

Best wishes for the continued success of the Historically Black Colleges and Universities of South Carolina.

### BLACK HISTORY MONTH

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, in honor of Black History Month, I rise to celebrate the lives of two African Americans from Erie, Pennsylvania.

Born in 1886, Harry T. Burleigh was a world-famous musician. Burleigh was the first African American composer acclaimed for his concert music, and he wrote more than 200 American art songs.

After his death in 1949, Harry Burleigh was largely forgotten until Rev. Charles Kennedy of Erie revived his memory. Rev. Kennedy, a minister and a musician, was a distinguished community leader and president of the Harry T. Burleigh Society. He championed the legacy of Burleigh's incredible talent. Sadly, Rev. Kennedy passed away this November.

Harry Burleigh and Charles Kennedy made unforgettable contributions to the African American community and all of American society. For Black History Month and every month, we honor their memories.

### LET'S GET PEOPLE BACK TO WORK

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the number of new unemployment benefit claims jumped last week to 496,000 Americans. More people out of work, more people looking for those promised jobs.

Meanwhile, a year later, we're bogged down debating the administration's \$1 trillion government-run health care bill, a government-created problem that most Americans flatly reject.

Our priorities should be getting people back to work. Get government off the back of small businesses, the real creator of jobs.

But the talk around town is to raise taxes. John Marshall said, "An unlimited power to tax involves the power to destroy. There is a limit beyond which no institution and no person can bear taxation."

Tax hikes for more Federal boondoggles won't create any jobs. Leave money in the hands of the people who earned it, the American public.

Meanwhile, 15 million Americans are unemployed.

And that's just the way it is.

### CONSUMER FINANCIAL PROTECTION AGENCY

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, Americans have long demanded reliable consumer protections for goods and services.

Much as snake oil cures, flammable children's sleepwear, and lead toys were once commonly found in the marketplace, predatory lending, hidden fees, and skyrocketing interest rates are shamefully common today, with little oversight on behalf of the consumer.

This failure has had devastating consequences for our Nation, and was one of the principal drivers of the financial crisis that resulted in a deep depression.

A strong, independent Consumer Financial Protection Agency would have the ability to rein in the worst practices of the big credit card companies, banks, and other large financial institutions, placing the consumer on a level playing field. It would also help responsible institutions like community banks and credit unions by requiring their competitors in the unregulated shadow banking world to play by the same consumer rules.

I call on the Senate to follow the House's lead in including a strong consumer rights agency in financial reform.

### FUNDING FOR NASA

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise today to discuss NASA funding. The President's proposed budget would end the Constellation program and shift funds to private companies, effectively killing United States human space flight. This shift to private sector is not a taxpayer savings. The Federal Government has already spent \$9 billion on NASA's Constellation program.

The new budget proposes to spend an additional \$2.5 billion to kill the Constellation, and billions more will be spent on unproven private sector entities. So, we're wasting \$11.5 billion to ensure that America's 50-year reign as the global leader in human space flight is over.

The President's budget does not even cut NASA's funding. It simply shifts funds dedicated for actual human space flight to unproven commercial entities, forcing us to reinvent the wheel on human space flight. This is not sound fiscal policy. It's not good for America's future.

I urge my colleagues to join me to support efforts to restore Constellation funding.

### JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, 1 year ago last week, the President signed the Recovery Act, a comprehensive bill that

reinvested in the American workforce, an event that my colleagues on the other side have rallied against since President Obama took office. The facts simply don't back them up.

In the first quarter of 2009, our economy was losing 726,000 jobs a month. And now, largely due to the Recovery Act, the number has been reduced to 35,000 last quarter. The fact is, the CBO states that the Recovery Act created 2.4 million jobs through the end of 2009.

The Recovery Act also provided \$120 billion in tax cuts for 95 percent of working families. That's 95 percent of working families, and that's a tax cut.

Going forward, we must continue to build off this momentum of the Recovery Act. That includes passing meaningful job-creation legislation that will help small businesses and reduce unemployment. It also includes continuing focus on infrastructure projects and promoting energy efficiency initiatives.

Finally, that means we must pass meaningful health care reform.

### RECOGNIZING THIRTY YEARS OF DEDICATED SERVICE OF VICKIE L. BANDY

(Mr. RAHALL asked and was given permission to address the House for 1 minute.)

Mr. RAHALL. Mr. Speaker, the Bible tells us for everything there is a season. Surely, that includes a time to work and a time to rest.

Since 1979 I've had the privilege and indeed the honor of working with a West Virginian who has had an extraordinary time of working with me for the people of southern West Virginia. Vickie L. Bandy was born in our hometown of Beckley, West Virginia, and came to Washington, our Nation's Capital, three decades ago. She began her long career serving the State she loves and its people at my front desk. This week she retires from her Hill career serving as my deputy chief of staff.

Vickie, as we say back home, was raised right by her parents. But the truest power her parents gave her was her active faith. Far from being left at the church steps on Sunday mornings, Vickie's faith never tires. She has carried that throughout her career working on my staff and working for the people of southern West Virginia.

