

Gerlach	Manzullo	Ros-Lehtinen
Gilchrest	Marchant	Roskam
Gingrey	McCarthy (CA)	Royce
Gohmert	McCaull (TX)	Ryan (WI)
Goode	McCotter	Sali
Goodlatte	McCrary	Saxton
Granger	McHenry	Schmidt
Graves	McHugh	Sensenbrenner
Hall (TX)	McKeon	Sessions
Hastings (WA)	McMorris	Shadegg
Hayes	Rodgers	Shays
Hensarling	Mica	Shimkus
Herger	Miller (FL)	Shuster
Hobson	Miller (MI)	Simpson
Hoekstra	Moran (KS)	Smith (NE)
Hulshof	Murphy, Tim	Smith (NJ)
Hunter	Musgrave	Smith (TX)
Inglis (SC)	Myrick	Souder
Issa	Neugebauer	Stearns
Johnson (IL)	Nunes	Sullivan
Johnson, Sam	Pearce	Tancredo
Jordan	Pence	Terry
Keller	Peterson (PA)	Thornberry
King (IA)	Petri	Tiaht
King (NY)	Pickering	Tiberi
Kingston	Pitts	Turner
Kirk	Platts	Upton
Kline (MN)	Poe	Walberg
Knollenberg	Porter	Walden (OR)
Kuhl (NY)	Price (GA)	Walsh (NY)
LaHood	Pryce (OH)	Wamp
Lamborn	Putnam	Weldon (FL)
Latham	Radanovich	Weller
LaTourette	Ramstad	Westmoreland
Lewis (CA)	Regula	Whitfield (KY)
Lewis (KY)	Rehberg	Wicker
Linder	Reichert	Wilson (NM)
LoBiondo	Reynolds	Wilson (SC)
Lucas	Rogers (AL)	Wolf
Lungren, Daniel	Rogers (KY)	Young (AK)
E.	Rogers (MI)	Young (FL)
Mack	Rohrabacher	

NOT VOTING—13

Cardoza	Hinojosa	Paul
Carson	Hooley	Renzi
Cubin	Jindal	Wasserman
Culberson	Jones (NC)	Schultz
Heller	Miller, Gary	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

□ 1126

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Madam Speaker, due to a pre-existing commitment to visit wounded heroes at Walter Reed Army Medical Center, I missed three rollcall votes this morning. I ask that the RECORD show that had I been present: For rollcall No. 1156—Ordering the Previous Question on H. Res. 869—I would have voted “nay”; for rollcall No. 1157—Ordering the Previous Question H. Res. 859—I would have voted “nay”; for rollcall No. 1158—Adoption of the Rule of consideration of the conference report on H.R. 2082—I would have voted “nay.”

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

Mr. REYES. Madam Speaker, pursuant to House Resolution 859, I call up the conference report on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Com-

munity Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXII, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 6, 2007, at page H14462.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. REYES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this conference report.

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

There was no objection.

Mr. REYES. Madam Speaker, I yield myself such time as I may consume.

Last week was a remarkable week in the intelligence community. It was the best of times and the worst of times.

First, the good news. The week began with a release of a new National Intelligence Estimate on Iran. That estimate was a careful, meaningful review of the intelligence on Iran, which many of us hope will bring about a significant change in our approach to Iran, which is still a significant concern to all of us.

Then came the bad news. We ended the week with the revelation that the Central Intelligence Agency destroyed videotapes of interrogations. This is also a subject of great concern to all of us in this House. The committee had a briefing on it just yesterday, and we will continue to investigate the issue thoroughly.

Both the good news and the bad news have one thing in common. They show that careful oversight of the Intelligence Community is absolutely essential and absolutely critical. The authorization process is where we do much of our oversight and it's where we can address problem areas.

Madam Speaker, today, for the first time in 3 years, the House will vote on a conference report on an intelligence authorization bill. I am proud of it, and I hope my colleagues are too. This is the largest intelligence authorization in the history of our country. It is the result of 11 months of work done by our committee.

The conference process was a challenge. The Senate bill and the House bill were substantially different, but we worked hard to arrive at a middle ground. In conference, we further improved the bill. The conference adopted amendments offered by Members from both Chambers and both parties. This includes an amendment by the distinguished ranking member of the intelligence committee.

Madam Speaker, this is a good bill that will strengthen our intelligence community and our Nation's security. It adds significant funds to most of the Nation's satellite architecture. It reduces funding for nonperforming intelligence activities in Iraq, while robustly funding activities against al Qaeda and terrorism in Afghanistan and around the globe.

I am particularly proud of the fact that it also includes funding for counterterrorism, human intelligence collection, analysis, training and languages. We have carefully tailored provisions to enhance the diversity of the intelligence community, which is a critical investment for the future of the intelligence community.

In another investment for the future, we've added significant funding for advanced research and development. This will also maintain our technical edge over our adversaries. We have also provided money to repair and replace aging infrastructure and to train and equip linguists and intelligence collectors, so vital and important in the global war on terrorism.

This bill promotes accountability within the intelligence community, and it puts the intelligence committee back in the business of oversight. It requires reporting to Congress on several issues of major concern to all of us, including a report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 regarding detentions and interrogations, as well as Justice Department legal opinions related to all of these activities. It includes provisions to strengthen oversight by the Inspector General in the intelligence community, including a provision establishing a confirmed communitywide Inspector General armed with essential authorities.

The conference report also provides for Senate confirmation of the Directors of the National Security Agency and the National Reconnaissance Office. For agencies with such significant budgets and acquisition authority and the potential to impact American privacy rights, we think the Congress ought to have a say in their Directors through Senate confirmation.

In short, Madam Speaker, the conference report is a result of a bipartisan, bicameral effort to strengthen both the intelligence community and congressional oversight. I will be proud to vote for it, and I urge all my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I would like to yield 2½ minutes to my colleague from Alabama (Mr. EVERETT).

Mr. EVERETT. Madam Speaker, I rise in opposition to the conference report to the Intelligence Authorization Act for Fiscal Year 2008. The process and the substance of the bill fall sadly short. As one of the crossover Members who serves on both the Select Intelligence and the House Armed Services

Committees, it's critical that the House Armed Services Committee and Select Committee on Intelligence work together on national security programs that serve both the military and national intelligence. Regrettably, the Armed Services Committee's ranking member, Republican, Mr. HUNTER of California, was denied any input into the joint programs that are shared by both committees.

On substance, I had hoped the bill would have improved from the House-passed measure in May. That didn't happen. The conference report includes even more politically charged provisions from the Senate bill that micro-manage and politicize the interrogation techniques of the intelligence community.

In case anyone in the Chamber has forgotten, we're at war with terrorists. Should we really be publishing our interrogation manuals for the entire world and for terrorists to see?

On a positive note, I would like to mention two specific program areas that are important to both the military and intelligence communities: the U-2 aircraft and space radar programs. The conference report language keeps the U-2 and its critical intelligence capabilities flying until we are truly transitioned over to the Global Hawk.

And I am also pleased that the bill authorizes funding for space radar capabilities, though at a lower funding level than I would like. This is an essential capability that combat commanders and service intelligence chiefs have continuously requested.

Madam Speaker, we can do better than this, and I urge all my colleagues to vote "no" on the conference report.

Mr. REYES. Madam Speaker, I just want to note for the record that Mr. SKELTON was not available to provide input to the conference group, and Mr. HUNTER was there but had to leave, so that is the reason they did not provide input.

I now yield 3 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, this bill, our first in 3 years, will strengthen the oversight of the intelligence community, require reports on the administration's compliance with the Detainee Treatment Act, and reduce the overall number of contractors employed by intelligence agencies.

But for me, the most important element of this bill, the main reason I am supporting this conference report, was added just 1 week ago during conference. When the intelligence oversight committees gathered to consider the conference report, we inserted an amendment that would require all intelligence agencies to comply with the U.S. Army Field Manual on interrogations. This would mean no more torture and no more questions about what the CIA is allowed to do behind closed doors. The Army Field Manual is unclassified, and explicitly prohibits waterboarding, use of hoods, electric

shocks and mock executions. The military has voluntarily imposed these restrictions upon itself, and now we must impose the same rules on the intelligence community.

I'm a new member of the Intelligence Committee. The Speaker called me at the beginning of this session and asked if I would serve my country by joining this important and distinguished group, and I consider my work on this bill to be just that.

The intelligence agencies we oversee operate in the shadows, and on the Intelligence Committee, we learn about policies and priorities and problems that no one in the broader public will ever see. Some of these issues are very troubling. Some of them keep me up at night.

The question of interrogation techniques is one of the most important I've dealt with on the committee, and I'm gratified we're having this debate today in a public forum.

My colleagues in the minority complain that the inclusion of this provision will make it impossible for our intelligence officers to protect the American people from terrorists. As a member of the Intelligence Committee, I assure you that those claims are false. But don't take my word for it. Please consider the advice of General David Petraeus, who said in a May 10 memo to the members of the Armed Forces that the Army Field Manual allowed intelligence officials to get the information they need. Among the things he said is, quote, "our experience in applying the interrogation standards laid out in the Army Field Manual on human intelligence collector operations that was published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

If we don't pass this bill with this provision, how can we assume the moral authority to criticize Burma or any other nation for its treatment of prisoners?

In the end, we have hurt our own country and undermined the real source of our strength, the rule of law and the sanctity of our Constitution. We're fighting for the soul of our country today. I urge the adoption of this bill.

Mr. HOEKSTRA. Madam Speaker, at this time I'd like to yield 3 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Speaker, I rise in disappointment, really, of this bill. There is no doubt that there are a number of good provisions in it, thanks to the work of the chairman, ranking member and others. But I believe that we could and we should have done better. And I'll say this, Madam Speaker, in the context of the intelligence issues of the moment.

As the chairman noted, there is a great deal of turmoil about the product of the intelligence community on specific issues today, and I would recommend that all our colleagues read

two editorials in today's Washington Post, one by Dr. Henry Kissinger that talks about the politicization of intelligence and the other by Mr. Ignatius that talks about the congressional oversight of intelligence, which has broken. We need to do things to improve that oversight, to increase the credibility of the community and congressional responsibilities in overseeing the intelligence community, but, unfortunately, this bill does not do the things, many of the things that could help improve our credibility and improve the community. For example, just a few days ago, this body voted for a motion to instruct to remove all earmarks in this bill and to increase human intelligence collection.

