

tempore (Ms. DEGETTE) at 2 o'clock and 40 minutes p.m.

EXPRESSING SENSE OF THE HOUSE WITH RESPECT TO WHISTLEBLOWER COMPLAINT MADE TO INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY

Mr. HIMES. Madam Speaker, pursuant to House Resolution 577, I call up the resolution (H. Res. 576) expressing the sense of the House of Representatives with respect to the whistleblower complaint of August 12, 2019, made to the Inspector General of the Intelligence Community, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 577, the amendments to the text and preamble specified in section 11 of that resolution are adopted and the resolution, as amended, is considered read.

The text of the resolution, as amended, is as follows:

H. RES. 576

Resolved, That—

(1) the whistleblower complaint received on August 12, 2019, by the Inspector General of the Intelligence Community shall be transmitted immediately to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives should be allowed to evaluate the complaint in a deliberate and bipartisan manner consistent with applicable statutes and processes in order to safeguard classified and sensitive information.

The SPEAKER pro tempore. The resolution, as amended, shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Connecticut (Mr. HIMES) and the gentleman from California (Mr. NUNES) each will control 30 minutes.

The Chair recognizes the gentleman from Connecticut.

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

Madam Speaker, I rise in support of the amended resolution, which demands provision to the congressional intelligence committees of a whistleblower complaint, which the Acting Director of National Intelligence has withheld. The law, however, required the Acting DNI to submit it to the committees.

This is a serious matter, Madam Speaker, for IC whistleblowing, congressional oversight, and the rule of law.

Before turning to it, let me express my deep gratitude for the actions of a courageous and anonymous individual in the intelligence community. That person wanted to report urgent, credible allegations of serious wrongdoing and did the right thing by acting in

strict accordance with proper whistleblower procedures. These permit classified disclosures to be made to the intelligence committees while protecting national security.

Using that mechanism, in August, the whistleblower made a complaint to the inspector general of the intelligence community. According to the Justice Department's legal opinion regarding the complaint, which it today released to the public, the whistleblower's allegations concerned the content of a telephone call between President Trump and a foreign leader.

The inspector general determined the complaint to be urgent, meaning that the matter met important statutory criteria, and that its allegations appeared to be credible.

The inspector general, months later, would write that the complaint's allegations not only fell "within the DNI's jurisdiction," but that they "relate to one of the most important and significant responsibilities to the American people." That is protecting the United States from foreign interference in our elections.

In strict accordance with the statutory rules, the inspector general passed the complaint and his determination to the Acting Director of National Intelligence. The Acting Director was obligated to forward this material to the congressional intelligence committees within 7 days of receipt, but, in contravention of the law, he refused to do that.

There can be no misreading of the provision imposing that obligation. It says that the DNI "shall" forward the materials to the House intelligence committee and also to our colleagues at the Senate intelligence committee.

□ 1445

"Shall," of course, means "shall." It does not mean "can if you want to."

Despite this unambiguous, categorical directive, the Trump administration interfered with the time-tested process for IC whistleblowing. It would need to resist that process forcefully because, as public reports have suggested, the complaint potentially concerned the same craven abuse of power by President Trump which the public learned about this morning.

I won't recite all the details of this sordid episode. But suffice it to say that documents released today plainly show the President of the United States shaking down his Ukrainian counterpart for a "favor"—an investigation by Ukraine's authorities, with close coordination by Rudy Giuliani and Attorney General Bill Barr, into the son of former Vice President Joe Biden, the former Vice President himself being a candidate for the U.S. presidency.

So the administration got the Justice Department's Office of Legal Counsel involved, it got the White House Counsel involved, and, without invoking national security or making a claim of executive privilege, it man-

aged to get a staggeringly flawed legal opinion from the Department of Justice.

The opinion's reasoning is specious on its face. According to the Department of Justice, the whistleblower statute did not apply to the complaint, and the complaint therefore did not have to be forwarded to the committees because the complaint's allegations do not relate to an urgent concern, meaning the funding, administration, or operation of an intelligence activity under the DNI's authority and responsibility.

In this regard, the DOJ observed that the alleged conduct was committed by the President, who is outside of and above the IC. I will point out that that is irrelevant under the statute. All that is required is that the allegation "relate to" an intelligence activity within the DNI's purview.

The DOJ also faulted the IC IG, the inspector general, for not citing a statute or policy that gave the DNI operational responsibility to prevent foreign interference in our elections.

Think about that for a second. Have in mind what our country went through in 2016 when Russia undertook covert as well as overt measures to warp the U.S. Presidential election and to sow discord which the Trump campaign welcomed with open arms.

With that recent history in mind, to say nothing of the rules on the books, we can easily dispose of the claim that the intelligence community, as captained by the acting DNI, has no operational role in keeping adversary governments from meddling in our democratic processes. That assertion is ignorant. It is wrong. And it bespeaks a serious misunderstanding about the DNI's authorities and the activities of the United States intelligence community.

The DOJ's cramped view would come as news to President Trump, I suspect, given the executive order he issued in September of 2018 regarding foreign interference in our elections, which requires the DNI, after every Federal election in this country, to assess whether such interference has taken place and to report his assessment to the rest of the executive branch. That sounds a lot like a serious role for the DNI to me.

I imagine the Department of Justice's view would also come as a shock to the acting DNI himself. After all, by statute the DNI is the head of the U.S. intelligence community and the principal intelligence adviser to the President and the National Security Council, among other things. As the inspector general correctly noted, one mission of the intelligence community, among its core missions, is to protect the United States against hostile intelligence activities directed against it. That would include any hostile foreign intelligence activities associated with efforts by foreign adversaries to interfere in our elections.

So I am stunned that the acting DNI would accept legal advice like this,