Our mission, of course, is larger, filling the giant void that is left in Vickie's absence. And I'm sure that we will have a hard task to do in our office, but we will do it for the people of West Virginia and for Vickie's continuing legacy of working for those people.

□ 0915

### PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 1113 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1113

*Resolved*, That during further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 1105, amendment number 1 printed in House Report 111-419 shall be considered as modified by striking the matter proposed to be inserted as section 506.

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

Mr. CARDOZA. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

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

Mr. Speaker, the resolution provides for further consideration of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. The rule modifies amendment No. 1 printed in House Report 111-419 by striking the matter proposed to be inserted as section 506.

Mr. Speaker, the Intelligence Authorization Act provides much-needed policy guidance for the 16 agencies that comprise the intelligence community. At the same time, this bill improves accountability and helps to prevent the often disastrous consequences that faulty intelligence and misinformation to Congress can have on national security. This bill is vitally important because it recognizes the fundamental reality that solid intelligence is our Nation's first line of defense against terrorists.

This Congress has not reauthorized the intelligence bill in 4 years. The funding in this bill provides our intelligence agencies with tools, resources, and authorities they need to keep us safe. For example, it increases funding for human intelligence collection and counterintelligence activities; it makes significant investments in cybersecurity safety while also improving language capabilities in the intelligence community. Furthermore, it fully authorizes the President's budget request for the intelligence community programs and operations.

The rule we are debating this morning is the second rule the House has considered. Yesterday we heard impassioned arguments from both sides of the aisle regarding an amendment from

Mr. McDERMOTT on actions of the intelligence officers in the field and their criminal liability. Today, we are moving ahead with the authorization bill without that language because it's important to keep this bill moving forward.

The President has issued guidelines on this subject, and it deserves to be considered by this body. However, we are 4 years overdue on reauthorization, and our intelligence community cannot wait any longer.

I urge my colleagues to support this rule so that we can continue the business of protecting America's families. No American should ever face harm because this body could not do its job, and this bill needs to move forward.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation for my Rules Committee colleague, the gentleman from Atwater, and I yield myself such time as I may consume as we proceed with our customary 30 minutes.

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

Mr. DREIER. Mr. Speaker, my friend has just gone through—as was the case yesterday when Mr. HASTINGS, the gentleman from Fort Lauderdale, was managing the rule on his side—the importance of dealing with our Nation's intelligence. And we obviously have, since this bill first came to the forefront last year, been dealing with a wide range of very, very serious challenges: the shooting at Fort Hood, which the Speaker pro tem understands very well took place in his home State of Texas; the great threat that existed on Christmas Day when Umar Farouk Abdulmutallab posed a threat, and thanks to the fact that his device did not go off, and, even more important than that, the fact that we were able to see these courageous passengers come forward and prevent this man from posing a threat to all of those on board; and then, of course, the arrests of those who posed a terrorist threat, Najibullah Zazi and David Headley. And then of course there are many other instances that have not been in the headlines.

But those three which I have just mentioned have developed since last summer when this bill first came forward.

Mr. Speaker, what is happening today is, unfortunately, a very disturbing trend. We have had some records set by this Congress and, frankly, since Speaker PELOSI has been leading this Congress and the last Congress.

Last year, we went through the entire—entire—calendar year, the first session of the 111th Congress, without a single open rule. Not a single open rule on even the appropriations bills. Never before in the now 221-year history of the Republic have we had that take place. We, in fact, in the last 3 years have saved the appropriations process,

in the first 2 years of Speaker PELOSI's leadership, we have had a grand total, Mr. Speaker, of one open rule. And now, today, we seem to be establishing another very disturbing and unfortunate record.

It seems to me that as we look at legislation in its first stage, which is where we are right now, in its first stage, we are now considering not the second rule, as my friend from Atwater has said in his opening remarks, but in fact the third rule because this legislation last July was reported out of the Rules Committee. We had a rule. On July 3, we had a statement that came forward from the administration that leveled a very, very harsh criticism of the bill itself.

Now, we've gone through a wide range of measures that have been very important and many that are less than important in the last 8 months, and yet we have not considered this very important intelligence bill. My friend from Atwater has just talked about how critically important it is; and if that were the case in the eyes of the majority, it would seem to me that last July we would have dealt with this bill, since it's been 4 years since we have had an intelligence authorization measure.

Now, the language which has just been stricken from this bill, it was one of 21 amendments, Mr. Speaker, included in the manager's amendment. And the message that comes through to me over and over and over again—and my friend from Atwater just referred to it as a vigorous debate on both sides as an attempt to continue to move the legislation forward—this language was taken out.

Well, the bottom line is it meant that the votes weren't there on either the Democratic or the Republican side to move ahead with the intelligence authorization bill. Why? Because one of the most outrageous amendments imaginable was incorporated in this measure, and that's the McDermott language.