Now, part of the reason I believe we should have done that is to increase the credibility of Congress in overseeing the intelligence community because there have been problems in this area. But, unfortunately, the conference report that comes back to us today did not follow the clear bipartisan vote of the House in removing earmarks and in maximizing human intelligence collection, which is very critical. And it is a missed opportunity to improve the community and to improve ourselves in our responsibilities. And I don't think we can emphasize enough the importance of human intelligence collection in the face of the threats we face today. Much of the intelligence that will keep Americans safe is not going to come from satellites or other sorts of technical collection. It's going to come from human beings who understand the capabilities and the intention of another small group of human beings hidden in a cave or in a compound somewhere. And that's where we have to put the emphasis. Unfortunately, this bill does not do as much as it should.

□ 1145

Lastly, Madam Speaker, I would say that I believe it's a mistake to telegraph to al Qaeda or other potential enemies exactly what we're going to do when we capture you. And I believe that that provision of this bill that basically gives your playbook to our enemies increases the danger to American lives. As the gentlelady from Illinois said, it does not eliminate our ability to protect this country, but it increases the danger; and for that reason, the bill should be rejected.

Mr. REYES. Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL), a fellow Vietnam veteran and a valued member of our House Intelligence Committee.

Mr. BOSWELL. Madam Speaker, I rise in support of the conference report.

Our intelligence professionals are on the front lines of a critically important campaign, a campaign against a determined enemy, an enemy that's ruthless, cunning, and does not abide by the rules.

In my past, I served our Nation on the front lines in a different campaign

against another determined enemy. My experience in Vietnam taught me a lot about what our Nation needs to do when it sends its best and brightest off to protect itself from threats abroad.

It taught me that a Nation needs to invest in its national security professionals to ensure that its men and women on the front lines have the best and most effective training possible. One of the principles of war is intelligence. You cannot have a successful strategy without knowing your enemy. Absolutely essential, saves lives.

I'm proud to say that the conference report does, in fact, invest in our intelligence professionals.

It increases spending on language training at the DNI level, Department of National Intelligence, so languages can be leveraged across the intelligence community. Because of bipartisan concerns about language skills, it also requires an annual report on language proficiency.

It fully funds our Nation's counter-terrorism effort to ensure that our human intelligence officers have what they need to collect against our Nation's most important intelligence targets.

It increases training and funding for analysts to ensure that when our intelligence collectors gather important information on the front lines that we have trained and qualified professionals back home that can piece the information together and inform policymakers about the important issues of our time.

Madam Speaker, I'm pleased to highlight one provision of the conference report that I worked hard to include. It will require significant and critical reporting on the nuclear programs of Iran and North Korea, once in the 2008 fiscal year and twice in 2009. Last week's National Intelligence Estimate showed us that the intelligence can change significantly over time and that we have to constantly reassess our beliefs. I don't want us to forget about the threats that are a little further down the road while we're focused on today. That's why I've been pushing this provision for 2 years, and I'm glad it's in the conference report.

Mr. HOEKSTRA. Madam Speaker, at this time, I yield myself 2 minutes.

Madam Speaker, I rise in opposition to the conference report today. I'm disappointed. I do compliment the chairman in an effort to move in a bipartisan direction. I think it's something that both he and I feel is essential, that at a time of risk, whether we're facing radical jihadists or whether we're facing the threat from China, North Korea, Iran, or other threats around the globe, it would be to the betterment of the country if we could reach a position on a bipartisan basis where we could come to the floor in support of a reauthorization or an authorization of the intelligence community. I can't do that today. I don't believe that this bill moves us in the direction that we need to go.

Earlier, a colleague talked a little bit about interrogation methods and these types of things. One of the problems that has happened over the last number of years, it's talked about in the editorial that my colleague from Texas referenced, the administration on a bipartisan basis reaching out to Congress, briefing Members of Congress on various programs that they felt were essential to keeping America safe and actually have kept the homeland safe ever since 9/11, have enabled us to put together the strategies and the tactics that have ensured that we have not been attacked again.

The problem is these programs have leaked out, whether it's from the community, whether it's perhaps from Congress, or wherever they have leaked out, even though Congress has been involved in the process and has reviewed these processes at their inception. These Members who were briefed and at one time said, yeah, we support these programs, have moved away from them and now that they're public said, well, yeah, we never had all the information; there's nothing that we could do about that. These programs need to be done in secret.

There are problems with this bill. I will detail more of these as we go through.

Madam Speaker, I reserve the balance of my time.

Mr. REYES. Madam Speaker, it is now my privilege to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), who serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Madam Speaker, the conference report in front of us today, imperfect as it is, addresses several key issues facing our intelligence community today: attracting and retaining people with foreign languages and cultures; bringing speed to security clearance processes for new hires; the provision directing the Director of National Intelligence to establish a multilevel security clearance process; and a number of other things.

But as the person appointed by Speaker PELOSI to chair the Select Intelligence Oversight Panel, I'm especially interested and supportive of the provisions of this legislation that will improve the ability of Congress to exert oversight of the intelligence activities of this country, such as requirements that the intelligence community report to Congress and requirements that strengthen the Inspectors General in the intelligence community.

Intelligence is among the most important functions of our government because intelligence can save lives, prevent war, and assist our soldiers and protect Americans. But it is also among the most dangerous, dangerous because of the damage of intelligence poorly done, the damage that can be done to American interests and America's reputation and the freedoms and humane behavior that Americans hold dear. So these oversight provisions are particularly important.

Another provision of this legislation that I'm pleased to see is the requirement that the DNI produce National Intelligence Estimates on Iran and North Korea. I'm pleased to see that it seems that some reforms are now reflected in the way that the intelligence community does these National Intelligence Estimates. The recent Iran report appears to be a product of a reformed intelligence process.

Now, I've argued for years that we should have only one policy on how to handle detainees, and this bill addresses that issue head-on by requiring that the U.S. Government personnel and contractors, anyone involved in detainee operations, adhere to the Army Field Manual.

The bottom line is this: no torture of detainees, period. I'm thankful that we're finally taking that issue straight on; and in light of last week's news involving the CIA's detainee operations, I think it's clear that we still have more work to do.

The revelations surrounding and the ongoing investigations of the CIA's destruction of videotapes of detainee interrogations only underscore why Congress must establish clear policies for the video recording of detainee interrogations. I'm offering legislation in addition to what we're dealing with today that will deal with this, and I look forward to working with Chairman REYES and the House leadership to bring that measure to the floor for a vote very soon.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague from New York (Mr. McHUGH), a member of the committee.

Mr. McHUGH. I thank the gentleman for yielding.

Like my colleague from Texas (Mr. THORNBERRY), I rise today in disappointment, and I congratulate the ranking member and the chairman. But in his opening comments, the chairman spoke about last week's NIE on Iran as the best of times; and, clearly, we all take heart in the possibility that Iran has put aside its program to develop nuclear power for weapons systems. It's an opening we need to vigorously pursue and cautiously monitor.

But I would argue, Mr. Speaker, this is hardly all good news because it also, in a less noted part of the report, talked about what we missed. It confirmed that they had an active program. It confirmed that that was going forward, and it confirmed that it happened without our knowledge, and many of the shortcomings that made that reality come about are contained in this bill.

There were a number of reasons for that failure, but some, sadly, are reflected starkly in this bill. And, indeed, for all of its good intentions, for all of its considerable effort, this legislation is sadly an example of high rhetoric that clouds stark reality.

As Mr. THORNBERRY and as the distinguished ranking member have said, there are a number of deficiencies,

things that threaten the viability of our intelligence services. In my opinion, most importantly, the failure again to provide adequate resources for human intelligence collection, whether we're talking about Iran or any other highly denied theater, it is that ability to get on the ground, to find the intelligence that would have helped us not have incorrect NIEs in places like Iran in the past and protect each and every American there.

As also has been noted, this bill really does fail to provide key surveillance authorities the kind of legislation authority that is necessary to streamline surveillance of foreign terrorist targets in foreign countries, again harkening up the issue that we're clouding the reality of today's world with high rhetoric and ideals.

On that point, let me make another observation. Mr. THORNBERRY spoke of not telegraphing our interrogation techniques to our enemy. I would disagree with Mr. THORNBERRY a little bit there in that I think we're not just telegraphing; we are actually giving them the entire playbook. None of us, none of us in this government, none of us in this Chamber support torture. We have made that clear. But to give the clear playbook to our enemies, those that would do the greatest harm, as we saw on September 11, through our interrogation techniques, I think, is a very unwise step to make.

For those reasons, I would urge we take this bill, defeat it here today and rework it in a way which better serves the interests of each and every American citizen.

Mr. REYES. Mr. Speaker, I now yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), who serves as our subcommittee chairman of our Technical and Tactical Intelligence Subcommittee.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of this conference report. We all should be proud of the bipartisan, bicameral product. I want to thank Chairman REYES and also Ranking Member HOEKSTRA for your leadership in helping us put this together. It's very important for our country and our national security.

It has been 3 years since an intelligence authorization bill has been in front of the President for signature. We worked across the aisle with our Republican counterparts to put America first. We must pass this conference report.

We are the most powerful country in the world because we control the skies. Our country faces serious threat from China and Russia. These countries are working continuously to outpace our security efforts, particularly in space.

This intelligence authorization addresses those, as well as other critical national security issues. This past year, we have scrutinized all aspects of the intelligence community and insisted upon accountability and results.

My congressional district includes the National Security Agency. The

men and women of the NSA work tirelessly to keep our soldiers and our civilians on the front lines safe. They're fighting the war on terrorism 24 hours a day all over the globe. I'm proud that this conference report gives NSA the infrastructure and tools they need to protect our country.

This conference report also addresses some critical satellite issues. I assure you this Congress is looking into the problems associated with the space industry. We have made hard decisions. We've recommended changes, and we look to hold the administration accountable in the days ahead.

I support this conference report, and I recommend its passage.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to my colleague from the State of Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I rise today a bit disappointed but unfortunately not surprised. On December 4, just a week ago, the House of Representatives passed a motion to instruct conferees to remove the earmarks from this authorization.

□ 1200

That vote passed by a margin of 249-160.

Now, I have a little bit of experience with amendments trying to strike earmarks, and I don't think I've ever come close to 249. That's a significant number of votes. That was a bipartisan total, in that 60 Democrats joined Republicans to oppose these earmarks; yet these earmarks remain in the conference report. Every House earmark that was added remain in the conference report.

