Intelligence has grown without constraint and is adding an additional level of bureaucracy without providing the coordination that we hoped to see when we passed the Intelligence Reform Act.

This Conference Report addresses our concerns in a positive manner. Most importantly, so has the Committee, as it has held multiple hearings on the subject since May.

There were also amendments offered and adopted by the conferees that are included in the conference agreement. Indeed, every amendment adopted by the conferees, including the one offered by Ranking Member HOEKSTRA, enjoyed bipartisan support.

Madam Speaker, over the past week, as we debate the CPA's destruction of videotapes of past interrogations, the Nation has realized the importance of Congressional oversight of the intelligence community.

For far too long, Congress was a silent partner in the unchecked actions of this Administration. In neglecting to do our jobs, we were failing the American people.

With this new Majority, Congress is again conducting the necessary oversight of the Executive Branch. With this bill, we are fulfilling our responsibility to give the intelligence community the tools it needs to succeed.

In response to growing concerns here in Congress and throughout the public, this bill takes significant steps to address interrogation and detention programs. It limits interrogation techniques to those in the Army Field Manual, making it clear that harsh or aggressive interrogation techniques are prohibited.

It requires that the intelligence community report to Congress on compliance with the Military Commissions Act and the Detainee Treatment Act.

The American people should know that we have asked the Administration to provide us with all Department of Justice legal opinions about interrogation and detention programs—opinions which are sorely needed given the CIA's decision to destroy videotapes of interrogations.

This Conference Report also increases Congressional oversight ability by strengthening the inspectors general of the intelligence community.

The Report requires the CIA Inspector General to audit all covert action programs every three years. And it also requires the DNI to provide Congress a comprehensive listing of all special access programs.

Members of the Intelligence Committee are concerned, with good cause, that the intelligence community has not been keeping us fully informed of all their activities.

With this new Majority, the critical oversight which has been lacking for the last six years is finally being conducted. And unlike in the past, it is being done in an inclusive and bipartisan manner.

Madam Speaker, the underlying Conference Report provides the necessary reforms and funding to ensure that America's intelligence community continues to pave the way in effective counter surveillance, human intelligence collection, and analysis.

I urge my colleagues support for the rule and the underlying Conference Report.

Madam Speaker, with that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my friend and namesake, Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, authorizing the necessary resources for our Nation's intelligence community is one of the most important responsibilities of Congress. The attacks of September 11, 2001, showed us that we must be vigilant against the threat of terrorism, and our intelligence community is a critical part of protecting America from its enemies abroad.

I have strong concerns about what appears to be an unfortunate and utter lack of bipartisan work on the Intelligence Authorization Act for Fiscal Year 2008.

In addition to failing to incorporate Intelligence Committee Republicans in the development of this bill, the bill also fails to consider the input of Armed Services Committee Republicans.

Serious concerns exist about the bill's mandate that all 16 U.S. intelligence agencies be governed by the U.S. Army Field Manual on interrogation designed to cover combatants picked up in the battlefield. The Army manual was never designed to cover America's most dangerous enemies, such as Osama bin Laden and Khalid Sheikh Mohammed. At a minimum, we deserve to know, Madam Speaker, how these new standards would impact intelligence operations and, ultimately, U.S. national security before rushing to attach them to this legislation.

Proponents of this new requirement view this as a simple application of one organization's set of rules onto every other entity engaged in the activity. Madam Speaker, this isn't simple; I believe it's simplistic. And it could have dire consequences on our national security.

To illustrate the logic at work here, why not require the NBA and Major League Baseball to play by the NFL rule book and use a football in their games? They all use a ball, after all,

and if a football is good enough for the NFL, it should work for the NBA and for Major League Baseball. We all know that that would be a disaster, Madam Speaker, and before we require all Federal agencies to adhere to the Army manual, we should be certain it won't create a disaster for protecting our country in the war on terror.

This bill also includes provisions that are questionable as to whether or not they will help improve America's security. Specifically, the House Democrats included language to fund and pursue research into an intelligence assessment of global warming. At a time when our Nation is engaged in a global war on terrorism, our intelligence community should not be required to focus on reports about climate change.

I am also concerned that, despite bipartisan passage of a motion to instruct conferees that earmarks should not be included, this conference report contains more than \$75 million worth of intelligence earmarks. Intelligence funding should be based on national security, not potential special interests.

Instead of funding global warming studies, earmarks, and mandating Army Field Manual provisions, House Democrats should be taking steps needed to ensure that our intelligence officials are able to monitor foreign terrorists overseas.