Yesterday, Mr. LUNGREN and Mr. THORNBERRY and Mr. HOEKSTRA and I, and I know others during the debate throughout the bill, talked about this language. And I think that probably this was best put when the special election took place in Massachusetts and we saw our new colleague, SCOTT BROWN, elected to the United States Senate. And he gave an entertaining and rather lengthy victory speech that night. But the message that came through loud and clear was that when he got to Washington, he was going to do everything within his power to make sure that we expand our hard-earned taxpayer dollars ensuring that we defeat the terrorists and not defend them.

And the language that was included—not allowed for debate on the House floor, but actually included among the 20 other amendments all by Democrats in the manager's amendment—the manager's amendment is usually a relatively noncontroversial measure, Mr.

Speaker, that comes to the floor and there is often a very brief 10-minute debate and it sails through with bipartisan support—but the manager's amendment included this McDermott amendment. And it provided a circumstance which could have seriously jeopardized our men and women who are courageously engaging in intelligence gathering.

Now, when we talk about, as now-Senator BROWN mentioned, the rights of those individuals who have perpetrated terrorist acts against us and our interests around the world, the notion of using the word "phobia," which was actually included in the McDermott amendment, it would mean that an individual could be imprisoned and they could claim that for religious reasons it's absolutely essential that they have a knife with them at all times.

People can say, Well, that is silly. How can that possibly take place? I mean, one has to scratch their head thinking that that could happen. And yet there are individuals who've interpreted that language which was included in the manager's amendment, Mr. Speaker, as language that would have allowed a prisoner to say that for religious reasons it's absolutely essential that they have a knife in their possession, obviously posing a threat to everyone around them.

And so, again, it's difficult to comprehend that that could take place, but we know how ruthless these barbarians are who have been perpetrating acts against us and other freedom-loving peoples around the world.

So, Mr. Speaker, it to me is very disturbing that we are here dealing with what has been once again a major management problem which has taken place in this institution.

The American people want us to focus on job creation, economic growth. We, of course yesterday, saw the 7-hour summit take place at the White House on the issue of health care. But of paramount importance is our security. It's the single most important thing that we deal with. And to have it mishandled in the way that it has that has led us at 9:25 Friday morning to be on the House floor with the third rule dealing with the Intelligence authorization bill is, I think, a sad commentary on where we are.

I have to say that this rule actually included several other provisions which should not have been included at this point, and I discussed this last night up in the Rules Committee when we met into the evening. And that is we understand—I mean, I was privileged to serve as chairman of the Rules Committee, and we understand that moving the agenda and ensuring the process of getting that agenda passed is very, very important. And yet, Mr. Speaker, what this rule did was it put into place a so-called martial law rule.

Mr. Speaker, martial law basically means that something can move immediately to the House floor, and it usu-

ally takes place—and I see the distinguished chairman of the Committee on Appropriations, my friend, Mr. OBEY, here. He knows very well that martial law rule usually takes place at the end of a session when there are very, very pressing needs that need to be addressed.

□ 0930

When we are dealing with those issues we can see martial law imposed. I understand that and recognize that sometimes it's necessary. But, Mr. Speaker, we are in the second month of the second session of the 111th Congress, and yet we have imposed a so-called martial law rule here.

So the most important thing is, of course, dealing with the intelligence authorization bill. But underlying all of that are very, very serious management flaws which have taken place. So I just want to voice my concern, and I know we are going to have a number of my colleagues who are going to want to speak and address the issue of the intelligence authorization bill.

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

Mr. CARDOZA. Mr. Speaker, I would submit to my colleague from California that we must get this legislation done. I agreed with him. He agreed with me. This is very important legislation. It's critical to the country.

Then he said, well, there is no real rush because you are doing a martial law rule. I submit to you that we need to get this done. It's very important for the country, and we have taken a long time. And I would also submit that the majority of the Congress people speaking to us all, Republicans and Democrats, as I said in my opening statement, felt that that amendment wasn't appropriately included in the manager's amendment. We agreed. That's why we are here today striking it out.

I realize that the gentleman is saying, well, it should have never been in there to begin with, and that may be true, but the reality is we are fixing and correcting that error today. That is why we are here, and I appreciate the gentleman's statement.

Mr. DREIER. Will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me just say that, interestingly enough, the measure that we are addressing here is not being considered under a martial law rule. The martial law provision in this rule was to deal with any other issue that would have come to the floor either yesterday or today. The idea of including that in the rule—

Mr. CARDOZA. The gentleman is correct, and there are other measures, like the jobs bill, which is critically important, critically important to our home State.

Mr. DREIER. Absolutely.

Mr. CARDOZA. Like my district, it has got 20 percent unemployment. So there are other pressing matters that we have to get to, and that's exactly the kind of point that I was making.

Mr. DREIER. Absolutely.

Mr. CARDOZA. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would simply say that obviously job creation and economic growth is a very, very important priority, but the notion of saying that all of a sudden this has to be done under martial law, which basically undermines the legislative process, is not only not necessary, but we are all focusing on job creation. We want to do what we can. We all have very strong feelings as to what should be done on this and we are concerned about this dramatic expansion of government.