Simply put, if controversial earmarks like these can remain in a report and aren't eliminated, what earmark will ever be eliminated? When will we ever get around to eliminating these?

Let me just remind you that procedural irregularities surrounded the consideration of this bill when it came to the House. The earmark list required by the House rules was not submitted with the House report. The amendment review procedure was flawed. Members didn't have the critical time necessary to review these earmarks. In fact, the earmark list, when we finally got it, was submitted after the deadline to go to the Rules Committee to offer the amendments that would be considered. So we got the list of earmarks after the deadline to oppose them. So we had considerable irregularities going into this. And then we have a vote where the majority of this House, a clear majority, 249 Members, 60 Members of the majority party, said please remove these earmarks; yet they remain. They're still here. Why are we doing that? Why are we doing that? If we can't remove these controversial earmarks, when will we ever remove any earmarks?

Let me remind you as well there have been numerous, numerous newspaper

articles, media accounts since that time about these same earmarks; some of the private companies they are going to, what kind of consideration or scrutiny was given. I can tell you, very little, if we don't even get the list in time to be able to offer amendments to strike them and then we're presented with a conference report where we have no opportunity to strike individual earmarks after a majority of the House has said let's remove them all. Why are we bringing this bill up? Why are we being urged to vote "yes" on this? I would ask the majority, please tell us.

As mentioned, I attempted before to convene a secret session to provide a review of the classified earmarks in the bill. That was defeated. But I would ask my colleagues who are associated with the 23 House earmarks in this bill to please voluntarily give them up. Concede that no proper scrutiny was given. And I will offer legislation in the next session to actually defund each of these earmarks in this authorization bill.

And I would encourage all of those, and I look forward to having all of the 249 Members who voted to remove these earmarks, to join me in pushing that legislation.

Mr. REYES. Mr. Speaker, can I inquire as to the time left on both sides.

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from Texas has 15½ minutes and the gentleman from Michigan has 18 minutes.

Mr. REYES. With that, I will reserve my time.

Mr. HOEKSTRA. Mr. Speaker, at this time I would like to yield myself 2 minutes.

As I said earlier, Mr. Speaker, I rise in opposition to the conference report on the 2008 intelligence authorization bill. I think that this report does move us in the wrong direction and sets some of the wrong priorities.

It rejects the bipartisan approach for congressional authorization of the intelligence community at a time when we really do need to be working together. There were efforts to do this on a bipartisan basis. The end result of the product is that it is not a bipartisan bill. As my colleague from Arizona just stated, last week we had an overwhelming vote to remove earmarks from a national security bill. It went to conference. All the earmarks were maintained in the bill.

When we were at conference, my colleague from the Armed Services Committee DUNCAN HUNTER wanted to share his concerns about the bill. Ranking Member HUNTER was denied an opportunity to speak at the conference. It is why today DUNCAN HUNTER, the ranking member of the Armed Services Committee, is opposed to this intelligence bill. At a time when intelligence and defense ought to be integrated and seamless, the ranking member of the Armed Services Committee is opposed to this bill.

One of the strategies that the President outlined in his reform for the intelligence community was to increase

HUMINT, to significantly increase the size of the HUMINT individuals, people collecting human intelligence, put us on a glide path to significantly increase that critical asset. This bill falls far short of funding that glide path that I thought we had agreed upon on a bipartisan basis, saying if we are going to be effective, we need to have more human intelligence.

For these and other reasons, I oppose this intelligence bill.

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

Mr. REYES. Mr. Speaker, I now yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the conference report to the Intelligence Authorization Act for Fiscal Year 2008, and I urge my colleagues to adopt it.

As a member of the Intelligence Committee, I am pleased that this conference report will improve our security and protect the freedoms that make this country so great. It includes critical funding for counterterrorism, human intelligence and counterintelligence efforts, as well as making strong progress in improving our overhead architecture. And on that point in particular, I commend not only Chairman REYES but also Congressman RUPPERSBERGER, as well as the staff for their hard work in this area, and I was proud to be a part of that effort.

Furthermore, as my colleagues have discussed, it brings the intelligence community in line with the rest of our national security professionals by requiring it to abide by the Army Field Manual when conducting interrogations. As a member of the Intelligence Committee and, in general, members of the Intelligence Committee, we devote many hours behind closed doors addressing some of the most important national security issues facing our Nation. This conference report reflects the high priority that the committee, led by the gentleman from Texas (Mr. REYES), places on congressional oversight of the intelligence community. And I commend the chairman for his stepped-up efforts to ensure that oversight is a greater priority for the Intelligence Committee.

We have included a number of provisions to restore a greater role for the Congress and to ensure that our intelligence activities are not subject to political influence. This measure requires the Central Intelligence Agency's Inspector General to audit all covert action programs every 3 years, for example. It also requires the Office of the Director of National Intelligence to provide Congress with a comprehensive listing of all special access programs to ensure that the intelligence community is keeping us fully informed of these activities.

It requires a report on compliance with the Detainee Treatment Act of 2005 and provisions of the Military Commissions Act of 2006 regarding detentions and interrogations and mandates that the administration provide Congress with the Justice Department's legal opinions related to these activities. And it requires semi-annual reports on what we know about nuclear programs of Iran and North Korea to make sure that we have accurate and timely information.

Finally, Mr. Speaker, strong oversight is essential to effective government and to the ability of our intelligence community to respond to the threats that we face today. This conference report will demand accountability and give our intelligence professionals the resources that they need to keep Americans safe.

I want to thank, again, the chairman for his hard work, as well as the ranking member on this bill and as well as Members of the Senate for their hard work on this conference report.

Mr. HOEKSTRA. Mr. Speaker, at this time I would like to yield myself 2 minutes.

As we continue to talk about the various weaknesses in this bill, let me highlight a few more.

The report fails to provide for long-term authorities to streamline the surveillance of foreign terrorist targets, foreign countries. We need this capability to detect and prevent potential attacks to the United States.

It has been talked a little bit about that this bill prohibits torture. Torture is already prohibited. The insinuation is that the Members of Congress who were briefed on the interrogation methods back in 2002, 2003, as they were briefed by the administration, that these Members signed off on interrogation methods that constituted torture. I don't believe that the current Speaker of the House signed off on those types of methods. The current Speaker of the House was one of the people that was briefed back in 2002 and 2003, along with other Members. Congress participated fully and had the opportunity to review the interrogation methods.

As we capture individuals and decide to determine exactly what information, I don't think we should treat them as outlined in the Army Field Manual. These are not normal enemy combatants, they don't wear a uniform, and we shouldn't be applying military rules to the intelligence community.

We talked about priorities. The report on Iran perhaps last week was a significant improvement over the National Intelligence Estimates that we had gotten from the community in previous years. We hope it was better. The one in 2005 the community now says was totally wrong. The conclusions they reached were very, very different.

We need to improve our intelligence capabilities. What this report says is one of the key National Intelligence Estimates that we need to develop over

the next year is on global warming. We've got lots more important targets and resources. Number one is rebuilding the capability of actually doing estimates and doing assessments before we start moving on to those targets. As we improve that process, let's focus on hard targets, not global warming, which is being discussed in just about every other committee on the Hill today.

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

Mr. REYES. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman.

As I said in my opening comments, this is the first time in 3 years that we've had an authorization bill. It's not a perfect bill and I think all of us acknowledge that, but the concept of democracy is that we work together. There are provisions in this bill by both Democrats and Republicans, and just because you don't like every aspect of it, you don't gather up your marbles and go home. It's about protecting our country. That's what we are trying to do. And I urge all Members to support this bill.

Mr. Speaker, I now yield 3 minutes to the gentlewoman from California (Ms. HARMAN), who is the chairwoman of the Homeland Security Subcommittee on Intelligence and is the former ranking member of the Intelligence Committee.

Ms. HARMAN. I thank Chairman REYES for yielding, and I'm proud to be part of this debate along with him, Ranking Member PETE HOEKSTRA and other friends from my long service on the committee.

Mr. Speaker, as a member of this committee for 8 years, the last 4 as ranking member, I remain passionate about intelligence issues and very proud of the thousands of my constituents who comprise the industrial base that builds our intelligence satellites.

As we have heard, this is the first intelligence authorization conference report in 3 years. It is the House's main tool for setting directions and conducting oversight of our intelligence community. It includes new tools, record funding, investments in language training, and a provision I have pushed for years: multilevel clearances.

I honor and support the work of the brave women and men of our intelligence community around the world. Often their families cannot accompany them on their assignments and in many cases don't even know what they do. I visit them often, and if they are tuning in, let me say thank you again on behalf of a grateful Nation.

Two items. First, interrogations policy. For years I have urged a clear legal framework around detention and interrogation policy in the post-9/11 world. The scandal over destruction of the interrogations tapes was avoidable. As ranking member in 2003, I urged in writing that planned destruction of tapes was ill advised. The committee was not advised in 2005 that the tapes

were destroyed, and the thorough hearings now in progress may reveal that the committee was deliberately misled. That would be disgraceful. There should not be a separate interrogations program. That's why I support the Senate language requiring all interrogation procedures to conform to the Army Field Manual.

□ 1215

Second, the Iran NIE. I've read it in its entirety, and I'm proud of those who wrote it. They did careful work, and they spoke truth to power.

Intelligence is not policy. It is a tool which helps wise policymakers develop policy. Instead of blaming the messenger, policy experts and security experts should use the conclusions in the NIE to support tough sanctions, which we need, and diplomacy, which we lack. They should also understand that this NIE identifies gaps in what we know.

This policymaker is wary of Iran's possession of advanced missiles, its work on many dual-use technologies that could be part of a restarted nuclear weapons program, and its ongoing sponsorship of terrorism.

Mr. Speaker, on balance, this conference report is responsible and it is needed. Vote "aye."

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

As we continue to talk about this bill, and I agree with my colleague, the chairman of the committee, that as we go through this process, it is a democratic process, that you're not going to get everything that you would like to have. I appreciate the chairman's support on the amendment that we put in place in conference that said if the administration doesn't fully brief both intelligence committees on what happened and what we knew and what we didn't know about the attacks in Syria on September 6 by Israel, that we would fence off funds and they would not be available to the community to spend, because I believe that's an instance where the committee's being fully informed will enable us to better do our jobs because oversight is absolutely essential.