House Democrats have stalled the passage of a permanent update on the Foreign Intelligence Surveillance Act, or FISA. The bipartisan Protect America Act expires in less than 2 months, and the American people deserve a permanent bill as soon as possible.

Madam Speaker, I urge my colleagues to vote against this rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I would like to inquire of the gentleman if he has any remaining speakers. I am the last speaker for our side.

Mr. HASTINGS of Washington. Madam Speaker, I inform my good friend from Florida that I have no requests for speakers; and if he's prepared to close, I will close on my side.

Mr. HASTINGS of Florida. I will reserve my time until the gentleman has closed for his side and has yielded back his time.

□ 1030

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, on December 4, Mr. HOEKSTRA offered a motion to instruct conferees that earmarks should be eliminated from a final conference report. This motion passed by a bipartisan vote of 249-160. However, despite bipartisan agreement that earmarks should not be included, this conference report contains more than \$75 million worth of intelligence earmarks. Intelligence funding should be based on national security, not on special interests.

I am concerned with the level of earmark funding in this authorization conference report, and I am concerned that the House rules are flawed when it comes to the enforceability of earmarks. House Republicans believe every earmark should be debatable on the House floor, and for the last several months we have made repeated attempts to close loopholes in the House rules as they relate to earmarks.

So, Madam Speaker, today I will again be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow the House to immediately consider House Resolution 479 introduced by Republican Leader BOEHNER that would improve the House rules and allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills.

We must defeat the previous question so that American taxpayers are no longer left wondering what hidden earmarks are contained in bills before the House and this Congress.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to oppose the previous question and the rule, and with that I yield back my time.

Mr. HASTINGS of Florida. Madam Speaker, if we have learned anything from the failures of the war in Iraq, it is that reliable intelligence is critical to ensuring America's national security. The terrorist attacks of September 11, combined with the continuing threats fueled by extremism, radicalism, hopelessness and poverty underscore the importance of this legislation.

The new Democratic majority is working every day to ensure that we congratulate our intelligence community for its successes but also hold it accountable for its failures. This report is a strong step in the right direction, and it enjoys bipartisan support. I am proud of our product and hope that my colleagues will agree. I urge a "yes" vote on the rule and the underlying conference report.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 859 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final

adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alter-

native views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Washington. Madam 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.

PROVIDING FOR CONSIDERATION OF H.J. RES. 69, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 869 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 869

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. During consideration of House Joint Resolution 69 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations shall insert in the Congressional Record at any time during the remainder of the first session of the 110th Congress such material as he may deem explanatory of appropriations measures for the fiscal year 2008.

SEC. 4. House Resolution 839 and House Resolution 850 are laid upon the table.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during the consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Mem-

bers be given 5 legislative days in which to revise and extend their remarks on House Resolution 869.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 869 provides for the consideration of H.J. Res. 69, a simple, 1-week extension of the fiscal year 2008 continuing resolution.

Madam Speaker, every Congress has the constitutional responsibility to be good stewards of the money entrusted to it by the American people. It is one of our most important responsibilities. Voters do not expect us to abdicate that responsibility, or any other, for that matter.

I am proud to say that we here in the House of Representatives have fulfilled our fiscal responsibility to the American people by passing all of our appropriations bills on time. We in the majority have been absolute in our promise to construct and pass spending bills with broad bipartisan support, and I am proud to say we have delivered on those promises.

Of the 12 fiscal year 2008 appropriations bills that have passed the House this year, we have garnered an average of 50 Republican votes, with one bill collecting as many as 187 votes from the minority. And in that spirit of working together, we have successfully pushed ahead our bold and new agenda and passed legislation that prioritizes veterans health care, education and energy independence.

Madam Speaker, we all agree that it is unfortunate that we are forced to pass a continuing resolution. But, it is something that must be done to work out the remaining issues that we have. We all understand it is our prime duty to make sure that the government is running efficiently, from our children who need quality education to our veterans who need the benefits promised to them when they signed up to serve our country, and to our senior citizens who need access to health care and affordable prescription drugs.

Many on the other side still fought tooth and nail, with some Members holding up the legislative process, in fighting these bipartisan appropriations bills, but we remained focused and strong and passed our bills on time.

It is important to note that continuing resolutions are extremely common, with a CR being enacted for every fiscal year since 1954. Additionally, Congress has averaged five continuing resolutions per year. And I would like to say to my friends on the other side of the aisle that over the last 10 years of Republican control, the House has considered 75 continuing resolutions.

Madam Speaker, this is an important resolution that will allow us to do the work necessary to fulfill our promises to the American people, and I urge its passage.

I reserve the balance of my time.