Let me at this point, Mr. Speaker, yield 4 minutes to the very thoughtful, diligent, and hardworking gentleman from Clarendon, Texas, the ranking member of the Select Committee on Intelligence, Mr. THORNBERRY.

Mr. THORNBERRY. I thank the gentleman from California for yielding.

Mr. Speaker, since a number of our colleagues were watching the events or participating in the events at the White House yesterday, like the gentleman from California, I think it's important to review briefly the history of this legislation.

The Intelligence Committee referred or reported out H.R. 2701 out of committee on June 26, 2009, by a party line vote of 12-9. The Rules Committee first reported a rule out for its consideration on July 8, 2009, and from July 8, 2009, until February 24, 2010, it just sat there, no action.

Meanwhile, there were at least eight attempted terrorist attacks or plots for which arrests were made against our homeland. Meanwhile, events changed in Afghanistan, Yemen, Somalia, Iran. All around the world things were changing, but we couldn't find time on the floor to deal with the Intelligence authorization bill. We had important things to do. We had post offices to name.

But then on February 24, 2010, the Rules Committee reported the second rule out, which included the McDermott language as part of a manager's amendment that was 31 total amendments combined into one. That McDermott language would create a new crime and penalties only for our intelligence professionals if they did things like deny terrorists a proper amount of sleep or if they did something that would violate a terrorist's religious beliefs however the terrorist chose to define those religious beliefs. There was no standard of reasonableness there at all.

So throughout the day yesterday, as most people were watching events in the White House, we argued against that provision; yet it was defended on the other side of the aisle throughout

the day. Some people said, Oh, it just restates current law. Mr. McDERMOTT answered that himself in a 1-minute last night. He said, My amendment would have expanded on the President's Executive order to define what constitutes cruel, inhuman, and degrading interrogation, and it will create criminal penalties for those who use those kinds of interrogations.

People over there who said that it just restates current law were just mistaken. Somebody else said it reflects American values. I don't know when it became American value to treat terrorists better than we treat Americans in the criminal justice system. When it came time to vote, the majority found that they didn't have enough votes to pass the bill, and so they went back to Rules a third time on this bill. Now this rule strips out that provision that the majority spent the whole day yesterday defending.

Now, I heard what the gentleman from California said. I am not quite clear that I have understood why we have had this amazing turn of events, why the Rules Committee on Wednesday night would say this provision is so important it must be in the manager's amendment, but on Thursday night they say, no, we are going to have a rule that does nothing but strip it out. Maybe they didn't really know what the McDermott language did. Maybe they just voted the way the Speaker's office told them to vote.

As a matter of fact, there is a report in the Washington Times today that says a House Democratic aid told the Washington Times leadership supported the amendment and told the House Rules Committee to put it in the provisions. Maybe they were just persuaded by our eloquence on the floor yesterday, Mr. Speaker, and decided that it needed to be removed. I don't know, but this provision is deplorable; it needs to be scrapped. But it's a symptom, I would suggest, of a deeper sickness that, in fact, some in this body, some in the administration, of how they view our intelligence professionals. Their reflex action is to blame the intelligence community first. We see it when special prosecutors are appointed to go after our intelligence professionals. We see it when classified interrogation memos are released, despite the protestations of five former CIA directors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield the gentleman an additional 1 minute.

Mr. THORNBERRY. We also see that "blame the intelligence professionals first" mentality when someone as distinguished as the Speaker of the House, under political pressure, just accuses them of lying all the time. That's the sort of mentality that gets a provision made in order that mixes up the good guys and the bad guys and goes after the good guys and puts a higher standard on them than any county sheriff or State trooper in the country would have.

Mr. Speaker, this is serious business. Terrorists are plotting and planning to attack us every single day. It doesn't do our intelligence professionals much good if we give them nice words and then enact new crimes against them. What counts is our actions, standing up for them and what they do to protect us, and I would suggest this bill needs to go a long way further in doing that. But that strain that goes through this House and some in the administration to attack them first must be stopped at all costs.

Mr. CARDOZA. I continue to reserve the balance of my time.

Mr. DREIER. Mr. Speaker, in light of the fact that my friend from Atwater has chosen to reserve his time, I am happy at this point to yield 4 minutes to another hardworking member of the Select Committee on Intelligence who brings his great experience, having served in the Federal Bureau of Investigation, the gentleman from Brighton, Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Thank you to my friend from California.

Mr. Speaker, yesterday, I think, was a very, very important symptom for us to all understand, and it's easy to get confused, by the way, in who the good guys are and who the bad guys are. When you take the fight on the war on terror from a proactive intelligence approach to a law enforcement approach, things get pretty murky in a hurry, and everything slows down, and information exchanges slow down.

What we have done, what they have tried to do in the middle of the night, is sneak in a provision that would actually, when you read the entire thing, treat terrorists with a special carve-out that not even white-collar criminals, organized crime members, extortionists as American citizens would get, that your interrogator could be brought up on charges for what you believed might be incidences that offend you. Unbelievable. But that's exactly what happens when you are confused about who the bad guys are.