But when I take a look at the totality of the bill, I don't believe that it moves us in the right direction. As my other colleague from California just stated, in 2005, when the National Intelligence Estimate came out and talked about their weapons programs, we both, together, voiced skepticism about the quality of the intelligence, not the quality of the analysis, but do we really have in place the sources and methods to make the kinds of conclusions that were made in that National Intelligence Estimate. And I think we both concluded that back in 2005, reaching those conclusions with high confidence, we weren't sure you could do that.

Now, in 2007, we find out that in 2005 we were right and the community was wrong. We share some of those same concerns today. It is why it is so im-

portant that we build an intelligence community and where I think that this bill comes up short.

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

Mr. REYES. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes; the gentleman from Michigan has 12 minutes.

Mr. REYES. With that, I will reserve my time.

Mr. HOEKSTRA. At this time, I yield myself an additional 2 minutes.

As we talk about the totality of the bill and why this bill comes up short, let me highlight a couple of other areas.

The conference report would subject four key positions, including the head of the NSA, the NRO, to the politicized Senate and confirmation process. If there is one thing that we've recognized through this process and through what's happened over the last few years, it is that the less politics, the less politicization that we have in the intelligence arena, the better off we are. Creating four new confirmed positions in the Senate takes us in exactly the wrong direction.

The conference report would create a duplicate of a cumbersome new DNI Inspector General that would provide little significant new oversight. This is not about whether there should be an Inspector General with very clear powers in the Office of the DNI, but let's make sure that those responsibilities are clearly aligned with the accountabilities and the responsibilities of the Inspector General in the Department of Defense.

A number of these agencies in the community are dual functioned. What does that mean? It means that they have reporting responsibilities to the Director of National Intelligence, and they have responsibilities to the Secretary of Defense. And if we're going to create an Inspector General in the DNI, let's make sure that that Inspector General is coordinated with the activities in the Department of Defense. This bill fails to do that.

This bill also takes the DNI in a couple of other directions. It grows the staff on a bipartisan basis in the House in a very different position than from where the Senate is. We want to cap the size of the DNI. It's not a doing function. This bill not only grows the size of the DNI; it gives them new responsibilities in terms of science and technology. The DNI was never intended to be a doing function; it was intended to be a coordinating function. This moves it again in the wrong direction.

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

Mr. REYES. Mr. Speaker, it is now my pleasure to yield 1 minute to the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

This is an important bill with an important objective, and the objective is to protect our country and to protect our Constitution.

Ironically, the ranking member has just said that by having oversight, by having checks and balance on the intelligence community, somehow we politicize it. Our Founding Fathers, in the best sense of politicalization, wanted the civil sector to be involved. That's the purposes of this committee, I suggest to my friend.

The fact of the matter is the intelligence community conducts critically important activities that we want them to conduct. But we give them extraordinary powers, and because of that, we need to make sure that they're not politicized. In fact, the irony is that I think most objective observers would say two things: first of all, that the defense establishment of our country has been probably the most politicized it's been in my 26 years in the Congress of the United States. That is not true, in my opinion, with the present Secretary, by the way, or with the present Deputy Secretary.

Secondly, they have abandoned oversight. I have said many times that the previous Congress and the Congress before that and the Congress before that exercised less oversight than any previous Congress in which I've served. In fact, there was much more oversight by the Democratic Congress of the Clinton administration, in terms of oversight hearings, numbers, depth, than there was in the entire framework of the last 6 years under Republicans in the House, the Senate, and in the White House. This is a serious piece of legislation; it requires serious consideration.

Mr. Speaker, first, I want to thank the chairman of the Intelligence Committee, my good friend, Congressman REYES of Texas, and Mr. HOEKSTRA as well, who I think brings experience and judgment to this issue, although we have significant disagreements.

This, as the chairman has said, is the first authorization bill in 3 years to come to this floor. This authorization bill ought to come to the floor every year. Let me say briefly that this conference report enhances oversight. The reason, in my opinion, authorization bills didn't come to the floor in the last Congress is because oversight was not, as I said, as important. I've been disappointed with the oversight that's been exercised not only by this committee, but by others.

This conference report comes to the floor to enhance oversight and effective management of the intelligence community and expects and requires accountability. It enhances the management authority and flexibility of the Director of National Intelligence. Why? Because we want to have a more effective intelligence organization. And it authorizes new funding to improve the effectiveness of intelligence programs and activities. I would think all of us support those two efforts.

This legislation also includes an important provision, added in conference, that I want to talk about. It requires all American intelligence agencies and those under contract or subcontract with intelligence agencies to comply with the U.S. Army Field Manual on interrogations. Some find fault with that. I want to speak to that.

Mr. Speaker, every Member here believes that our Nation must take decisive action to detect, disrupt and, yes, eliminate terrorists who have no compunction about planning and participating in the mass killings of innocent men and women and children in an effort to advance their twisted aims. No one on this floor should gainsay that that is not the objective of every Member of this body.

We can and we will act to prevail in the war on terror. However, in the pursuit of those who seek to harm us, we must not sacrifice the very ideals that distinguish us from those who preach death and destruction. Yet, under the current administration, we have seen that line blurred between legitimate, sanctioned interrogation tactics and torture. And there is no doubt our international reputation has suffered and been stained as a result. Who said that? That's not a quote, but who said that essentially? Secretary Colin Powell, former four-star Army general, Chairman of the Joint Chiefs of Staff, and Secretary of State in this administration.

The excesses at Abu Ghraib and Guantanamo are well known, as are the administration's belief that the Geneva Convention against torture is "quaint," and the Vice President's persistent effort to undermine the ban on torture championed by whom? Senator JOHN McCAIN of Arizona, Republican candidate for President.

Just last week we learned that the Central Intelligence Agency destroyed, perhaps illegally, videotapes or interrogations conducted by American agents. These incidents unfortunately sully our great Nation's well-deserved good reputation. They raise questions about our commitment to human rights and the rule of law. And they allow our enemies to foment fear and stoke hatred.

This provision requires all intelligence agencies to comply with the Army Field Manual on interrogations. It is an attempt by this Congress to repair the damage that has already been done.

Furthermore, the techniques permitted by the Army Field Manual have been endorsed by a wide array of civilian and military officials as both effective and consistent with our international commitments, and very importantly, with the safety of our members of the Armed Forces.

At this time I will include a letter in the RECORD. The letter is signed by, and I will not take the time to read all of the generals, but there are four four-star generals. A four-star general is as high as you can go in the Armed Forces

of the United States, except when we're in a world war, in which we accord a fifth-star.

DECEMBER 12, 2007.

Hon. JOHN D. ROCKEFELLER IV,
*Chairman, Select Committee on Intelligence,
Washington, DC.*

Hon. SILVESTRE REYES,
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR CHAIRMAN REYES AND CHAIRMAN ROCKEFELLER: As retired military leaders of the U.S. Armed Forces, we write to express our strong support for Section 327 of the Conference Report on the Intelligence Authorization Act for Fiscal Year 2008, H.R. 2082. Section 327 would require intelligence agents of the U.S. government to adhere to the standards of prisoner treatment and interrogation contained in the U.S. Army Field Manual on Human Collector Operations (the Army Field Manual).

We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans. That principle, embedded in the Army Field Manual, has guided generations of American military personnel in combat. The current situation, in which the military operates under one set of interrogation rules that are public and the CIA operates under a separate, secret set of rules, is unwise and impractical. In order to ensure adherence across the government to the requirements of the Geneva Conventions and to maintain the integrity of the humane treatment standards on which our own troops rely, we believe that all U.S. personnel—military and civilian—should be held to a single standard of humane treatment reflected in the Army Field Manual.

The Field Manual is the product of decades of practical experience and was updated last year to reflect lessons learned from the current conflict. Interrogation methods authorized by the Field Manual have proven effective in eliciting vital intelligence from dangerous enemy prisoners. Some have argued that the Field Manual rules are too simplistic for civilian interrogators. We reject that argument. Interrogation methods authorized in the Field Manual are sophisticated and flexible. And the principles reflected in the Field Manual are values that no U.S. agency should violate.

General David Petraeus underscored this point in an open letter to the troops in May in which he cautioned against the use of interrogation techniques not authorized by the Field Manual:

What sets us apart from our enemies in this fight . . . is how we behave. In everything we do, we must observe the standards and values that dictate that we treat non-combatants and detainees with dignity and respect. . . . Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone "talk," however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual (2-22.3) on Human Intelligence Collector Operations that was published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

Employing interrogation methods that violate the Field Manual is not only unnecessary, but poses enormous risks. These meth-

ods generate information of dubious value, reliance upon which can lead to disastrous consequences. Moreover, revelation of the use of such techniques does immense damage to the reputation and moral authority of the United States essential to our efforts to combat terrorism.

This is a defining issue for America. We urge you to support the adoption of Section 327 of the Conference Report and thereby send a clear message—to U.S. personnel and to the world—that the United States will not engage in or condone the abuse of prisoners and will honor its commitments to uphold the Geneva Conventions.

Sincerely,

General Joseph Hoar, USMC (Ret.).
General Paul J. Kern, USA (Ret.).
General Charles Krulak, USMC (Ret.).
General David M. Maddox, USA (Ret.).
General Merrill A. McPeak, USAF (Ret.).
Admiral Stansfield Turner, USN (Ret.).
Vice Admiral Lee F. Gunn, USN (Ret.).
Lieutenant General Claudia J. Kennedy, USA (Ret.).
Lieutenant General Donald L. Kerrick, USA (Ret.).
Vice Admiral Albert H. Konetzni Jr., USN (Ret.).
Lieutenant General Charles Oststott, USA (Ret.).
Lieutenant General Harry E. Soyster, USA (Ret.).
Major General Paul Eaton, USA (Ret.).
Major General Eugene Fox, USA (Ret.).
Major General John L. Fugh, USA (Ret.).
Rear Admiral Don Guter, USN (Ret.).
Major General Fred E. Haynes, USMC (Ret.).
Rear Admiral John D. Hutson, USN (Ret.).
Major General Melvyn Montano, ANG (Ret.).
Major General Gerald T. Sajer, USA (Ret.).
Major General Antonio "Tony" M. Taguba, USA (Ret.).
Brigadier General David M. Brahms, USMC (Ret.).
Brigadier General James P. Cullen, USA (Ret.).
Brigadier General Evelyn P. Foote, USA (Ret.).
Brigadier General David R. Irvine, USA (Ret.).
Brigadier General John H. Johns, USA (Ret.).
Brigadier General Richard O'Meara, USA (Ret.).
Brigadier General Murray G. Sagsveen, USA (Ret.).
Brigadier General Anthony Verrengia, USAF (Ret.).
Brigadier General Stephen N. Xenakis, USA (Ret.).