This bill should be known for what it doesn't do. I mean, right now, they are getting ready to bring, through the administration policy and support of this Congress, hundreds of some of the most dangerous terrorists in the world to the United States. Do you know that about over a dozen times where these terrorists have been held overseas, including places like Great Britain, that terrorists have tried to break in to break them out? And guess what? Our policy is to bring them to the United States, give them a special carve-out, and treat them like American citizens at the cost of hundreds of millions of dollars.

You know, we had the opportunity to do disruptive activities to al Qaeda, and some speculate that between the Fort Hood shooting and the Christmas Day bomber, there were methods and activities that we as a Nation didn't engage in because we were confused about being proactive on intelligence

against terrorism or treating it like a law enforcement matter. There is a lot to be accountable in that decision, but it can happen when you get confused who the bad guys are.

We have never had a full vetting of what was known at one time as the Global Justice Initiative where you send FBI agents around the world, including to the battlefield, to Mirandize foreign-trained terrorists who have declared war on the United States. That can happen when you forget who the bad guys are. There is nothing in this bill that protects the very courageous CIA interrogators for following Department of Justice guidelines in the interrogation and the development of information that will have saved lives in the United States.

And, by the way, it was brought to our attention that the same interrogators who gave us about 70 percent of what we know about the logistics and operations of al Qaeda are subject to criminal investigations. You know why that happens? Because it's easy to do when you are confused about who the good guys are and who the bad guys are.

Yesterday was that symptom, Mr. Speaker, that when you make that decision, there are serious consequences. Now, folks want to say, oh, that's just politics you are trying to interject.

This is serious business. Khalid Sheikh Mohammed will come to New York. Some estimate it as high as \$200 million just for the security. That city said, "No." Michigan said, "No." Kansas said, "No." Americans are saying, "No."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield the gentleman an additional 1 minute.

Mr. ROGERS of Michigan. We ought to stand together in this body and say, "No."

This bill falls short of addressing the serious debate we better have ongoing from a proactive intelligence approach to a law enforcement approach. This is not about you have the right to remain silent and if you can't afford an attorney one will be appointed for you at the expense of the U.S. taxpayers. This is about aggressively pursuing terrorists where they live, where they train, where they operate.

If our whole new plan is a law enforcement approach and we are going to catch them at the airport, we are going to lose this fight, and that's exactly what this bill fails to address. You cannot let one stand in the line with any American citizen and hope to God your last defense works, and that's what happens when you go to a law enforcement approach and you treat CIA officers like criminals and you treat foreign terrorists like high-status American citizens. You could get confused on who the good guys are and who the bad guys are in a hurry.

I would recommend strong rejection of this bill. We need to start over, and we need to start asking hard questions

about what this policy is doing to the national defense of the United States.

□ 0945

Mr. CARDOZA. Mr. Speaker, I yield 5 minutes to the gentleman from Texas, the chairman of the Intelligence Committee, Mr. REYES.

Mr. REYES. I thank the gentleman for yielding.

Mr. Speaker, I am grateful for the opportunity to speak in support of this rule. It provides us with the opportunity to advance the Intelligence Authorization Act to conference and then to the President.

This bill provides essential funding to the intelligence community, improves and updates critical legal authorities, and enhances important oversight authorities that will empower the congressional intelligence committees to carry out their constitutional responsibility to monitor the work of the intelligence agencies.

As everybody knows, I take this obligation very seriously. The work of the intelligence community is of critical importance, but by its nature must be done largely behind closed doors. As a result, the intelligence committees exist to ensure that the work of the intelligence agencies is being done in a manner that is effective, that is legal, and that is without waste. H.R. 2701 provides the funding authorities and the guidance necessary to that function.

First and foremost, this bill will dramatically improve the process for congressional notification of covert actions. Over the past several years, Democrats and Republicans have both had complaints about the notification process. Provisions in the manager's amendment will require notifications in writing, insist that the President certify the need to restrict briefings to the Gang of Eight, and compel the executive branch to provide the legal authority under which covert action is being conducted.

As I have said before, this bill was truly a team effort. We received input and drafting assistance from a variety of Members. The manager's amendment also includes contributions from many of my colleagues.

Representative GIFFORDS from Arizona crafted a provision that would require the DNI to report on intelligence cooperation between the Federal Government and State and local law enforcement.

Representative BOCCIERI asked for a report on the dissemination of counterterrorism information from the intelligence community to local law enforcement.

Representative BISHOP introduced language to require the DNI to submit to Congress a report describing the strategy of the United States in balancing intelligence collection needs with the prosecution of terrorist suspects.

Representative HARMAN, the former ranking member of the Intelligence

Committee, submitted an amendment that will require the Inspector General of the intelligence community to report to Congress on the problem of overclassification of intelligence and ways to address that issue and those problems.

The manager's amendment also contains language from Representative HINCHEY requiring a report on previous intelligence community activities in Argentina, an issue that has long been a concern of Representative HINCHEY.

Representative LANGEVIN, a leader on the issue of cybersecurity, drafted a provision that requires the President to submit a plan to Congress to secure the networks of the Federal Government.

Finally, Representative MARKEY of Colorado drafted language that will require the Director of National Intelligence to submit a report to the congressional Intelligence Committees assessing the threat posed to allies and interests of the United States in the Persian Gulf by Iran's missile arsenal.

Beyond the manager's amendment, the base text of the bill makes several important improvements in oversight of intelligence activities. First, it establishes an Inspector General for the entire intelligence community. This provision will help eliminate fraud, waste, and abuse, and it will also keep a close eye on the protection of the rights of Americans.

The bill will also require the DNI to establish a plan to increase diversity within the intelligence community. As is very clear, this is a measure that is important to all our Members, to me personally, and to the committee's vice chairman, Mr. HASTINGS. For the intelligence agencies, diversity is not just about virtue and equality, though both are important ideals; it is about making sure that we have a clear and complete understanding of the different languages and cultures around the world. In the world of intelligence, diversity translates directly into improved operational capability.

Mr. Speaker, as the chairman of the Intelligence Committee, it has been a privilege to work with both sides of the aisle to craft this bill. It is important to keep in mind that all of these issues are vital and important components of making sure we do our work.

With that, I urge all my colleagues to support this rule and enact these critical provisions into law.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds, and I do so to congratulate the distinguished Chair of the Select Committee on Intelligence, my good friend, for his service in the Border Patrol. And we have worked together on a wide range of issues. I thank him for that.

I have to say that I am very concerned, though, about the fact that we, unfortunately, have not seen what is best described as a forward-leaning policy when it comes to dealing with this threat of terrorism.

We all know that law enforcement by its nature is reactive, and we need to

have a policy that is more proactive. The inclusion of language like the McDermott amendment in this measure in the manager's amendment unfortunately creates a scenario whereby we are not focused on being the forward-leaning entity that we should.

With that, Mr. Speaker, I am very happy to yield 5 minutes to the distinguished ranking member on the Permanent Select Committee on Intelligence, my friend from Holland, Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank Mr. DREIER from California for giving me the 5 minutes.

Here we go again. This bill could have been done in July, but it was pulled. This is the third rule that we've had on one bill. It's almost unprecedented; I'm not sure that I have ever seen this before. It was pulled in July because of the controversy surrounding the Speaker's remarks saying the CIA lies, the CIA lies all the time. So it sat dormant as this country was under attack.

When we went to the Rules Committee this week, we had a lot of amendments that we thought should have been put in order. An amendment that would direct the DNI to establish a panel to review the capabilities of Iran—it wasn't important enough to debate that when we went through the debate on this bill yesterday. An amendment that would require the CIA to release publicly unclassified versions of documents relating to the use of enhanced interrogation techniques—that wasn't important enough to debate. What we are going to do with the folks in Guantanamo—that wasn't important enough to debate. What the intelligence community did after Fort Hood and in between Fort Hood and Christmas Day—that wasn't important enough to debate. The process for authorization and notification of covert actions that may result in the death of a targeted U.S. citizen—that wasn't important enough to debate.

But then we see that there is an amendment to be offered by the manager of the bill, the chairman of the committee, 22 pages, including an amendment from Mr. McDERMOTT. And here's Mr. McDERMOTT's own words: "My amendment would have expanded upon the President's executive order to clearly define what constitutes a cruel, inhumane, or degrading interrogation so that it is unmistakable what kinds of techniques are unacceptable. It also creates criminal penalties for those who use those kinds of interrogations." Not a single minute of debate on this amendment, not one hearing on this amendment, and we dump it into a manager's amendment, along with 22 other amendments. Sloppy work.

And how do we know it's sloppy? Because we're back here today for a third time with a third rule pulling it out. It's not because the leadership on the other side believes that this is a bad amendment. They believe it's the right

amendment. That's why they put it into the manager's amendment. That's why the chairman put this amendment into the manager's amendment, because he agrees with it. He defended this yesterday, expansion of criminal penalties only to the intelligence community; on the floor defending this amendment, saying it was the good thing and the right thing to do, and it was consistent with American values. If it's consistent with American values, why are they pulling it out? Because they know it's unfair to the intelligence community.

We asked the question yesterday, what are you going to say to the men and women, the front lines in the intelligence community, when you go and visit them and say you have created a special set of penalties only for them? You know, these rules, this new criminal law, you wouldn't even apply these to your county sheriff, you wouldn't even apply them to your State trooper, but they wanted to sneak them in in the middle of the night, with no debate, no hearing, saying this is the right way to go. They're pulling it today because they recognize, their leadership on this issue, that when they turned around, they had no followers. They didn't have enough votes to pass this. It jeopardized their bill. It was sloppy work to put this in in the first place, and it's an indication of how this bill has gone through the process. This amendment was put in without any consultation with the other side of the aisle. This is a partisan bill. As my colleague said earlier, it creates some real confusion as to whether we're in the law enforcement business or whether we're in the fighting terrorism business.