There are many lieutenant generals, admirals, vice admirals, brigadier generals, major generals, all of whom are concerned about defeating terrorism. And this is what they say:

"As retired military leaders of the U.S. Armed Forces, we write to express," on December 12, 2007, just a few days ago, "we write to express our strong support for section 327 of the conference report on the Intelligence Authorization Act for Fiscal Year 2008."

And then this paragraph, and I ask all my colleagues on both sides of the aisle to listen to this paragraph from those who have worn the uniform of the United States of America, who have themselves, before they became generals, fought in the battles that America has sent them to, and fought for the freedom of this country, and

confronted the terrorists of their day and today. Hear this paragraph from those who have been at war and who want to protect their troops, our troops, American men and women.

□ 1230

They say this: "We believe it is vital to the safety of our men and women in uniform for the United States not to sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans." That is the critical point.

We are a nation that believes in the premise of doing unto others what we would have them do to us. Our own enemies do not accept that premise. Our enemies do not accept that value. Our enemies are different than we are. We must not become what we confront. The techniques permitted by the Army Field Manual, as I say, are endorsed by all of these generals. General Krulak in particular wrote a very compelling op-ed piece on this issue in the Washington Post. General Krulak is probably known as one of the toughest commandants the Marine Corps has ever had. I served with him on the Board of Visitors to the United States Naval Academy. He is as tough as they come. And he says, Protect our people, adopt this sanction.

Here, in fact, is what General David Petraeus wrote to members of the Armed Forces in Iraq in May, just a few months ago, General Petraeus, four-star general, heading our effort to confront, supposedly, terrorism and, I believe, terrorism in Iraq. "Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal," Petraeus's words, General Petraeus's word, "history shows that they also are frequently neither useful nor necessary." General Petraeus continued, "Certainly, extreme physical action can make someone 'talk'; however, what the individual says may be of questionable value. Our experience in applying interrogation standards laid out in the Army Field Manual shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

This is General Petraeus who wants to keep his troops safe and wants to prevent terrorist attacks on his people under his command.

Inexplicably, the administration has issued a veto threat on this conference report because it would require all intelligence agencies to abide by the Army Field Manual. I believe that the administration's position is indefensible. This is not a question of whether we must combat and defeat terrorists. Of course, we must. However, we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant, that we stooped to the depths of the dictator.

I urge my colleagues on both sides of the aisle not for party but for country,

not for partisanship but for a reverence for the constitutional oath we took, I urge us all, let's demonstrate our commitment to the values that make us Americans. Let's begin to repair and restore this Nation's reputation. Let's adopt this conference report.

I thank the chairman for the time. I thank him for his leadership. I thank Mr. HOEKSTRA, as well.

Mr. HOEKSTRA. I yield myself 2½ minutes.

Mr. Speaker, defeating the threat from radical jihadists is a difficult job. It requires input from the legislative branch. It requires leadership from the executive branch. After 9/11, the administration outlined a series of initiatives. It didn't outline it to the entire Congress because the threat was so new, or some thought so new. The decision to respond to it was very different than what happened in the 1990s, but we recognized we needed to take different steps. The administration brought in people from Congress, the people that the leadership and our colleagues had entrusted with the responsibility to shape an intelligence community.

Everyone talks about the President's terrorist surveillance program, the President's financial tracking system, and now, it is the President's interrogation system. What they forget to note, as pointed out in the editorial today, is that in each of those cases, membership from the House and the Senate were involved in the process, in reviewing and setting the direction and implementing the strategies and the tactics that they thought needed to be put in place to keep America safe. Some of those Members that were briefed have moved on to other careers and they are no longer in Congress. Some of those who were briefed back in 2002 and 2003 specifically on the terrorist surveillance program, specifically on interrogation, are still Members of the House. Some are still members of the committee. Others are serving on other committees. Some have moved into leadership positions in the House of Representatives.

It is interesting, as the majority leader is speaking and laying out his arguments, it is the Speaker of the House, elected by the entire House, today, who serves the entire House, who is briefed on these programs. Some who have looked at, who have remarked on those meetings said, not only did the people that were in those meetings support the techniques and the methods that were put in place, some actually even asked the question, Is it enough? These things were decided in a process that the House and the Senate and the administration participated in and decided jointly that these were the things that were necessary to keep America safe. Only when they became public, all of a sudden did some of these individuals get cold feet, feet of clay and say, Oh, well, I really didn't know. But when the rubber hit the road in terms of what we needed to do to

keep America safe, these people said these are the techniques and the processes, and these are the programs that we need to have in place.

I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I would remind my good friend from Michigan that this bill, the funding level is above the President's request, and it makes an investment in human intelligence of historic proportions.

I yield 3 minutes to the gentleman from New York (Mr. NADLER), who serves as the chairman of the Judiciary Subcommittee on Constitution, Civil Rights and Civil Liberties.

Mr. NADLER. Mr. Speaker, today we have an opportunity to affirm America's values and our respect for the rule of law. This bill includes language drawn from the American Anti-Torture Act, introduced by myself and Representative DELAHUNT, that would extend the interrogation standards in the U.S. Army Field Manual to all interrogations conducted on persons in the custody or effective control of any element of the intelligence community. This will ensure a single, uniform baseline standard for interrogations. That means no more torture, no more waterboarding, no more clever word play, no more evasive answers, no more dishonesty.

People in nations do terrible things in war, but civilized nations long ago recognized that there must be limits on their conduct even during military conflict. Our Army Field Manual is an outstanding example of a modern military dedicated to observing international norms of conduct while waging war effectively. It is a credit to our men and women in uniform that they continue to abide by these rules. It is unforgivable that some civilians here in Washington seem to think that they know better and we must be more brutal than our military and professional interrogators.

I understand the critical role that intelligence plays in protecting ourselves, but torture and cruel, inhuman or degrading treatment, besides being contrary to American values and traditions, have proven not to be effective in obtaining actionable intelligence.

Current and former members of the military have made this clear. General David Petraeus, the commander of U.S. forces in Iraq, recently wrote in an open letter to U.S. troops that the standards in the Army Field Manual "work effectively and humanely in eliciting information from detainees."

Lieutenant General Kimmons, Deputy Chief of Staff for Intelligence similarly stated "no good intelligence is going to come from abusive practices. Any piece of intelligence which is obtained under duress through the use of abusive techniques would be of questionable credibility."

The Bush administration has long argued that it does not torture but it does waterboard. And we prosecuted, we sent to jail Japanese officers for waterboarding prisoners after World

War II. We knew then that waterboarding was torture, and despite statements from the Bush administration or the nonstatements, we know now that it is torture. Torture places our servicemen and women and our allies at grave risk. We must accept that whatever we authorize and use against our enemies will be turned against our own men and women.

Mr. Speaker, it is time to restore the honor of the United States. It is time to restore the good name of the United States in a world that has been so sullied by the conduct of this administration. It is time to compel the administration to act in a manner consistent with the Constitution of the United States.

I applaud the leadership of the conferees in including the antitorture language in this bill. I urge support for the conference report. I hope this will begin the process of restoring the honor and the integrity of the United States.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

As we talk about this authorization bill, I think it is also important to talk about it in the larger context in terms of some of the other things that are going on that I believe are weakening our ability to effectively combat the threat from radical jihadists. What are some of these things? Policies that are being advocated by individuals on the other side who are committed to defeating terrorism. I just think they have the wrong strategy.

Terrorist phone calls cannot be monitored without court warrants even when all parties are outside of the United States or if the lives of American soldiers are at risk. They want to provide habeas corpus rights for foreign terrorists. Terrorists when captured overseas shall have the right to challenge their captivity in U.S. courts. The right of terrorists to incarceration in the United States. Foreign terrorists being held in facilities outside the United States, including Guantanamo Bay, will be removed from detention abroad and brought into American communities, ending the distinction between lawful versus unlawful combatants.

The United States henceforth will recognize al Qaeda terrorists as legitimate combatants and grant them the rights of lawful combatants under the Geneva Conventions. Terrorists shall be afforded due process, attorneys, and protection from self-incrimination. Terrorists will also be protected from enhanced interrogation, even when they have information on pending terrorist attacks.

In terms of priorities, funds shall be diverted from tough antiterrorism intelligence programs targeted at apprehending and killing terrorists through intelligence analysis in connection against global warming because some folks from the other side may have implied or said that individuals join terrorist groups not because of radical

Islam or hatred of the United States, but because they are unhappy about rising global temperatures and sea levels. Extend Fourth Amendment rights barring unreasonable search and seizures to terrorists. The rights of radical jihadists to avoid searches and seizures shall be protected, even if they are granted more protection than American citizens.

Some believe that terrorists have the rights to intelligence leaks. Terrorists have the right to read about classified and antiterrorist intelligence programs in the press because there has not been a vigorous effort either through this committee or through the intelligence community to stop the leaks. And then actually when corporations may help us like the telecommunications companies may have, people who agree to help us will not be protected.

I reserve the balance of my time.

Mr. REYES. Mr. Speaker, it is my understanding I have the right to close. I have no more requests for time, and I am prepared to close and would ask the gentleman if he is prepared to close.

Mr. HOEKSTRA. I yield myself the balance of my time.

□ 1245

Mr. Speaker, it wasn't all that long ago that this House voted 249–160, a difference of 89 votes, to instruct House conferees to eliminate all earmarks from the fiscal year 2008 Intelligence authorization bill and to fully fund human intelligence collection. The vote was clear, overwhelming, and bipartisan, and 62 Democrats supported the motion to instruct. It appears, however, that my colleagues on the other side have said one thing and done another on earmarks, as the conference refused to eliminate earmark projects from the classified annex to this bill.

Today, we are going to offer a motion to recommit that provides all Members, including those 62 Democrats who supported the motion to instruct, to take a decisive step to eliminate earmarks in national security bills. If you are for that motion to instruct, you shouldn't be against this motion to recommit. Putting it in the positive, you should be for this motion to recommit because you were for eliminating earmarks a week ago.