I'm glad this is coming here today, but we could have dealt with this yesterday. It should never have been in the manager's amendment to begin with. If they wanted to put it up, put it up for a separate vote as a separate amendment. But they knew they couldn't do that.

We asked questions yesterday that they didn't answer. Why does this amendment define a criminal offense that only intelligence community personnel would be guilty of? They wouldn't answer that, they wouldn't engage in that debate. The amendment would make it a crime for depriving an individual of necessary food, water, sleep. How does the bill define "necessary?" Participate in acts intended to violate the individual's religious beliefs. Is there an objective standard? Then it gets into phobias. Exploit the phobias of the individual. We asked the other side, please define this for us, and they didn't.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. I am happy to yield my friend an additional 30 seconds.

Mr. HOEKSTRA. I thank my colleague.

They weren't willing to answer any of those questions or even have a de-

bate or a discussion on what the amendment meant. So that is why we're back here today. But the bottom line is it's a symptom, it's a symptom of the confusion on the other side, the sloppiness with which they brought this bill to the floor. I am glad that they have taken this lousy amendment and they are going to trash it today. It should never have been in there. It jeopardized and attacked our men and women on the front lines who are keeping us safe each and every day.

The McDermott amendment was an insult, an insult to American men and women in the intelligence community.

Mr. CARDOZA. Mr. Speaker, I would like to inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) has 21 minutes remaining, and the gentleman from California (Mr. DREIER) has 3½ minutes remaining.

Mr. CARDOZA. Mr. Speaker, I now yield such time as he may consume to the chairman of the committee, Mr. REYES.

Mr. REYES. I thank the gentleman for yielding time.

You know, facts are pesky things, and sometimes we have to keep reminding those on the other side of the aisle that they are entitled to their own opinions, but they are not entitled to their own facts.

When the ranking member made reference to the Speaker and her comment about being misled by the CIA, it is important to keep in perspective that we are talking about the last administration, where the policymakers repeatedly misled the Congress. He himself complained bitterly many, many times about those kinds of issues. In fact, one of the amendments, the amendment on the issue of Peru, is a direct result of complaints voiced by the ranking member and others on the committee.

He asked a rhetorical question: What will we say to the men and women of the intelligence community? My message has always been consistent: We appreciate their work, we honor their professionalism, we depend on them, and the safety of our country relies on them doing the job that they need to do.

□ 1000

It's interesting for me to note that, over the course of the last few months, because of an issue that the minority has with Miranda warnings, they have been repeatedly questioning the proficiency of the Federal Bureau of Investigation. I have 26½ years of experience in Federal law enforcement. I've had an opportunity to work with the agents of the Federal Bureau of Investigation, and I know they are the best we have.

Do you know why I say that?

Because they didn't need to resort to waterboarding. They didn't need to resort to enhanced interrogation techniques. All they did was conduct interrogations professionally and bring all

the tools to bear that they have traditionally relied on, and they got information from the individual who tried to take down the airliner on Christmas Day.

I know it's a tough contrast, because some would like to take shortcuts. Some would like to subscribe to the last administration's policy of "anything goes." Well, facts and rules are pesky things. I know the Constitution, which they like to quote, is pesky because it provides protection to anyone here in the United States, whether you are here legally, illegally, whether you are in a car, on a plane or in another type of conveyance. The Federal Bureau of Investigation understands that, and that's why, once they determined that there was a violation, they gave the Miranda warnings.

The other side would like to mischaracterize that and say, "We're in favor of the FBI's going around the world, giving the Miranda warnings to those who would seek to harm our country." Well, the difference between us and the rest of the world should be that we are a Nation of laws, that we don't seek to take shortcuts, that we don't think it's a good idea to waterboard and to torture and do those kinds of things. That's a basic and fundamental difference in political philosophy, I think, here today.

Do you know what? As I go around the world and talk to members of the intelligence community in the CIA, the NSA, the DIA, the FBI, and others, that's what they want to do. They want to be given the tools to carry out their jobs and to do their jobs within the framework that we are so proud of as Americans. That's what we should be doing. That's, more than anything, what this debate is about.

Are we going to honor the traditions that our country stands for—the reasons that we are held up as a model around the world—or are we going to subscribe to the policies of the previous administration which say, because people are intent on attacking us, that anything goes, that we throw the rule book out the window, that we throw the Constitution out the door and let people do whatever they want, whenever they want, however they want? That is not who we are. That is not what we should be about. Believe me, the men and women who are charged with keeping us safe want those issues to be clear-cut and understood.

I will close by saying it is very telling that, when the last administration made a decision under enhanced interrogation, to waterboard, two things happened. First of all, the CIA did not have that expertise in-house. They had to go to the DOD to get it. Secondly, when the FBI realized that that was part of the interrogation process, they said, you know, that's not what we're about. We can get the job done the right way without resorting to those kinds of techniques, and they returned back to headquarters.

So, with that, I hope that we can have a substantive debate on issues



that are important to our country, on issues that are relevant and, most importantly, on issues that provide the men and women, the professionals in whatever agency you're talking about, the tools and the direction that we are a Nation of laws. We have to respect our Constitution.