This motion would make our priorities clear by eliminating provisions providing for earmarks to allow those funds to be directed to improve intelligence collection. As I explained on the floor last week, and as the bipartisan support for the motion indicated, I believe that a consensus is developing among Members that programmatic authorizations should be determined solely on their national security merits, absent other compelling circumstances.

This motion is clearly about priorities. America is at war. We are engaged in a struggle against radical jihadists, as well as facing threats from China, North Korea, Iran, drug cartels, and those types of things. Taxpayer

dollars that are currently slated to be earmarked to individual Member projects should be applied to our most critical areas of need and should serve our Nation as a whole during this crucial time.

It is clear that the earmarks that are in the bill generally have not gone through the same rigorous substantive review and evaluation that intelligence programs receive in the formulation of the President's budget. It is critical to our world position that we fully understand the military capability of, and threat posed by, other nations. It is essential that human intelligence activities are fully funded so that we may make fully informed decisions concerning our national interest.

Our dedication of resources to human intelligence is a direct investment in the security of this Nation as a whole and the safety of the men and women serving on our behalf. It is also a direct investment in those areas that we know we are weakest in: human intelligence. This motion would eliminate all earmarks. It shouldn't be controversial. But these funds could be put to far better use in human intelligence and other programs. These are programs that we need.

Some of these earmarks have been described clearly as wasteful government spending. This bill has not provided adequate support to the intelligence community activity at the forefront of the ability to protect our national security.

It is not possible to describe all of these programs. Many of them are classified in their nature. But I can't emphasize enough the importance of these programs and the funding and the necessity to fund these programs at this time.

We are a Nation locked in a struggle, facing continued uncertainty and other threats around the globe. The men and women of the front lines of this struggle rely heavily on human intelligence for their own safety every day. The House should not diminish its support for a robust, empowered, and capable intelligence community that provides our first line of defense. It is time to properly focus our priorities.

I hope my colleagues will join me in supporting this motion to recommit and will support me in my opposition to this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I understand that the gentleman and others are concerned about the presence of earmarks in this conference report. Mr. Speaker, I wish I could take them seriously with those concerns. My colleagues on the other side of the aisle have now "seen the light" on earmarks, now that they are in the minority. But we all know that the most heavily earmarked bills in history were passed in the last few Congresses, when my colleagues controlled the Chamber.

The fact of the matter is that never, never in the history of this institution have we had the kind of process and transparency on earmarks that we have had in this bill, in this Congress. We have validated every single earmark in this bill to ensure that we believe that it is a good use of the taxpayer money. We take that seriously, and as something that will help the intelligence community. These earmarks have been vetted through the intelligence community.

In terms of the arguments about the motion to recommit, there has never been an intelligence authorization bill with this level of earmark process, with this level of transparency, and with this level of accountability. Every earmark in this bill has been vetted, as I mentioned, to make certain that the activity that the earmark proposes and the funds going to that activity are ones that make our country safer. Each earmark has been fully disclosed with the name of the requesting Member, the purpose, the amount. In previous Congresses, no such disclosures were ever required. For each earmark, a public record has been established, which is available for review; and they have been reviewed.

As chairman, along with my colleague, the distinguished ranking member, I have personally reviewed each and every earmark. These earmarks improve the bill and will help our intelligence community to keep this country safe. I urge my colleagues to vote "no" on the motion to recommit.

Mr. Speaker, if there is a motion to recommit on this bill, as the gentleman has indicated, it will kill this bill. It will also kill this bipartisan process. It will kill our oversight, and it will kill our funding so desperately needed to keep our country safe and to provide the resources to our brave intelligence professionals. I urge my colleagues to oppose such a motion to recommit.

In closing, Mr. Speaker, I want to thank my colleagues on both sides the aisle who have spoken in favor of this conference report. As I said at the outset, I am proud of this conference report. A lot of hard work has gone into this process on a bipartisan basis, and I want to thank the staff on a bipartisan basis as well. It is a bipartisan, bicameral product. It strengthens the intelligence community and congressional oversight.

I would just remind every Member that this authorization is above the President's budget request for human intelligence funding. No authorization bill is perfect. No one gets everything that they want in this legislative process. But at the end of the day, this conference report reflects a bipartisan process that will make our country safer, that will give our intelligence professionals the resources and the tools that they need to keep us safe.

Mr. Speaker, I urge my colleagues to approve the conference report.

Mr. CASTLE. Mr. Speaker, I rise in opposition to H.R. 2082, the conference agreement on the Fiscal Year 2008 Intelligence Authorization Act.

As a former member of the House Select Committee on Intelligence, I believe it is vital that we provide the United States intelligence agencies with the tools and resources necessary to ensure our security. Therefore, I strongly support funding in this bill for human intelligence activities, intelligence analysis, and training, infrastructure, and global intelligence improvements. I also support the authorization in the bill providing emergency funding for counterterrorism operations in Iraq and Afghanistan.

Furthermore, I support language in the agreement prohibiting the use of any interrogation techniques not authorized by the U.S. Army Field Manual on Human Intelligence Collector Operations against any individual in the custody or effective control of any element of the intelligence community. Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not. In fact, I recently cosponsored legislation to require the anti-torture provisions included in this conference agreement.

Nevertheless, I will oppose this bill because it fails to implement the 9/11 Commission's recommendations for reforming congressional oversight of intelligence funding. In its final report, the 9/11 Commission concluded that: "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by the current congressional rules and resolutions, we believe the American people will not get the security they want and need."

Earlier this year, the Democratic leadership attempted to apply a "Band-Aid" to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. This is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that "tinkering with the existing committee structure is not sufficient." In May, I offered a simple amendment to the bill before us, calling for Congress to implement these crucial recommendations—but it was prevented from being considered for inclusion in this legislation.

Mr. Speaker, the American people have insisted that we implement all of the 9/11 Commission recommendations—even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support, and leadership they need.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this conference report and, in particular, in support of Section 327 of the report, which prohibits interrogation techniques not authorized by the Army Field Manual on Interrogation.

Despite White House claims that the United States does not torture prisoners, we continue to learn about administration actions that seem to condone the use of coercive techniques in questioning prisoners.

A few months ago, we learned about a classified Justice Department memo from February 2005 allowing waterboarding and other coercive techniques. Then there was the Ex-

ecutive Order signed in July of this year that effectively opened a loophole for the CIA to practice interrogation techniques that go beyond those allowed by the U.S. military.

Reports this week of destroyed interrogation tapes showing CIA operatives using waterboarding and other "enhanced" techniques are deeply disturbing, and suggest a double standard, whereby these techniques are approved for use by the CIA but not by the Department of Defense and its intelligence agencies. All this points to the need for a common standard for humane and effective interrogation techniques across the Government, which is what this conference report provision calls for.

Senator JOHN MCCAIN has called the Army Field Manual techniques "humane and yet effective," and has argued for a policy by which "we will never allow torture to take place in the United States of America." In May 2007, General Petraeus wrote to U.S. troops serving in Iraq that "our experience in applying the interrogation standards laid out in the Army Field Manual . . . published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

There is no reason why interrogation techniques that work effectively and humanely for our military interrogators cannot also work effectively and humanely for CIA and other intelligence agency interrogators. Section 327 of the Intelligence Authorization report sends a message that the United States believes no part of its government is above the law, and that no interrogation method is acceptable that could not also be used on Americans in enemy custody.

I strongly urge passage of this important legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in opposition to the conference report on H.R. 2082, the Fiscal Year 2008 Intelligence Authorization Act. I share many of the concerns raised by Ranking Member Hoekstra, but my primary purpose in speaking today is to express my distaste for the bloated bureaucracy created by this legislation.

Mr. Speaker, 3 short years ago the House voted to create a Director of National Intelligence: a small, agile intelligence shop meant primarily to improve coordination and information analysis among and between the various intelligence—gathering agencies.

At that time, Democrats fought hard to turn the new agency into a large bureaucracy, replete with a chief information officer, a chief human capital officer, a chief financial officer, an out-of-control inspector general, a comptroller, an ombudsman, multiple privacy officers, and a civil liberties board with unlimited subpoena power—layer upon layer upon layer.

But we remained focused on creating better government rather than bigger government, and efforts to create more redundant bureaucracy were ultimately defeated.

For better or for worse, the party of smaller government is no longer in control, and this legislation is a perfect example.

Evidence of bureaucratic creep is marbled throughout this legislation, from the creation of new offices to forcing even more officials through the cumbersome and slow Senate confirmation process.

But nowhere is the problem more prevalent than in the creation of an inspector general for the intelligence community.

On the surface, no one can argue against the need for a robust inspector general within the disparate intelligence community. In fact, the creation of one, unified and cohesive IG to oversee all intelligence activities of the Federal Government would probably be a step in the right direction.

But that's not what this legislation does.

Instead, this bill creates a new IG and places that office awkwardly on top of the many existing IGs at the Central Intelligence Agency, the Department of Defense, the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency.

As if creating another layer of unnecessary bureaucracy within the intelligence oversight community was not enough, the legislation goes the extra step of elevating the IGs at the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency.

It's inevitable the existence of six separate IGs within the intelligence community will lead to duplication of effort and turf battles between them. The conferees admit it. Conceding they're creating more problems than they're solving, they direct the IGs to "expeditiously resolve" any disputes or turf battles that may arise between them.

After spending years trying to find ways to make the intelligence gathering and analysis more streamlined and efficient, this legislation does an about-face, loading up the intelligence community with more bureaucracy and bigger government.

Which leads me to my next concern with the legislation: H.R. 2082 represents a significant step backwards in our efforts to modernize our security clearance process.

Several years ago, the 9/11 Commission recommended an overhaul of the government's woefully backlogged security clearance process, proposing uniform application, investigation and adjudication procedures as well as a single database to store clearance information. In 2004 Congress responded by enacting the Intelligence Reform and Terrorism Prevention Act, which placed a single Federal agency in charge of security clearance processes Government-wide and established a unified database for information related to security clearances.

Rather than assisting that ongoing effort, H.R. 2082 compounds past problems by allowing the intelligence community to continue to operate in isolated stovepipes.

The conference report does this in two ways. First, it places the Director of National Intelligence in charge of developing a "multi-level security clearance approach" only for the intelligence community. Separate from the otherwise "government-wide" system now being developed, the mandated multi-level system would somehow allow the intelligence community to clear foreign-born applicants better and faster than everyone else. It's not clear how. It's not even clear what this mythical "multi-level" approach would do differently in terms of current clearance levels: Confidential, Secret, Top Secret and SCI. But it is painfully clear this is an effort to keep the intelligence agencies from taking part in the larger reform effort. Second, as if to underscore the drive to make sure there are no uniform clearance standards, the bill specifically exempts the Na-

tional Geospatial-Intelligence Agency from the Government-wide system so they can duplicate the whole process on their own.

As the primary sponsor of the 2004 legislation calling for a modernized, uniform security clearance process for the Federal Government, I fear these supposed "reforms" will do nothing to help improve the security clearance backlog and will likely exacerbate the problems of inconsistent standards, slow processing and a lack of clearance reciprocity.

As the former Chairman of the Government Reform Committee, I invested considerable time and energy into highlighting overlap and duplication in Government and finding ways to streamline federal programs and processes. And I think we made some progress in that regard.

But H.R. 2082 represents a stark contrast to our efforts to streamline Government. It expands the Federal bureaucracy and propagates the existing stovepipes that have long hindered our efforts to bring the federal government into the 21st century.

I urge my colleagues to oppose this legislation.

Mr. BLUMENAUER. Mr. Speaker, I am pleased that after failing to reauthorize our Intelligence programs for the past 2 years under Republican leadership, the Democratic majority has taken the health of our Nation's intelligence community seriously. I support the critical improvements to this bill: strengthening the offices of the Inspector Generals, authorizing increased attention to climate change, and strengthening contractor oversight.

Most importantly, I support this bill because of its torture prohibition. Torture violates not only the laws and values of our country, but all standards of decent human conduct. I have consistently spoken out against the stonewalling and equivocation surrounding this administration's "interrogation" of prisoners. It is clear that the American people will not get satisfactory answers from the administration, and that it is now Congress's duty to set interrogation standards worthy of our great Nation.

Extending the rules of the Army Field Manual to intelligence personnel is a significant step. I am proud that Congress will send the message to our Nation and the world at large that Americans do not approve of, and will not stand for, torture.

Mr. HALL of New York. Mr. Speaker, I voted "nay" on the motion to recommit H.R. 2082 with instructions to conference committee because such a vote would have killed the bill. H.R. 2082 includes a provision to ban torture and authorizes the intelligence activities of the United States. While I would have strongly preferred for the Conference Committee to follow the instructions adopted by the House, I believe the intelligence programs and ban on torture included in this bill are too important to the national security of the United States to endanger it by returning it to conference.

Mr. REYES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. HOEKSTRA. Yes, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoekstra moves to recommit the conference report on the bill H.R. 2082 to the committee of conference with instructions to the managers on the part of the House, to the maximum extent possible within the scope of the conference, to—

(1) eliminate any House or Senate provisions providing for earmarks as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives; and

(2) insist on provisions authorizing the maximum level of funding permissible for human intelligence collection activities in the classified annex.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. HOEKSTRA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 205, nays 215, not voting 11, as follows:

[Roll No. 1159]

YEAS—205

Aderholt	Cannon	Fossella
Akin	Cantor	Foxx
Alexander	Capito	Franks (AZ)
Bachmann	Carter	Frelinghuysen
Bachus	Castle	Gallegly
Baker	Chabot	Garrett (NJ)
Barrett (SC)	Coble	Gerlach
Barrow	Cole (OK)	Giffords
Bartlett (MD)	Conaway	Gilchrest
Barton (TX)	Crenshaw	Gingrey
Bean	Culberson	Gohmert
Biggert	Davis (KY)	Goode
Bilbray	Davis, David	Goodlatte
Bilirakis	Davis, Tom	Granger
Bishop (UT)	Deal (GA)	Graves
Blackburn	Dent	Hall (TX)
Blunt	Diaz-Balart, L.	Hastings (WA)
Boehner	Diaz-Balart, M.	Hayes
Bonner	Donnelly	Hensarling
Bono	Doolittle	Herger
Boozman	Drake	Hobson
Boustany	Dreier	Hoekstra
Brady (TX)	Duncan	Hulshof
Brown (GA)	Ehlers	Hunter
Brown (SC)	Ellsworth	Inglis (SC)
Brown-Waite,	Emerson	Issa
Ginny	English (PA)	Johnson (IL)
Buchanan	Everett	Johnson, Sam
Burgess	Fallin	Jones (NC)
Burton (IN)	Feeley	Jordan
Buyer	Ferguson	Keller
Calvert	Flake	King (IA)
Camp (MI)	Forbes	King (NY)
Campbell (CA)	Fortenberry	Kingston

Kirk	Murphy, Tim	Session
Kline (MN)	Musgrave	Shadepe
Knollenberg	Myrick	Shays
Kuhl (NY)	Neugebauer	Shimk
LaHood	Nunes	Shusted
Lamborn	Pearce	Simp
Lampson	Pence	Smith
Latham	Peterson (PA)	Smith
LaTourette	Petri	Smith
Lewis (CA)	Pickering	Soude
Lewis (KY)	Pitts	Stearn
Linder	Platts	Sullivan
LoBiondo	Poe	Tancr
Lucas	Porter	Tanne
Lungren, Daniel E.	Price (GA)	Terry
Mack	Pryce (OH)	Thorn
Mahoney (FL)	Putnam	Tiarch
Manzullo	Radanovich	Tiberi
Marchant	Ramstad	Turner
Marshall	Regula	Upton
McCarthy (CA)	Rehberg	Walbe
McCaul (TX)	Reichert	Walde
McCotter	Renzi	Walsh
McCrery	Reynolds	Walsh
McHenry	Rogers (AL)	Wamp
McHugh	Rogers (KY)	Weldo
McIntyre	Rogers (MI)	Weller
McKeon	Rohrabacher	Westm
McMorris	Ros-Lehtinen	Whitfi
Rodgers	Roskam	Wicker
McNerney	Royce	Wilson
Mica	Ryan (WI)	Wilson
Miller (FL)	Saxton	Wolf
Miller (MI)	Schmidt	Young
Moran (KS)	Sensenbrenner	Young

NAYS—215

Abercrombie	Etheridge	McCarthy (NY)
Allen	Farr	McCollum (MN)
Altmore	Fattah	McDermott
Andrews	Filner	McGovern
Arcuri	Frank (MA)	Meek (FL)
Baca	Gillibrand	Meeks (NY)
Baird	Gonzalez	Melancon
Baldwin	Gordon	Michaud
Becerra	Green, Al	Miller (NC)
Berkley	Green, Gene	Miller, George
Berman	Grijalva	Mitchell
Berry	Gutierrez	Mollohan
Bishop (GA)	Hall (NY)	Moore (KS)
Bishop (NY)	Hare	Moore (WI)
Blumenauer	Harmann	Moran (VA)
Boren	Hastings (FL)	Murphy (CT)
Boswell	Herseth Sandlin	Murphy, Patrick
Boucher	Higgins	Murtha
Boyd (FL)	Hill	Nadler
Boyd (KS)	Hinchey	Napolitano
Brady (PA)	Hinojosa	Neal (MA)
Braley (IA)	Hirono	Oberstar
Brown, Corrine	Hodes	Obey
Butterfield	Holden	Olver
Capps	Holt	Ortiz
Capuano	Honda	Pallone
Cardoza	Hoyer	Pascrall
Carnahan	Inslee	Pastor
Carney	Israel	Payne
Castor	Jackson (IL)	Perlmutter
Chandler	Jackson-Lee	Peterson (MN)
Clarke	(TX)	Pomeroy
Clay	Jefferson	Price (NC)
Clyburn	Johnson (GA)	Rahall
Cohen	Johnson, E. B.	Rangel
Conyers	Jones (OH)	Reyes
Cooper	Kagen	Richardson
Costa	Kanjorski	Rodriguez
Costello	Kaptur	Rothman
Courtney	Kennedy	Royal-Allard
Cramer	Kildee	Ruppersberger
Crowley	Kilpatrick	Rush
Cuellar	Kind	Ryan (OH)
Cummings	Klein (FL)	Salazar
Davis (AL)	Kucinich	Sánchez, Linda
Davis (CA)	Langevin	T.
Davis (IL)	Lantos	Sanchez, Loretta
Davis, Lincoln	Larsen (WA)	Sarbanes
DeFazio	Larson (CT)	Schakowsky
DeGette	Lee	Schiff
Delahunt	Levin	Schwartz
DeLauro	Lewis (GA)	Scott (GA)
Dicks	Lipinski	Scott (VA)
Dingell	Loebbsack	Serrano
Doggett	Lofgren, Zoe	Sestak
Doyle	Lowey	Shea-Porter
Edwards	Lynch	Sherman
Ellison	Maloney (NY)	Shuler
Emanuel	Markey	Sires
Engel	Matheson	Skelton
Eshoo	Matsui	

NOT VOTING—11

□ 1318

Messrs. KIND, McDERMOTT, RUPPERSBERGER, COSTA, Ms. MCCOLLUM of Minnesota, Messrs. GUTIERREZ, MEEK of Florida, GENE GREEN of Texas, RUSH, HINCHEY, BERMAN, Mrs. TAUSCHER, Mr. WEINER, Ms. ZOE LOFGREN of California, and Mr. OBERSTAR changed their vote from "yea" to "nay."

Mr. GINGREY, Ms. GRANGER,
Messrs. FEENEY, LAMBORN,
ROSKAM, Mrs. MUSGRAVE, Messrs.
WALBERG, SHUSTER, GOODE, PICK-
ERING, WILSON of South Carolina,
KING of New York, and MCINTYRE
changed their vote from "nay" to
"yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 199, not voting 10, as follows:

[Roll No. 1160]

AYES—222

Abercrombie Carnahan Edwards
Allen Carney Ellison
Altmore Castor Ellsworth

Altmine	Castor	Ellsworth
Andrews	Chandler	Emanuel
Arcuri	Clarke	Engel

Baca	Clay	Eshoo
Baird	Cleaver	Etheridge
Baldwin	Clyburn	Farr

Baldwin	Clyburn	Parr
Barrow	Cohen	Pattah
Bartlett (MD)	Conyers	Filner
Bean	Cooper	Frank (MA)
Becerra	Costa	Giffords
Berkley	Costello	Gilchrest
Berman	Courtney	Gillibrand
Berry	Cramer	Gonzalez
Bishop (GA)	Crowley	Gordon
Bishop (NY)	Cuellar	Green, Al
Blumenauer	Cummings	Green, Gene
Boren	Davis (AL)	Grijalva
Boswell	Davis (CA)	Gutierrez
Boucher	Davis, Lincoln	Hall (NY)
Boyd (FL)	DeFazio	Hare
Boysd (KS)	DeGette	Harman
Brady (PA)	Delahunt	Hastings (FL)
Braley (IA)	DeLauro	Herseth Sandlin
Brown, Corrine	Dicks	Higgins
Butterfield	Dingell	Hill
Capps	Doggett	Hinchey
Capuano	Donnelly	Hinojosa
Cardoza	Doyle	Hirono

Hodes	McNerney	Sarbanes
Holden	Meek (FL)	Schakowsky
Holt	Meeks (NY)	Schiff
Honda	Melancion	Schwartz
Hoyer	Michaoud	Scott (VA)
Inslee	Miller (NC)	Sestak
Israel	Miller, George	Shea-Porter
Jackson (IL)	Mitchell	Sherman
Jackson-Lee (TX)	Mollohan	Shuler
Jefferson	Moore (KS)	Sires
Johnson (GA)	Moore (WI)	Skelton
Johnson (IL)	Moran (VA)	Slaughter
Johnson, E. B.	Murphy (CT)	Smith (NJ)
Jones (NC)	Murphy, Patrick	Smith (WA)
Jones (OH)	Murtha	Snyder
Kagen	Nadler	Solis
Kanjorski	Napolitano	Space
Kaptur	Neal (MA)	Spratt
Kennedy	Oberstar	Stupak
Kildee	Obey	Tanner
Kilpatrick	Olver	Tauscher
Kind	Ortiz	Taylor
Klein (FL)	Pallone	Thompson (CA)
Lampson	Pascarella	Thompson (MS)
Langevin	Pastor	Tierney
Lantos	Payne	Towns
Larsen (WA)	Perlmutter	Tsangas
Larson (CT)	Peterson (MN)	Udall (CO)
Levin	Pomeroy	Udall (NM)
Lipinski	Price (NC)	Van Hollen
Loebssack	Rahall	Velázquez
Lofgren, Zoe	Rangel	Visclosky
Lowey	Reyes	Walz (MN)
Lynch	Richardson	Watson
Mahoney (FL)	Rodriguez	Watson
Maloney (NY)	Ross	Watt
Markey	Rothman	Waxman
Matheson	Royer-Allard	Weiner
Matsui	Ruppertsberger	Welch (VT)
McCarthy (NY)	Rush	Wexler
McCormick (MN)	Ryan (OH)	Wilson (OH)
McDermott	Salazar	Wu
McGovern	Sanchez, Linda	Wynn
McIntire	T.	Yarmuth

NOES—199

Aderholt	Dreier	Lewis (CA)
Akin	Duncan	Lewis (GA)
Alexander	Ehlers	Lewis (KY)
Bachmann	Emerson	Linder
Bachus	English (PA)	LoBiondo
Baker	Everett	Lucas
Barrett (SC)	Fallin	Lungren, Daniel E.
Barton (TX)	Feehey	Mack
Biggert	Ferguson	Manzullo
Bilbray	Flake	Marchant
Bilirakis	Forbes	Marshall
Bishop (UT)	Fortenberry	McCarthy (CA)
Blackburn	Fossella	McCaull (TX)
Blunt	Foxx	McCotter
Boehner	Franks (AZ)	McCrary
Bonner	Frelinghuysen	McHenry
Bono	Gallegly	McHugh
Boozman	Garrett (NJ)	McKeon
Boustany	Gerlach	McMorris
Brady (TX)	Gingrey	Rodgers
Broun (GA)	Gohmert	Mica
Brown (SC)	Goode	Miller (FL)
Brown-Waite, Ginny	Goodlatte	Miller (MI)
Buchanan	Granger	Moran (KS)
Burgess	Graves	Murphy, Tim
Burton (IN)	Hall (TX)	Musgrave
Buyer	Hastings (WA)	Myrick
Calvert	Hayes	Neugebauer
Camp (MI)	Hensarling	Nunes
Campbell (CA)	Herger	Pearce
Cannon	Hobson	Pence
Cantor	Hoekstra	Peterson (PA)
Capito	Hulshof	Petri
Carter	Hunter	Pickering
Castle	Inglis (SC)	Pitts
Chabot	Issa	Platts
Coble	Johnson, Sam	Poe
Cole (OK)	Jordan	Porter
Conaway	Keller	Price (GA)
Crenshaw	King (IA)	Pryce (OH)
Culberson	King (NY)	Putnam
Davis (IL)	Kingston	Radanovich
Davis (KY)	Kirk	Ramstad
Davis, David	Kline (MN)	Regula
Davis, Tom	Knollenberg	Rehberg
Deal (GA)	Kucinich	Reichert
Dent	Kuhl (NY)	Renzi
Diaz-Balart, L.	LaHood	Reynolds
Diaz-Balart, M.	Lamborn	Rogers (AL)
Doolittle	Latham	Rogers (KY)
Drake	LaTourette	Rogers (MI)
	Lee	

Rohrabacher	Simpson	Walsh (NY)
Ros-Lehtinen	Smith (NE)	Wamp
Roskam	Smith (TX)	Waters
Royce	Souder	Weldon (FL)
Ryan (WI)	Stark	Weller
Sali	Stearns	Westmoreland
Saxton	Sullivan	Whitfield (KY)
Schmidt	Tancredo	Wicker
Scott (GA)	Terry	Wilson (NM)
Sensenbrenner	Thornberry	Wilson (SC)
Serrano	Tiahrt	Wolf
Sessions	Tiberi	Woolsey
Shadegg	Turner	Young (AK)
Shays	Upton	Young (FL)
Shimkus	Walberg	Young (FL)
Shuster	Walden (OR)	

NOT VOTING—10

Ackerman	Hooley	Paul
Carson	Jindal	Wasserman
Cubin	McNulty	Schultz
Heller	Miller, Gary	

□ 1327

Ms. WATERS changed her vote from "aye" to "no."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110-493) on the resolution (H. Res. 873) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 869, I call up the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 69

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 110-92 is further amended by striking the date specified in section 106(3) and inserting "December 21, 2007".

The SPEAKER pro tempore. Pursuant to House Resolution 869, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 69.

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

There was no objection.

□ 1330

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

It is now 1:30 in the afternoon, very late into December and we have to decide how soon we want to get out of town so that we don't have to look at each other for the remainder of the year.

This vehicle is necessary to simply keep the government open while we're making the final decisions on all remaining appropriations for the fiscal year.

There have been numerous meetings going on this week all over Capitol Hill, and there have obviously been many communications going on between the Hill and other locuses of influence and power in the city. And I would hope that those would bear fruition sometime soon.

Meanwhile, if we want to keep the government open, we have no choice but to pass this continuing resolution. It simply extends, it keeps the government open for another week, to December 21, 2007. I think it's self-explanatory.

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

Mr. LEWIS of California. Mr. Speaker, the last time that Chairman OBEY and I were on the floor together, I was heard to quote our friend, Will Rogers, and it had to do about sometimes we talk more than we should. I was intrigued by the fact that while he advised us to never miss the opportunity to shut up, that recently in Latin America there's discussion among Latin leaders in which a fellow by the name of Chavez kept talking and talking and talking, and this is by way of suggesting that we don't really have to keep talking today. I think it was the King of Spain, DAVID, who said, "Por que no te calles?" If I could repeat that, "Por que no te calles?" That is, if we don't talk too much, we'll be all right here today.

Mr. Speaker, it is kind of hard to believe that Christmas is less than 2 weeks away and that DAVID OBEY provides me with material for my own presentation one more time.

While most Americans are Christmas shopping and decorating their Christmas tree, Congress continues to stumble its way to completing its business for the year. Unfortunately, we still have a long way to go, so we find ourselves today considering yet another continuing resolution.

It was just 1 year ago the House passed a series of continuing resolutions to ensure the continuation of government funding programs into the new fiscal year. My friend Chairman DAVID OBEY came to the House floor as the ranking member during that debate to criticize Republicans in the House and Senate for their failure to

pass the annual spending bills by the end of the fiscal year. He spoke of the breakdown in the budget process and vowed that things would be different under a Democratic majority.

We are now only, I say, 74 days in the new fiscal year, and once again the ranking member of the Appropriations Committee is on the floor decrying the breakdown of regular order. The only difference is that DAVID OBEY is now Chairman OBEY, and I'm the committee's ranking member.

The breakdown of regular order, particularly in the Senate, is largely to blame for our failure to complete our work in a timely manner. Earlier this year, my chairman was absolutely beating us all over the room because of our failure to pass bills at the end of the year.

The Senate leader held up our bills. Mr. OBEY knew that we'd passed all of our bills in the House by July 4. The year before we'd done the same thing, and all the bills had been signed by the President. And lo and behold, Mr. OBEY finds himself. Frankly DAVID, I thought you had much closer relationships with the Senate than I, but here we are. The breakdown of regular order, particularly in the Senate, is largely to blame for our failure to complete our work in a timely fashion.

The President has been very clear all year long that he would veto any spending bill or any omnibus package that exceeded his budget request. All told, the House-passed spending bills exceeded the President's budget request by \$23 billion, and yet the Democrat majority chose to dismiss or ignore the President's clear intent, that is, until now.

A short time ago, Chairman OBEY instructed the committee staff to prepare an omnibus spending bill and pare spending back to exceed the President's request by \$11 billion. Not included in this total, there was over \$7 billion being designated as emergency spending.

Just in the last several days, maybe even hours, the Democratic leadership finally got the message. They came to the realization that the President was, indeed, serious. So it all appears that, after months of work by our exhausted committee staff, work can finally begin on a spending package that the President may be able to sign. I say may be able to sign because the President has not yet seen the details of the omnibus package that will come forward.

For good measure, let me make very clear the President will veto any omnibus spending package that contains any controversial policy provisions, any gimmicks or any consequential budgetary sleight of hand.

I urge Chairman OBEY to resist the urge on his part to add any so-called contingency spending anywhere in this package, as it may lead to a presidential veto.

I'd like to close by quoting my friend, Mr. OBEY, from a past CR debate. He said, and I quote, "We are here