Mr. DREIER. At this point, Mr. Speaker, I yield 2 minutes to another hardworking, thoughtful member of the Permanent Select Committee on Intelligence, the gentleman from metropolitan Chumuckla, Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the ranking member for yielding.

Mr. Speaker, I would like to use my 2 minutes in a colloquy with the chairman of the full committee.

If you believe what you've just said, why are we striking section 506 from your manager's amendment?

Mr. REYES. If the gentleman would yield, last night, we offered a unanimous consent to withdraw it.

Mr. MILLER of Florida. Reclaiming my time, why did you do that?

Mr. REYES. The issue, after reflecting on it, was, at least as I understood from the comments that were being made by your side, there were some misimpressions of what, actually, the amendment was intending on doing, so I offered to withdraw that under unanimous consent, and your side decided not to.

Mr. MILLER of Florida. Reclaiming my time, Mr. Chairman, again, please, I am going to continue the colloquy.

You are saying there are misimpressions on our side. It was your side last night that blew up when this issue was brought forward, and you didn't have the votes to do it. So my next question is: If you had defended it all-day long, why did you allow it to be put in the bill in the first place?

Mr. REYES. Well, we can only do so much to make sure that your side understands that the concerns that you were raising were not, in fact, what was meant by the amendment. That's the long and short of it.

Mr. MILLER of Florida. Thank you, sir.

Reclaiming my time, that is exactly what I am trying to put forth to the public today.

You talk about our being entitled to our own opinions but not to our own facts. Facts are facts. The facts are the chairman of the committee had this put into the bill. The chairman of the committee is now having it pulled out of the bill, which is the way they want to go.

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend from Gold River, California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I am sorry, I had to come over here and just respond to what was said by the chairman of the Intelligence Committee.

You said, in the previous administration, anything goes. Read the memo that just came out of the Justice De-

partment. Look at the actions of the Justice Department. They suggest that anything did not go. To say that now is to besmirch the reputations of good men and women who have worked both career and political to save us from the threat of terrorists since 9/11. To come here and to say "anything goes" is a continuation of besmirching the reputations of good men and women. Frankly, it ought not to stand. Look at the facts. Look at the recent memo that reviewed those analyses. You will see that is not the case.

Mr. CARDOZA. Mr. Speaker, I yield to the chairman such time as he may consume.

Mr. REYES. First of all, in response to my friend from California's comment, I will just give you one example.

The issue of waterboarding has been characterized as the equivalent of a training exercise, that the SERE training does it to train our pilots. Don't you think there is a big difference between categorizing it in that way and waterboarding an individual 183 times?

Mr. DANIEL E. LUNGREN of California. If the gentleman would look at the memo that just came out which reviews the legal analysis provided by the Justice Department in terms of waterboarding, you would see that there is not only a historic but a legal and substantial difference between the waterboarding referenced in the complaints versus that which we did.

Mr. REYES. Answer the question: Do you think there is a difference between a training exercise that simulates waterboarding?

Mr. DANIEL E. LUNGREN of California. I would be happy to respond if the gentleman would allow me to.

Mr. REYES. Please.

Mr. DANIEL E. LUNGREN of California. There is no difference in the application—the numbers, yes.

The fact of the matter is, after that individual was waterboarded multiple times, we received actionable information from the intelligence community, which allowed us to stop plots that were aimed at killing Americans. That has been said under oath by the highest levels of the intelligence community in the United States.

Mr. REYES. Reclaiming my time, that doesn't deserve a response.

What I will say is that the FBI and our interrogators, the professionals that they are, have proven that you can get better information by following the traditional interrogation procedures. You don't have to resort to "enhanced interrogation techniques."

Mr. DANIEL E. LUNGREN of California. The facts are difficult.

Mr. DREIER. Mr. Speaker, yesterday at the White House, Speaker PELOSI said that people sitting around the kitchen table don't care about process; they care about results.

Well, the fact of the matter is this has been an extraordinarily sloppy process. As we've just seen from the exchange that has taken place, it looks like we had the potential for very, very

serious, far-reaching results which could have been devastating had we included the McDermott language in this measure.

Now, Mr. Speaker, as we look at this pattern, it is unfortunate. I think we have made history here today by having the third rule considered for the first step of legislation. It has taken 8 months for us to get here when we should have dealt with it last summer when it was a priority for us.

I've got to say, Mr. Speaker, when you have had process, you end up with bad results, and that's exactly what has happened here. So I am very, very troubled that we are at this point, but we are going to try to do what we can to move forward.

With that, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, in closing, I want to say that I am pleased we are removing the language today.

I want to remind my colleagues that, in this bill, we are helping to prevent the disastrous consequences that faulty intelligence and misinformed Congresses can have on national security. I urge a "yes" vote on the rule and on the previous question.

I yield back my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to House amendment to the Senate amendment to a bill of the House of the following title:

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1105 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2701.

□ 1013

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. RAHALL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday,