Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—21

Baldwin
Blumenauer
Boyd
DeFazio
Duncan
Flake
Hostettler
Jones (NC)
Kucinich
Leach
McDermott
McGovern
McKinney
Oberstar
Obey
Olver
Paul
Rahall
Snyder
Stark
Taylor (MS)

NOT VOTING—14

Beauprez
Boehner
Buyer
Evans
Gillmor
Hastings (FL)
Lewis (CA)
Mica
Millender-McDonald
Moore (WI)
Osborne
Ros-Lehtinen
Sweeney
Tiahrt

□ 1449

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 778) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 778

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. Berman (to rank immediately ahead of Mrs. Jones of Ohio).

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5020.

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

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Pursuant to House Resolution 774 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5020.

□ 1453

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 consideration of the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 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. REHBERG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first wish to announce that, subsequent to reporting the bill, the committee has modified the classified annex to the bill with respect to the authorized level of funding for certain programs with bipartisan agreement between myself and the ranking member.

The classified annex containing the modified schedule of authorizations is and was available for review by all Members of the House, subject to the rules of the House and the Permanent Select Committee on Intelligence under the procedures described in my announcement to the House on April 6, 2006.

Mr. Chairman, the House Permanent Select Committee on Intelligence has a reputation for conducting its business in a bipartisan manner. With the intelligence authorization legislation before us today, I can say that we have clearly hit that mark again. I look across the aisle to my colleague and friend, the committee's ranking Democrat member, Ms. HARMAN, and say thank you for once again helping to craft a very good bipartisan piece of legislation that will allow the talented, dedicated and patriotic men and women of our Nation's intelligence community, our first line of defense, to protect America, its people and our friends around the world.

Mr. Chairman, this bill is all about national security. It is about authorizing the intelligence resources, capabilities and operations necessary for us to know about foreign threats and to defend ourselves in an increasingly dangerous world. It is about rebuilding, reshaping and indeed fixing a community that was decimated by the budget cuts of the 1990s.

Because of these cuts, on September 11, 2001, we were without a robust human intelligence capability and without a robust analytic capability that may have helped prevent or minimize these attacks on the United States. This bill continues a many-year effort to transform, build up and recreate an intelligence community that can know and respond to threats.

There will be those here today who will not share our concerns about the many threats against which our intelligence community must operate. There will be those who do not agree with the necessary activities of our intelligence community. There will be even be those who actually accuse our dedicated intelligence professionals of violating, if not the law, then the spirit of American values. This as they go about a business to protect you and me.

To those who would and will take such positions, I say: you are wrong. The threats are real. The professional

dedication, the discipline, the expertise and the extraordinary respect for the civil liberties of all Americans that the honorable men and women of our intelligence community exhibit is real. To them we owe a great debt. To them we must make our best collaborative efforts to provide the resources and authorities that H.R. 5020 authorizes.

Finally, because of them, we have the responsibility to rise above any partisan politics in order to come together and pass this national security bill.

This is the first intelligence budget request that was fully determined by the new Director of National Intelligence, or the DNI. Although the Office of the DNI is still in its formative stages, I am pleased that the promise of the Intelligence Reform and Terrorism Prevention Act of 2040, the legislation that created the DNI, is beginning to bear fruit, and that incremental but real improvements have been made since the standup.

It was our intent to better unify the disparate pieces of the intelligence community; to create a more cohesive whole that is greater than the sum of the parts. That goal is a work in progress, and we will continue to support the DNI's efforts to create a more effective intelligence community.

We will support that effort, but we also provide the necessary oversight, and this bill provides some mechanisms to make sure that we get the intelligence community that the ranking member and I envisioned when we worked so hard at passing that legislation.

Mr. Chairman, as you also know, much of this legislation is classified and can't be discussed here on the floor. We must be very careful to ensure that today's debate does not involve classified information. That said, I do want to discuss, at an unclassified level, some specific items contained in the authorization bill before us.

The first is our continuing support for an effective Director of National Intelligence that can, as I mentioned earlier, bring together all of the agencies of the intelligence community. We need an effective and efficient DNI that fully coordinates and sets the direction for the high-fidelity capabilities of the intelligence community.

In this legislation we are sending a strong signal that the vision of the 2004 intelligence reform legislation was about building a qualitatively better intelligence establishment and not building a bureaucracy.

This bill continues to pursue improvements to our core intelligence for human intelligence, intelligence analysis, infrastructure and counterintelligence capabilities. Improvements in these areas are absolutely critical to gaining the upper hand in the war against worldwide terrorism. We have, for example, made recommendations for improved HUMINT training and associated support. We have recommended additional funding for analytical tools. And we have put a great deal of emphasis on increasing counterintelligence programs and personnel, because, in case you have not been looking, there are many nations and nonstate actors actively trying to steal America's secrets.

This bill also puts a renewed and continued emphasis on overhead imagery architecture. As many know, last year there were some decisions that were made that included terminating a part of the Future Imagery Architecture program. This was a tough decision. It had its positive aspects. It also had its negative downside. We are now in a late-to-need race to ensure we do not have future capabilities gaps. I am concerned that the current approach has not adequately addressed this problem. So this legislation vigorously pursues one of a very limited number of options.

Finally, I would like to also address a provision that was mentioned in one of the amendments that was proposed by the minority for today. I want to reinforce to my colleagues on the intelligence committee that we remain very, very committed to active oversight and reporting by the intelligence community on the progress that they are making in Iran. We have provisions in the bill for Iraq. We have got some of that language for Iran and other hot spots around the world. But as the ranking member and I have discussed, as the rule was being debated, the spirit of the amendment is one that we embrace. We may have some technical or drafting differences, but the intent of that amendment is one that we will stay focused on. We believe it is inherently important for us to focus on those kinds of issues and to do this in a bipartisan basis.

□ 1500

The issues and the threats that we are facing, al Qaeda, radical Islam, Iran, North Korea, as well as future threats that are on the horizon that we are only beginning to think about, require us to continue to work in a bipartisan basis.

I recognize that we had some disagreements on the bill. We have got disagreements between Republicans and Democrats. We have got disagreements within each side of the aisle. But the important thing is that we continue to focus on working in a bipartisan basis to keep America safe. That is the request that our colleagues on both sides of the aisle have placed to us, and I hope that we will continue in working in that direction.

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

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in my 12 years in Congress, in my 8 on the Intelligence Committee, I have always supported intelligence authorization bills, but never in my 12 years and never in my nearly 4 decades involved in public policy have I been as concerned as I now am about our Nation's security.

Just this week bin Laden and Zarqawi issued new threats against the United States and our allies, yet we do not know what they are plotting. We do not even know where they are. Despite 4½ years of effort and the expenditure of tens of billions of taxpayer dollars, we still do not have a handle on al Qaeda, a threat that is metastasizing and growing ever more dangerous.

We are losing soldiers in Iraq, in part because we never had intelligence dominance. We still do not have it. The so-called war on terror outside Iraq is essentially an intelligence war, but we did not know that home-grown terrorists were going to blow themselves up on London's subways. We did not know about Madrid, Bali, Casablanca, Istanbul or Dahab, Egypt. We do not know if America will be hit tomorrow or where.

Iran is making noisy threats, but we do not know if Ahmadinejad poses a real danger or if he is bluffing, because our intelligence on Iran is weak. And again we are hearing the drumbeat for war, without a clear idea of where the targets are, whether we can hit them effectively, or what would happen the day after.

We have taken our eye off over-the-horizon threats, the networks of Muslim extremists growing in Europe, Africa and Latin America, the threat of loose nukes from the former Soviet Union and the rising power of China.

Here at home our intelligence reorganization is a slow start-up, and the CIA is in free fall. The Director of National Intelligence, a position Congress created to integrate the activities of the entire Intelligence Community after 9/11, has not taken command yet of that community. Meanwhile at CIA, our premier intelligence organization, 300 years of experience have either been pushed out or left in frustration, and morale is dangerously low.

The DNI is giving away authority to the Pentagon, which is happy to receive it, as it expands its own role in intelligence-gathering abroad and here at home. The efforts to integrate homeland intelligence between the FBI and DHS is still uneven.

And our borders, airports, seaports remain vulnerable. As we speak, the House Homeland Security Committee on which I serve is trying to report a strong port security bill. I hope that effort succeeds. We surely need it.

Given all this, what does this bill do, and as important, what does it not do? It funds an NSA program that in my view violates a clear statute passed by Congress. It fails to require that the program be fully briefed to Members of the Intelligence Committee.

I surely support, and I have said this over and over again, the capability to monitor al Quaeda. I want to know what their plans are so we can disrupt them before they harm us. But I do not support violating the law or the Constitution. Enhanced security without respect for law gives away the very values we are fighting to defend, and I believe that the program I am talking

about can and must fully comply with the Foreign Intelligence Surveillance Act and with our Constitution.

The bill also fails to give clarity to the issue of leaks. Leaks of classified information are wrong, but it is also wrong to have a double standard. When career professionals blow the whistle on controversial activities, it is illegal, a firing offense, but when the President and Vice President authorize the selective leaking of classified information to discredit criticism, it is defended as a prerogative of the Presidency, part of the President's inherent authority.

This bill includes a provision that gives arrest powers to the protective officers at CIA and NSA in order to help them protect agency officials. This provision, in my view, has been somewhat misconstrued in the press as granting new warrantless surveillance powers to these agencies. It does not. It simply gives these protective details the same authority that the Capitol Police, the Secret Service and other Federal authorities have. But, like all new powers, they are susceptible to abuse without strong oversight, and so it would be my hope that we will include more safeguards before this provision becomes law.

I do want to say to the chairman of the committee that I appreciate the bipartisanship which the majority has shown in accepting some initiatives raised over many years by committee Democrats. For 2 years committee Democrats have registered strong opposition to the practice of funding counterterrorism through supplemental budgets. We fought this reckless practice in committee and on the floor.

This year, again, the President's budget provided 22 percent less than what is needed for counterterrorism operations. On a bipartisan basis we are now authorizing 100 percent of the Intelligence Committee's counterterrorism funding needs for 2007 in this base bill, and that is something the majority agreed to, and I applaud them for that.

Second, for years our Intelligence Community has been denied the service of many patriotic Americans from versus ethnic backgrounds, Iraqi Americans, Iranian Americans, who want to serve, but who cannot get security clearances. Committee Democrats offered an amendment to last year's bill to require a multitier system of clearances so that these Americans, despite the fact that they may have relatives in these countries, can get clearances up to a certain level to help us with language and cultural issues. That language is in this bill, and I commend the majority for including it.

On a personal level, Chairman HOEKSTRA and I have made a major effort to work together to put America first. I am grateful for that and for him. I appreciate your kind words, PETER, and I thank you. We will continue to try to do our best to get the best possible legislation enacted.

Mr. Chairman, this bill, in my view, misses an enormous opportunity to send a message to the White House, and that message is that surveillance of Americans must comply with our law and our Constitution; that intelligence on Iran is not good enough; that protection of privacy and civil liberties must be part of our effort to improve intelligence gathering, not an afterthought; and that we will not tolerate a double standard on leaks of classified information.

I hope this debate, Mr. Chairman, will assure me that this bill is adequate. The dedicated women and men of the Intelligence Community not only deserve our full support, but our best effort to enact funding legislation that truly upholds America's values and America's principles.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. THORNBERRY), who is the chairman of the oversight subcommittee assigned with the responsibility of making sure that the reshaping and the rebuilding of the intelligence community under the Office of the Director of National Intelligence is a successful launch and does rebuild the community into what we need after what we inherited in the 1990s.

Mr. THORNBERRY. Mr. Chairman, I thank Chairman HOEKSTRA for all of his work in this area.

Mr. Chairman, there is no perfect bill that comes across this floor. And particularly in the area of intelligence, there is no perfect amount of information that tells us everything that we want to know. But rather than use this bill to send a message to the White House, I think that the committee generally has come together to try to fashion a bill that makes our country safer.

It is not perfect, it does not do everything that I would like it to do, but the members of this committee on both sides of the aisle take their job very seriously, and realize how much is at stake, and have generally avoided the kinds of partisan rhetoric that we sometimes see.

The chairman and ranking member have assigned the oversight subcommittee with strategic oversight. That means we are not to follow the headlines of the day, but the distinguished gentlemen from Alabama (Mr. CRAMER) and I have worked very well together, I think, to try to find those strategic issues, focusing on them. That really make a difference in the long run.

As the chairman mentioned, one of our areas of focus is to make sure that this new DNI office gets started on the right foot; is not just another bureaucracy, but truly brings the intelligence community together so there is not the duplication, not the stovepipes, not the gaps that we have seen in the past.

And it is important for folks to know that we did not just pass a bill, the intelligence reform bill, and walk away from it. We are engaged day after day in trying to work with the administration and with the agencies to make sure that it is a success.

This bill includes a requirement for a strategic planning process that is a part of that effort to make it a success. In addition to that, the oversight subcommittee has focused on reducing unnecessary paperwork burdens, reports and studies that often require many manhours, many dollars to prepare, but then come to nothing, where no one up here reads them.

Rather, we are trying to focus on information exchanges that matter, and particularly in the area of metrics, so that, for example, when we talk about Iran, we can quantify the quality differences, the quantity differences that come from sustained efforts in human and technical intelligence.

I think this bill does help make the country safer, and I suggest that Members support it.

Ms. HARMAN. Mr. Chairman, I appreciate that sending messages to the White House is not all we should do here, but there are very few ways to send those messages.

I yield 2 minutes to a senior member of our committee, also a member of the Armed Services Committee, the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the ranking member for yielding me time on this important issue.

I agree with my colleague from Texas that very few pieces of legislation are perfect. It is not that we are looking for perfection, we are looking for an effort that gives us the cooperation, an effort that gives us the ability to hold people accountable for doing their jobs.

Earlier today we heard that one of the amendments, the amendment that has been proposed by my colleague, the gentleman from Iowa (Mr. BOSWELL), had been ruled out of order, and that amendment required a quarterly report to Congress on the nuclear program of Iran. The report would be submitted every 90 days and would include an assessment of nuclear weapons programs; an evaluation on the sources upon which the intelligence is based; a summary of any new intelligence that had been gathered since the previous report; and a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce the confidence in the overall assessment.

People may wonder why would we want to include an amendment like that. Well, the reason goes back to why we are in Iraq today. The reason goes back to our lack of oversight and the issues of WMD, weapons of mass destruction.

The reason is because we have not done our job as a Congress in holding the administration accountable in WMD, in the issue of Abu Ghraib, and the issue of the leaking of the Valerie Plame outing, and many other different issues.

□ 1515

Our Founding Fathers had the idea that the best democracy, the best form

of government, would be one that would be a balanced approach. We haven't done our job in balancing that by oversight.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my distinguished colleague from New York (Mr. MCHUGH) who in the past year has sat through seven briefings on Iran in the Intelligence Committee.

Mr. MCHUGH. Mr. Chairman, I thank the distinguished chairman of the Intelligence Committee for his work, his effort, and all Members', to bring this product to the floor here today.

I certainly associate myself with the comments of previous speakers about perfection. I am one of the newer members of the committee, I have to be very frank. As a long-term member of the Armed Services Committee, I was shocked at the condition, or lack of positive condition of our intelligence resources coming out of the 1990s. Let us be honest about it. Congress, particularly the administration, did a terrible job in maintaining the kind of infrastructure programs and resources necessary to do adequate intelligence.

The good news is I think this bill continues the recent efforts, particularly since post-9/11, to try to rebuild those communities. It has not been an easy job, and it has been a bipartisan one, and I can hope that will continue.

With respect to this bill, I would say that it does, indeed, help meet the President's goal of growing our analytic cadre by 50 percent. It continues efforts that were begun with the Intelligence Reform Act to rebuild the community.

As I said, after it was literally devastated by what I would categorize as irresponsible budget cuts in the 1980s, the passage of this bill would provide the DNI with the necessary resources to best identify practices for analysis, and will fund use of experts from across the spectrum, academia, the private sector, to supplement the intelligence community expertise.

More than that, it will support fundamental assessment of the community's analytic resources, and that can serve as the ''yellow pages'' for intelligence community analysts, and it will serve as well to illustrate what skills and expertise the community still needs as we continue that very, very important challenge. In addition, H.R. 5020 provides our intelligence community with resources and authorities necessary to win the war on terror.

It shakes off the last vestiges of the Deutsch doctrine, which tied our hands for all intelligence officers. It is a long road back. This bill takes us a long way down that path and I strongly support its passage.

Mr. CRAMER. Mr. Chairman, I now yield 3½ minutes to the gentlewoman from California (Ms. ESHOO), a member of the committee.

Ms. ESHOO. Mr. Chairman, I thank our distinguished colleague for yielding.

Mr. Chairman, this bill provides the brave men and women of our intelligence community with the tools they need to conduct their constant silent struggle to guarantee our national security. They deserve it. They place their lives on the line every day, and they should have these resources provided to them.

What I am deeply disappointed about in this bill is that we are not using this opportunity to crack down on the administration's reckless and unlawful abuses in the field of intelligence gathering.

For the first time in our Nation's history, we are living under an administration that asserts it has the right, without statutory or judicial review, to eavesdrop on the electronic communications of American citizens. The NSA wiretapping program, revealed last December and acknowledged by the President himself, represents for the first time ever the completely warrantless surveillance of U.S. citizens, an unheard of breach of our rights guaranteed under the Constitution.

We have learned from news reports that the Counter-Intelligence Field Activity, CIFA, part of the Department of Defense, has illegally collected and retained information on Americans, including several in my district in California. Worse, they did this on the basis of protected first amendment activity, notably the exercise of free speech about military recruiting at the University of California at Santa Cruz.

When I learned of this, I was able to investigate and learn that the reports had been improperly entered into and retained in a Department of Defense database. I objected, and the DOD has promised in writing to correct the situation and issue guidance to employees to prevent future abuses. I am pleased with their attention to the problem, and I hope that we have turned the corner with CIFA.

This has not been the case with the President's NSA wiretapping program. Not only does the program fall outside the statutory guidelines of the Foreign Intelligence Surveillance Act, but the President continues, in my view, to violate the law by failing to brief the full Intelligence Committee about the program.

Our Nation was founded on the premise of three coequal branches of government, providing checks and balances on the abuse of power by any one body. Yet this administration continues to act without regard for congressional or judicial guidelines. This is not only un-American, it is dangerous, and we have a responsibility to put an end to it.

I offered an amendment to this bill in committee which sought only to determine the cost of the President's program. It was a reasonable and measured attempt at meaningful oversight. It didn't seek operational details or names of targets, but just the most basic oversight questions, what is in the budget. It was defeated. When the vote is cast on this, Members are voting in the dark.

I offered another amendment last night which was rejected by the Rules Committee. That was even more benign. It simply expressed the sense of Congress that all electronic surveillance must comply with the Constitution and FISA.

This bill has shortcomings, Mr. Chairman, and I regret that it does because I think that it is not good for our country.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to our distinguished colleague from New Mexico (Mrs. WILSON) who has responsibility as chairwoman of the Tactical and Technical Subcommittee.

Mrs. WILSON of New Mexico. Mr. Chairman, I rise in support of the bill we hope to pass this afternoon, because it continues to rebuild America's global intelligence capability and implemented intelligence reform.

I think we have to be honest with ourselves and the American people that the intelligence challenge that we face today is much more difficult than the challenge that we faced during the Cold War. The Soviet Union was powerful but predictable. They were knowable, understandable. Al Qaeda is deadly but amorphous, adaptive, parasitic, and suicidal.

The intelligence challenge, the bar, is much higher than it used to be. This bill helps us move forward to meet that challenge.

In the area of technical and tactical intelligence, this bill raises the standards for program planning. In the area of broad missions like ballistic missile technical collection, we require agencies to work together to come up with a comprehensive plan to gather the information needed and not duplicate programs.

We require agencies to plan not only for a technical program, but for the life cycle of that program: the tasking, the processing, the exploitation and dissemination, the training of personnel, and those kinds of efforts that have to be put in place.

Thirdly, we know we have serious deficiencies in some technical programs in our technical architecture. There is one essential program that has not been successful, and the way forward is fraught with risk. We put the resources and authorize them in this bill to develop long-term comprehensive solutions to the technical architectures we need to keep this country safe.

I ask my colleagues to support this legislation.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of the 2007 Intelligence Authorization Act. I believe that good intelligence is the best defense against terrorism. As we continue to fight this war on terror, I believe we must give the intelligence community the resources it needs to

keep our families and communities safe.

As a member of the House Permanent Select Committee on Intelligence, I support this legislation because I believe that it provides intelligence officials with key resources as they work to protect our country.

The bill improves the U.S. human intelligence activities, boosts U.S. counterintelligence programs and personnel, and increases funding for counterterrorism programs by 22 percent to achieve full funding, something the President's budget did not do.

But I do have some reservations about this bill as well. This legislation, supported by the Bush administration, moves a large number of intelligence agents and analysts from the FBI's new national security branch, currently under the authority of the Director of National Intelligence, to the Department of Justice. I do not believe this move is good for our country's security.

The agents in this new FBI branch specialize in collecting and analyzing domestic intelligence. They work to penetrate terrorist cells currently operating in the United States to thwart another attack on our soil.

After the horrific attacks of 9/11, Congress created the Director of National Intelligence, known as the DNI, to ensure better coordination and communication between the 15 intelligence agencies. The DNI was created to connect the dots, something that did not happen before 9/11.

It is the Department of Justice's job to investigate and indict criminals for breaking our laws.

I fear that shifting a large number of agents and analysts from the DNI to the Department of Justice will keep the status quo. If we want to change the culture, change the system that failed us before 9/11, and effectively break up terrorist cells in our country, the FBI's new security branch must stay under the DNI, the Director of National Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS), our distinguished colleague who is the chair of our subcommittee responsible for rebuilding human intelligence capabilities.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise in strong support of H.R. 5020, the Intelligence Authorization Act of 2007, and I applaud Chairman HOEKSTRA for presenting a bill that addresses the funding needs for the global war on terrorism and ongoing intelligence operations in Iraq.

Mr. Chairman, as chair of the Terrorism, Human Intelligence, Analysis and Counterintelligence Subcommittee, I have been directed to ensure that the intelligence community has the resources necessary to complete the thousands upon thousands of intelligence operations conducted each year in direct support of our Nation's diplomatic and military efforts worldwide, all during a time of war.

Although the risks involved in intelligence operations are inherently high, they are significantly greater when conducted against blood-thirsty insurgents and radical extremists, both of which accept that the mass murder of innocent men, women and children is justifiable.

When faced with an enemy that is so brutal and remorseless, we must ensure that the intelligence community has the personnel and the operational tools needed to collect, analyze, and disseminate the type of intelligence that allows us to disrupt the activities of such an enemy. H.R. 5020 does this as it provides the resources needed to increase human intelligence operations, enhance analytical capabilities, and sustain intelligence collection platforms.

Insightful, accurate and timely intelligence has always been the key to understanding the plans and intentions of our adversaries. It is not a secret that some of these adversaries have little respect for human rights or the internationally accepted rule of law. They are determined to destroy growing democracies and strip their citizens of the liberties we as Americans often take for granted.

They are committed to bringing the war back to the homeland, where our families and friends might be subjected to similar horrors as were experienced on 9/11. We cannot and we will not let this happen. We cannot appear irresolute in our goal to ensure our political and military leaders have the best intelligence possible while we are waging this war.

It is our duty to ensure that the Nation is protected, and H.R. 5020 strives to guarantee that the right type of intelligence is provided to our leaders so that they may protect our Nation. It is also our duty to provide resources to improve the ability of our servicemembers and intelligence officers as they confront terrorism worldwide and combat insurgents in Iraq and Afghanistan.

Authorizing any amount less than the full funding requested for the global war on terrorism or operations in Iraq would place members of our armed services and our intelligence community under greater peril than they are today. Not authorizing the full amount would be tantamount to compromising our national security.

I urge my colleagues to support this legislation, and, once again, I congratulate my chairman on his outstanding effort.

Ms. HARMAN. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) has 12½ minutes remaining. The gentlewoman from California (Ms. HARMAN) has 14 minutes remaining.

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. CRAMER), who is ranking member on our new Oversight Subcommittee, on which Mr. THORNBERRY is doing, I think, a superb job attempting to oversee activities of our intelligence.

□ 1530

Mr. CRAMER. Mr. Chairman, I thank the gentlewoman from California, and I want to congratulate you on your leadership in this committee, along with the chairman as well. I have been on this committee for several terms now, and as the chairman stated and the ranking member stated, we bend over backwards to work in a bipartisan way. This hasn't been easy, and this hasn't been an easy year. And I say to both of you, congratulations for trying to help us work through this very difficult year.

This is not a perfect bill, and I am disappointed that several of the amendments were not allowed in order. I think the chairman is, too. I think there are some of the issues that were ruled out, particularly Mr. BOSWELL's issue, that we can work through together, and so I look forward to the chairman and ranking member's leadership.

I do stand in support of H.R. 5020. This bill does address many of the issues surrounding the way in which the intelligence community is being restructured. I say to my friend, the gentleman from Texas (Mr. THORNBERRY), thank you for the leadership you have enjoyed with me and with this full committee over the Oversight Subcommittee. We haven't always had an Oversight Subcommittee, and this makes sense that we now have the opportunity, particularly as we have stood up the DNI, to engage the new people at the DNI, the new leaders at the DNI that we are looking to to lead this country into a new era of intelligence management that we haven't had. This is our opportunity to hold their feet to the fire.

The stand-up of the DNI has been slow, and it has been frustrating, but we have been working together, Mr. THORNBERRY and I, to bring information back to the full committee from the DNI and the relevant agencies. We have taken on the tough issues, interrogation, detention operations, information sharing, overall management structure of the DNI, and we have done this in ways that the committee hasn't worked before. We have done it by having briefings; we have done it by going to their turf, their sites, sitting with their personnel, leaving the country, talking to our people in sensitive parts of the world that are doing brave and noble things for this country, and then we have brought that information back into the subcommittee and into the full committee as well. This is the way I enjoy working.

Also in this bill there is an investment in an analytical initiative that draws on the expertise resident at three centers, the Missile and Space Intelligence Center, which just happens to be in Huntsville, Alabama, my home district; the National Air and Space Intelligence Center in Dayton, Ohio; and at the National Ground Intelligence Center in Charlottesville, Virginia. These centers collaborate and they

work to analyze weapons that we bring back that could be threats to this country and to our aircraft and to our personnel as well. So those people in those locations get a reinvestment in their work through this bill.

All in all, I think this is a good bill, and I urge my colleagues to support it.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to my colleague from the great State of Michigan (Mr. ROGERS), who chairs our policy committee on the Intelligence Committee, responsible for identifying and understanding the threats that we face as a Nation.

Mr. ROGERS of Michigan. Thank you, Mr. Chairman. I want to compliment you, your staff, and that of both the ranking member and the majority on a job well done on this bill.

The challenges that we face came from the 1990s, and many of the problems the ranking member even pointed out were a different direction set, a different policy set from where they wanted our intelligence services to go. They went so far as to say back then that we don't even want you to talk to somebody who is a bad character or may be an embarrassment to the United States. So they did the honorable thing; they shut down their human operations. They followed the law and the policies of the United States. If you would have asked an intelligence official back then, they would have told you it was a bad idea. We shouldn't have done it.

Today, through the leadership of this committee and this chairman, and the folks who are out in the field today trying to rebuild our human intelligence, it is nothing short of miraculous. These people are incredibly talented, and I think we miss that sometimes. We miss it in the halls here and in the debates in committee. And by the way, we have debated ad nauseam many of the issues brought up today on these things, as we should in that context. But these are great people who could do a myriad of other things: make more money. A lot of them came to the CIA, and they took pay cuts because they believe in what they are doing. And they are risking their lives today for this country and for our safety.

I had the great privilege to reenlist a young soldier in a very remote part of the world in a small, dinky little room with all the windows taped up and with a small American flag hanging behind us because that is all we could find, because he believed. He said, yeah, this is hardship, but I believe in my country more than I believe in anything.

So when we talk about the problems of intelligence and the policies of the past, let us not forget one thing: when you bump into somebody whose morale is low, it isn't because of the work that they are doing. They are off the charts excited about making a difference for their country. It is because policymakers back here use words like ''illegal wiretap,'' even though they have never been briefed into the program at all and have no concept of what it is; because they say ''Abu Ghraib'' like it paints everybody who has ever been involved in an interrogation as doing something wrong and breaking the law.

Shame on us if we allow this to continue to happen and affect the morale of people who are risking their lives on work that is so precious to our safety, security and liberty. We ought to applaud them today, and this bill, I think, does that.

Mr. Chairman, again I want to applaud you and thank you for your work. And I want to caution all the Members of this Chamber: we shouldn't be more worried about winning in November than we should be about winning the war on terror. We should stand with these people, tell them we are proud of them, tell them we are proud of the work they are doing, and thank you for signing up to defend the greatest Nation on the face of the Earth.

Let this squabbling go by. We know that the folks who have come down on this floor, and it has shocked me today, Mr. Chairman, that some would even come out here after getting the full brief and describe a program in terms that they didn't describe it in the privacy and the security and with the confidence of previous briefings. This is the wrong time to do that.

Let us continue to work together. We have done it so well in those committees. I look forward to working with you, Mr. Chairman, and I look forward to standing up for the very people who risk their lives today defending this great country and going after probably the toughest enemy we have ever seen.

Ms. HARMAN. Mr. Chairman, I would just say to my friend Mr. ROGERS that all of us on this committee put America first, though we may disagree about precisely what this bill should include.

It is now my pleasure to yield to the gentleman from New Jersey (Mr. HOLT), the ranking member on our policy committee, 3½ minutes.

Mr. HOLT. Mr. Chairman, I thank my colleague, the ranking member, the gentlewoman from California, for affording me a few minutes to comment on this bill.

I agree with many of my colleagues that there are some very important and positive features of this bill. The dedicated and often brave members of the intelligence agencies have earned and deserve our support, but this bill weakens our freedoms.

There are a number of points, and I hardly know where to begin, but the basic point is that the bill fails to address what I believe are some of the core oversight challenges facing our committee and this body. There are under way some of the greatest changes in intelligence collection in American history, and it deserves our careful oversight.

This bill turns a blind eye, really, to misuses of executive power that threaten our liberties and the constitutional balance of powers which we are sworn to protect. And I say this advisedly. I don't mean to overstate the matter.

The bill does not provide funding for privacy and civil liberties oversight. There has been some mention of that. The bill also does not address this really important issue of domestic spying. Make no mistake, all of us in Congress support intercepting communications of terrorists set on doing us harm, doing Americans harm anywhere in the world, but there are multiple examples of how innocent people are ensnared.

The Muslim American lawyer Brandon Mayfield, we have spoken about him on the floor; Christian peace activists; others who have been falsely labeled as terrorist coconspirators and domestic security threats based on their political beliefs or simple mistaken erroneous information. This is what happens when there are no checks and balances.

To date, there has been no independent audit of the NSA program, the domestic spying surveillance program, to determine whether similar abuses have occurred. That is our role, but we have been stonewalled in our efforts. Eavesdropping on Americans must comply with FISA, that is what I maintain. If the other side disagrees, let us have it out here on the floor. At least let us have it out in committee.

The President says FISA, the Foreign Intelligence Surveillance Act, doesn't apply to him. However, the President doesn't get to pick and choose which laws he will follow and which ones he won't.

The administration still refuses to brief all members of the Intelligence Committee on this program. The National Security Act requires him to do that. The failure to brief the full committee compromises our oversight responsibility, violates the law, I think, and makes a mockery of the checks and balances that we are sworn to protect.

In another case, the Iraq NIE, the National Intelligence Estimate, the information that was leaked, we now know for purely political purposes to try to discredit a public servant. We are talking about the protection of intelligence for its proper use. Classified information should never be misused as a political weapon through selective declassification and leaking to attack opponents a particular point of view. No, I am not flogging a dead horse, I am talking about the principles that we are supposed to protect.

Mr. Chairman, the bill also provides no meaningful protections for national security whistleblowers. Members of the national intelligence community can sometimes be discouraged or even intimidated from raising concerns within their agencies.

Mr. Chairman, I recommend that we vote against this bill.

Mr. HOEKSTRA. I yield 2½ minutes to a great member of the committee, someone who understands that the Civil Liberties and Privacy Board is funded out of the budget of the Executive Office of the President and does

not come out of the Intelligence Committee authorization bill, the gentleman from Alabama (Mr. EVERETT).

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

Mr. EVERETT. Mr. Chairman, I thank the gentleman from Michigan, and I do rise in support of the intelligence authorization bill for fiscal year 2007. Chairman HOEKSTRA is to be congratulated and commended for his efforts in drafting this important legislation to meet the intelligence needs of the country.

There are many great things in this bill for the warfighter and for the intelligence community; however, I would like to focus on a very important reconnaissance and surveillance program, the U–2. Recently, a program budget decision was released by the Air Force to retire the U–2 by 2011. This transition flight plan would replace the U–2 with the Global Hawk UAV that is not yet capable of taking on this mission. This plan is premature, and after further review it appears that the Air Force now shares my concerns. The bill before us prevents the retirement of the U–2 unless the Secretary of Defense can certify that there will be no loss of intelligence collection capabilities.

Just to make a point, I am associated with the U–2 all the way back to the 1950s when it made its first flight. It has been upgraded continuously over the years with a large variety of mature intelligence collection sensors. The U–2 is, in fact, the force behind our long-range stand-off intelligence capabilities today.

The last U–2 left the production line in 1989. Its airframe is engineered for 75,000 hours. The U–2 provides critical multisensor intelligence through all phases of conflict, including peacetime, the war on terror, low-intensity conflict, and high-scale hostilities. The U–2 has even provided photographs to FEMA in support of the Hurricane Katrina and other national disasters. The U–2's modular payload design allows the aircraft to be reconfigured to perform various missions and can perform them until 2050 at the rate we are now using them.

Mr. Chairman, intelligence is the first line of defense and necessary for the security of the Nation. Our warfighters, to be successful on the battlefield, have to have this intelligence. I urge all my colleagues to support this bill, and again I congratulate the chairman and our ranking member for us being able to get this bill to the floor.

In particular, I'd like to focus on a very important Reconnaissance and Surveillance Program: the U–2.

Recently, a Program Budget Decision was released by the Air Force to retire the U–2 by 2011. This "transition flight plan" would replace the U–2 with the Global Hawk UAV that is not yet capable of taking on this mission. This plan is premature, and after further review, it appears the Air Force now shares some of my concerns. The bill before us prevents the retirement of the U–2 unless the Secretary of Defense can certify that there will be no loss of intelligence collection capabilities.

Just to make a point about the capability of the U–2, although the origins of the aircraft go back to the 1950s, it has been upgraded continuously over the years with a large variety of mature intelligence collection sensors. The U–2 is, in fact, the force behind our long-range, stand-off intelligence capabilities today.

The last U–2 left the production line only in 1989. Its airframe is engineered for 75,000 hours, yet our fleet of operational aircraft averages only 10,000 hours. The U–2 provides critical multi-sensor intelligence through all phases of conflict, including peacetime, the war on terror, low-intensity conflict and large-scale hostilities. The U–2 has even provided photographs to FEMA in support of Hurricane Katrina and other natural disasters. The U–2's modular payload design allows the aircraft to be reconfigured to perform various missions, and can perform them until 2050 at the rate we are using them today.

The Bill rightly directs that the Secretary of Defense must certify that there will be no loss of intelligence capabilities in transitioning from the U–2 to the Global Hawk, and that the collection capabilities reach parity, before a final decision is made. This will help ensure that the "persistent stare" goal in the Quadrennial Defense Review is met.

Mr. Chairman, intelligence "is" the first line of defense and necessary for the security of this Nation, and for our war fighters to be successful on the battlefield. I urge my colleagues to vote in favor of this legislation.

□ 1545

Ms. HARMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, the intelligence authorization bill before us today is a bit of a mixed bag. It does, on the positive side, direct the Director of National Intelligence to better conform to the committee's intent that the Director of National Intelligence be a coordinator of intelligence, that it not create an additional layer of bureaucracy, and that it strengthen the community's capability to penetrate hard targets.

It does, at the Democrats' insistence, provide full funding for counterterrorism programs instead of going along with the President's 22 percent cut. It does contain report language requiring that the Department of Defense inspector general audit the controversial activities of the Department of Defense Counterintelligence Field Activities, or CIFA.

But there are concerns that remain unanswered, and among these concerns are the continued insistence of this administration to limit access to information about the President's domestic surveillance program. After weeks of debate, the program remains limited to only a select group of the already select Intelligence Committee. We should not expect members charged with the oversight to write a blank check to the President to conduct intelligence activities under a shroud of secrecy from the very group that was established on behalf of this Congress to do oversight. Members of this full House look to the members of the Select Committee on Intelligence for advice, and in this case the President has limited that committee in full from being able to get the information necessary to be able to advise and lead on these issues.

The Intelligence Reform and Terrorism Prevention Act of 2004 established the Director of National Intelligence with strong statutory budget authorities to enable that office to reach across the whole community and to reallocate resources and personnel to respond to emerging threats. The administration appears to be on a path to dismantle this critical budgetary authority, piece by piece.

The 2007 budget request of the President moves significant resources and personnel permanently out of the management and control of the Director of National Intelligence. Most of those transfers move intelligence assets to the control of the Secretary of Defense and the Attorney General.

We should keep in mind over the last 2 years the military intelligence program has grown by 25 percent while the national intelligence program has actually shrunk by almost 1 percent. Both press reports and the Quadrennial Defense Review evidence the Pentagon's intention to expand special operations activities worldwide to engage in operations traditionally reserved for the Central Intelligence Agency and the State Department.

In the committee I proposed an amendment that would protect the authorities of the Director of National Intelligence, at least pending a Federal review and some answers from the administration with respect to its intentions in this regard. That failed, but I understand that the Senate is believed to have this issue in its sights, under consideration, and I should hope it is for the purposes of being in line with my amendment.

Allowing the Department of Defense to creep into the intelligence areas, especially when the result would be to avoid oversight, is problematical in the least. I have strong reservations about this bill, and I ask Members to consider these before they vote on this measure.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a distinguished member of the committee.

Mr. RENZI. Mr. Chairman, I appreciate your work and the ranking member's work on this bill.

I want to also go back to some things that were said earlier concerning civil liberties and the Republican Party, in its effort to try to balance civil liberties post-September 11. It is unfair and unwise to enter into the CONGRESSIONAL RECORD the misleading information that this is the first time in history that terrorist surveillance was conducted outside of FISA. Every one of you over there knows that President Clinton conducted terrorist surveillance outside of FISA, and he was justified in doing so by Jamie Gorelich at

the Justice Department based on an argument of Article II of the Constitution. It is not the first time in history outside of FISA it has been conducted.

This legislation also, as the gentlewoman from New Mexico talked about, goes to restore and rebuild our capabilities that were very much slashed during the 1990s. It was a time when our intelligence officers declined by 30 percent. It was a time when a number of CIA sources worldwide were cut by 40 percent. The number of intelligence reports that our intelligence community was able to produce was cut in half.

If you remember back during the Reagan administration when President Reagan had to rebuild our military, this is very much like how our history stands right now in trying to restore and rebuild our intelligence capability. There was a time when our intelligence officers were hamstrung by the Deutsch guidelines, when poor management and a lack of urgency at the top did not allow our intelligence agents to function properly in the field. That has changed.

This intelligence authorization bill allows us to gather more information globally at more locations than we had in the recent past. When famine strikes in Africa, when the saber-rattling in Venezuela is conducted, when the narcoterrorists along the Mexican border begin control, this intelligence bill acts.

I want to once again thank the chairman. As a Member from Arizona, we need the kind of increases that our agents are asking for, particularly on our Mexican border.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am the longest-serving member currently on this committee. I love this committee; I love the issues we consider. My district is the place where most of our intelligence satellites are made. It is the location of the Air Force Space and Missiles Command, which just opened a state-of-the-art complex and develops and fields our satellite and missile capabilities.

I was there in El Segundo 2 days ago, and I am immensely proud of the work of SMC and the people who do the work, both in uniform and civilians.

Mr. Chairman, I have traveled the corners of the earth with our committee members. They are my friends. I am very fond of them on a bipartisan basis and I have been very moved by some of the comments made about this bill. A lot of what they say I truly and sincerely agree with. I think this bill is a lot better than it would have been because there has been bipartisan cooperation. I appreciate that. And I appreciate the personal effort that Chairman HOEKSTRA made to work with me and work with the minority.

What has upset me today, and I do not think anyone has missed it, is what I view as callous, partisan behavior by the Committee on Rules at a level that I have not felt and experienced, at least with respect to the Intelligence Committee. Members on our side offered responsible amendments. All of them were shown to the majority; and in one case, the Boswell amendment, the majority collaborated with us on adjusting the language so it was mutually acceptable. Then at the last minute, for no good reason other than pure partisanship, the Boswell amendment was made out of order.

That experience has prompted me to revisit some of the things that still bother me. The NSA program bothers me. It is not that I do not support the capability; surely I do. I have made that clear. But I do not support any part of that program being outside of FISA, because I believe, based on information that I have, that it can fully comply with FISA. There is no reason to exempt that program.

Mr. RENZI was just talking about the actions of President Clinton that he claimed were outside of FISA. My understanding is that at the time, physical searches were not covered by FISA, and later FISA was amended to cover it. That is the right way to go, and that is what I would hope our committee would end up doing.

Mr. Chairman, it is a tough call whether to support the bill at this stage. I hope and expect that I will support the conference report. I think the conference report will be better than the bill we pass in this House, because I think that the other body and the conference will consider and make decisions about some of these issues we have not addressed adequately here.

In closing, it is always on my mind that dedicated men and women are serving overseas taking tough risks for our freedom. I love them and I have been there to tell them that. This bill has to honor them, which means this has to be the best bill we can field. I do not think it is the best bill we can pass. I will make a decision about my vote later in this debate. I know that some members on our committee will support it and some will oppose it and I respect their views, as I do the views of the majority.

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

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent at this point to include for the RECORD an exchange of letters with other committees of jurisdiction and the executive branch with respect to this legislation. I appreciate the willingness of those committees to work with us on this legislation.

The CHAIRMAN. The gentleman's request to insert matter at this point is already covered by his request for general leave in the House.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, April 25, 2006.

HON. PETER HOEKSTRA,
Chairman, House Permanent Select Committee on Intelligence, Washington, DC.

DEAR MR. CHAIRMAN: On April 6, 2006, the House Permanent Select Committee on Intelligence reported H.R. 5020, the ''Intelligence Authorization Act for Fiscal Year 2007.'' As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I agreed to waive sequential consideration of this bill by the Committee on Government Reform. However, I did so only with the understanding that this procedural route would not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should this bill or a similar bill be considered in a conference with the Senate. Finally, I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 25, 2006.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Government Reform's jurisdictional interest in H.R. 5020, the ''Intelligence Authorization Act for Fiscal Year 2007,'' and your willingness to forego consideration of H.R. 5020 by the Government Reform Committee.

I agree that the Government Reform Committee has a valid jurisdictional interest in certain provisions of H.R. 5020 and that the Committee's jurisdiction will not be adversely affected by your decision to not request a sequential referral of H.R. 5020. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

PETER HOEKSTRA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 26, 2006.

Hon. PETER HOEKSTRA,
Chairman, House Committee on Intelligence, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN HOEKSTRA: I write to confirm our mutual understanding regarding H.R. 5020, the ''Intelligence Authorization Act for Fiscal Year 2007.'' This legislation contains subject matter within the jurisdiction of the Committee on the Judiciary. However, in order to expedite floor consideration of this important legislation, the Committee waives consideration of the bill. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdictional interests over this and similar legislation are in no way diminished or altered. I also wish to confirm our

mutual agreement that the authorization of the Drug Enforcement Agency's (DEA) Office of National Security Intelligence within the National Intelligence Program in no way impairs or affects the Committee on the Judiciary's jurisdiction over law enforcement and information sharing activities of all components of the DEA, including those carried out by this Office.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 5020 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.
Chairman.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 26, 2006.

Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of April 26, 2006, regarding H.R. 5020, the Intelligence Authorization Act for Fiscal Year 2007. As you noted, elements of the bill as reported fall within the jurisdiction of the Committee on the Judiciary. I will support the request of the Committee on the Judiciary for conferees on these provisions.

In addition, the bill reflects action on the part of the Administration to include specified elements of the Drug Enforcement Administration within the Intelligence Community. As you know, I intend to offer a manager's amendment to the bill to clarify that the DEA's membership in the Intelligence Community is specifically limited to the DEA's Office of National Security Intelligence, the authorization for which has been requested within the National Intelligence Program, the program for which we have jurisdiction. I will be glad to work with you on a continuing basis to ensure that this designation is not construed in any way to limit the conduct of oversight by the Committee on the Judiciary with respect to law enforcement and information sharing activities of all components of the DEA, which I fully recognize are within the jurisdiction of the Committee on the Judiciary.

I appreciate your willingness to forego consideration of the bill in the interest of expediting this legislation for floor consideration. I acknowledge that by agreeing to waive consideration of the bill, the Committee on the Judiciary does not waive any jurisdiction it may have over provisions of the bill or any matters under your jurisdiction.

Finally, I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your assistance in this matter.

Sincerely,

PETER HOEKSTRA,
Chairman.

DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION, OFFICE OF CONGRESSIONAL AFFAIRS,
Washington, DC, April 25, 2006.

Hon. PETER HOEKSTRA,
Chairman, Permanent Select Committee on Intelligence, Washington. DC.

DEAR CHAIRMAN HOEKSTRA: Thank you for supporting a portion of Drug Enforcement Administration (DEA) joining the Intelligence Community (IC). This is in response to your staff inquiry regarding the organizational relationship between the Office of National Security Intelligence and the Central Tasking Management System (CTMS).

As you know, DBA has created the Office of National Security Intelligence at DEA headquarters to oversee and coordinate the three major functions necessary for the Office of National Security Intelligence integration into the IC: all-source analysis, a Central Tasking Management System, and liaison with IC members. All-source analysis of drug trafficking investigative and other information will enhance the intelligence available to policy makers in the law enforcement and intelligence communities. The CTMS will allow DBA to notify IC partners of pertinent drug information related to national security.

We appreciate your interest in the organizational structure of the Office of National Security Intelligence. Please contact us again if you have additional questions, or need additional information.

Sincerely,

ERIC J. AKERS,
Chief, Office of Congressional Affairs.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

In closing, I appreciate again the work of the ranking member, my colleagues on both sides of the aisle, and the staff on both sides of the aisle, to pull together a bill which I think addresses the priorities that we established at this committee really beginning a year and a half ago: that we were going to stay focused on rebuilding an intelligence capability to match the threats that America faces today.

This legislation puts in the necessary fences that will ensure that this committee has the oversight over the standup of the Office of the Director of National Intelligence. We all want this process to work. We would all like it to go faster because of the significant threats that we face as a Nation. But standing up the Office of the DNI will be the responsibility of monitoring, and that will be the responsibility of our oversight subcommittee.

Our policy committee is going to continue to monitor and evaluate the threats that we face as a Nation. Whether it is al Qaeda, radical Islam, the affiliated groups to al Qaeda, Iran, Iraq, North Korea, China, we want to make sure that we as a committee have a good grasp of making sure that the intelligence community is structured to go after these threats and provide us as policymakers with the information that we need to be successful.

The third thing that we are going to do is to make sure that we thoroughly take a look at what we can accomplish to stop leaks, the devastating leaks from within the community and outside of the community that damage our capabilities and give those who want to attack us insight as to what our plans, intentions and capabilities are.

And then for my colleagues who have talked about the TSA program and other activities, it is the responsibility of this committee, it is the responsibility of the members of this committee to make sure that we do effective oversight, to make sure that the executive branch operates within the parameters that we have established, the legal parameters that we have established for it to operate within.

Mr. Chairman, I yield the balance of my time to the gentleman from Kansas (Mr. TIAHRT) to close the general debate on our side.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Michigan (Mr. HOEKSTRA) for yielding me this time, and I apologize for being late.

Mr. Chairman, this legislation before us provides funding resources and authorization to support our intelligence community, and I think it is coming at a very important time so we can protect our Nation from attack.

Following September 11, 2001, our economy suffered a $2 trillion loss. That does not really address the nearly 3,000 lives lost as a by-product of the terrorist attacks. Certainly that carries greater weight.

We have held hearings, appointed commissions and watched documentaries about this tragedy. It is clear during the 1990s, our government reduced the human intelligence capabilities and let our infrastructure fall into disrepair. This bill, which is so important, continues to rebuild our intelligence community.

First, it provides full funding for the global war on terror instead of piecemealing in increments through supplementals and emergency bills.

Second, the legislation provides much-needed new buildings and rehabilitates other capital investments that deteriorated during the 1990s under the last administration.

And finally, it begins a long process of training agents, recruiting recourses, and hiring the support personnel needed to achieve the human intelligence capability that we need to protect ourselves, our families, and our economy.

Mr. Chairman, I strongly urge my fellow colleagues to support this bill. I would like to say this is an important step in the right direction to allow our new Director of National Intelligence to have the voice that he needs to coordinate our activities, to break down the stovepipes and to continue the process of doing an excellent job of protecting this Nation, as they have done since September 11, 2001.

Mr. MORAN of Virginia. Mr. Chairman, almost 2 years ago, the 9/11 Commission reported that our intelligence community failed our Nation because of its aversion to share information, lack of oversight and limited imagination in how to deal with emerging sources of information. Since that final report was issued, Congress has authorized an overhaul of intelligence agencies, but progress has not met with our expectations. We all experienced what can happen with inadequate intelligence on 9/11, so the path that is being taken should serve as a brilliant warning sign that much more needs to be done.

When the House of Representatives votes on this year's Intelligence Authorization, I will vote against the bill. In doing so, my opposition is not because Congress shouldn't fund intelligence activities, but rather I believe that

it is disingenuous for this body to act as if the intelligence community is not the source of great concern. The resistance to change, the absence of leadership and partisan politics have tempered positive evolution and hurt our Nation. Indeed, in the place of real progress, the intelligence community has been a source of a number of controversial and classified programs that the public has since learned about. Last year, we were made aware that:

The President initiated an illegal program to secretly intercept international phone calls, including intercepting calls of American citizens, without fully briefing the House and Senate Intelligence Committees. This new spy program subverts the congressionally approved standard and no one comprehends the full scope of the program;

The United States government operated a secretive program known as "extraordinary rendition" that shipped accused terrorist suspect to other countries for imprisonment and interrogation, all to avoid U.S. laws prescribing due process and prohibiting torture;

The White House selectively declassified information and offered it to preferred reporters to discredit political adversaries;

Intelligence officials sat on a report contradicting the Administration's claim that mobile laboratories in Iraq were developing weapons, while the President announced to the Nation that "we have found the weapons of mass destruction"; and

Last week the CIA fired lifelong federal employee Mary McCarthy for disclosure, offering the misimpression she was fired for a leak she never knew anything about.

These instances are only the most grievous, but they highlight this administration's contempt for accountability and put the unassailable standing of our civil liberties in doubt. And when given the opportunity, the White House has dragged its feet to appoint the staff, fund and begin the work of the Privacy and Civil Liberties Oversight Board which is intended to safeguard our citizens from unnecessary government intrusion. .

I understand the formidable challenge that is being undertaken and I applaud the many brave and good hearted people who work to secure our nation every day. Unfortunately, the White House and the leadership of these agencies are undercutting reform by failing to deliver greater communication, transparency and accountability. We are reminded repeatedly with reports that the CIA is losing key personnel because of the politicization of the agency, or when the 9/11 Commission gives "D" grades to government-wide information sharing and intelligence oversight reform.

The American public looks to Congress to safeguard our civil liberties, and to ensure that intelligence is good and intelligence reform is meaningful. I'm afraid that in the last year there has been increasing evidence that this institution has failed to do its job. Mr. Chairman, instead of passing a reauthorization bill today that does little to address the nation's concern we should reexamine what we can do to ensure our intelligence agencies can do their job and instill our constituent's faith in our intelligence community.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 5020, the Intelligence Authorization Act for fiscal year 2007.

In supporting this bill, I want to emphasize to Chairman HOEKSTRA that the Defense Appropriation Subcommittee will do what it can to work with the House Permanent Select Committee on Intelligence in the weeks and months ahead. We intend to follow through with a fiscal year 2007 Department of Defense Appropriations bill that supports the major areas of emphasis addressed in the authorization bill now before us.

I intend to work closely with Chairman HOEKSTRA and the HPSCI to provide the funds necessary to strengthen U.S. intelligence collection and analysis, improve the technical means that support the Intelligence Community, and strengthen the organization of the Intelligence Community. I also stand ready to work with his Committee as we carefully scrutinize the fiscal year 2007 budget request to ensure that funding is used as effectively and as efficiently as possible to obtain the best return for the American taxpayer.

While I support this measure, I must also advise that some areas of difference between the Authorization and Appropriations bills may arise. Of course, we intend to try to minimize any such issues. However, the committees have different institutional roles, responsibilities, and processes, and while I fully respect the role of the Chairman of the authorizing committee, I know he appreciates my role as well.

In an increasingly constrained spending environment, the Appropriations Committee may find it necessary to reduce the overall funding available for the Department of Defense Appropriations bill. We will have to make hard choices on how best to address those constraints.

I offer my congratulations to Chairman HOEKSTRA for his work on this legislation, and my support for final passage.

□ 1600

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Incorporation of reporting requirements.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence Activities.
Sec. 303. Clarification of definition of Intelligence Community under the National Security Act of 1947.
Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 305. Retention and use of amounts paid as debts to Elements of the Intelligence Community.
Sec. 306. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
Sec. 307. Purchases by elements of the intelligence community of products of federal prison industries.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of delegation of transfer or reprogramming authority.
Sec. 402. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 403. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 404. Appointment and title of Chief Information Officer of the Intelligence Community.
Sec. 405. Leadership and location of certain offices and officials.
Sec. 406. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 407. Repeal of certain authorities relating to the Office of the national counterintelligence Executive.
Sec. 408. Membership of the Director of National Intelligence on the transportation security oversight Board.
Sec. 409. Temporary inapplicability to the Office of the Director of National Intelligence of certain financial reporting requirements.
Sec. 410. Comprehensive inventory of special access programs.
Sec. 411. Sense of Congress on multi-level security clearances.
Sec. 412. Access to information by staff and members of the congressional intelligence committees.
Sec. 413. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.

Subtitle B—Central Intelligence Agency

Sec. 421. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
Sec. 422. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
Sec. 423. Additional functions and authorities for protective personnel of the central intelligence agency.
Sec. 424. Protective services for former officials of the intelligence community.
Sec. 425. Strategic review process.

Subtitle C—Defense Intelligence Components

Sec. 431. Enhancements of National Security Agency training Program.
Sec. 432. Codification of authorities of national security agency protective personnel.

Subtitle D—Other Elements

Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration elements in the Intelligence Community.

Sec. 442. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

TITLE V—OTHER MATTERS

Sec. 501. Aerial reconnaissance platforms.
Sec. 502. Elimination of certain reporting requirements.
Sec. 503. Technical amendments to the National Security Act of 1947.
Sec. 504. Technical clarification of certain references to joint military intelligence Program and tactical intelligence and related Activities.
Sec. 505. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 506. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 507. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 508. Technical amendments to the Executive Schedule.
Sec. 509. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the national Geospatial-Intelligence Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 5020 of the One Hundred Ninth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $990,000,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,539 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2007.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year as the Director of National Intelligence considers necessary.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 5020 of the One Hundred Ninth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

(3) by adding at the end the following new paragraph:

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 305. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

''SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal

Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

''(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

''(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

''(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

''(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

''(2) The funding of any other activities authorized to be funded by such appropriation or account.

''(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

''(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

''(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

''(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

''Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.''.

SEC. 306. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term ''travel and transportation expenses'' means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 307. PURCHASES BY ELEMENTS OF THE INTELLIGENCE COMMUNITY OF PRODUCTS OF FEDERAL PRISON INDUSTRIES.

Section 404 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2632) is amended—

(1) by striking ''by the Central Intelligence Agency'' and inserting ''by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))''; and

(2) by striking ''the Director of the Central Intelligence Agency determines that the product or service'' and inserting ''the head of that element determines that the product or service (including a surveying or mapping service)''.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF DELEGATION OF TRANSFER OR REPROGRAMMING AUTHORITY.

Section 102A(d)(5)(B) of the National Security Act of 1947 (50 U.S.C. 403–1(d)(5)(B)), as added by section 1011(a) of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643), is amended in the second sentence by striking ''or agency involved'' and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)''.

SEC. 402. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) in the heading, by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'' ;

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

(2) by adding at the end the following new paragraph:

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—Such section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community; and''; and

(2) by adding at the end the following new subsection:

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions; and

''(2) examine options to enhance the responsiveness of research and design programs of elements of the intelligence community to meet the requirements of the intelligence community for timely support.''.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 404. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking ''the President, by and with the advice and consent of the Senate'' and inserting ''the Director of National Intelligence''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any nomination of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''.

SEC. 405. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting ''(1) ESTABLISHMENT.—The''; and

(2) by adding at the end the following new paragraphs:

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the intelligence community.

''(10) The Inspector General of the intelligence community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 406. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

''(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

''(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.

(d) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—'' after ''(b)'';

(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and

(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and

(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.

SEC. 407. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e)(2), as so redesignated, by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 408. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 409. TEMPORARY INAPPLICABILITY TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE OF CERTAIN FINANCIAL REPORTING REQUIREMENTS.

The Director of National Intelligence shall not be required to submit an audited financial statement under section 3515 of title 31, United States Code, for the Office of the Director of National Intelligence with respect to fiscal year 2005 or 2006.

SEC. 410. COMPREHENSIVE INVENTORY OF SPECIAL ACCESS PROGRAMS.

Not later than January 15, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a classified report providing a comprehensive inventory of all special access programs under the National Intelligence Program (as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6))).

SEC. 411. SENSE OF CONGRESS ON MULTI-LEVEL SECURITY CLEARANCES.

It is the sense of Congress that the Director of National Intelligence should promptly establish and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage the cultural and linguistic skills of subject matter experts and individuals proficient in foreign languages critical to national security.

SEC. 412. ACCESS TO INFORMATION BY STAFF AND MEMBERS OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members and staff of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate accounts for and access to the Intelink System (or any successor system) through the Joint Worldwide Intelligence Communications System (or any successor system). Such access shall include access up to and including the level of sensitive compartmented information and shall be provided in the sensitive compartmented information facilities of each Committee.

SEC. 413. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel in the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report containing the results of the study conducted under subsection (a).

Subtitle B—Central Intelligence Agency

SEC. 421. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (d) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and''.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 102A(i)'' and all that follows through ''unauthorized disclosure'' and inserting ''sections 102A(i) and 104A(d)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(d)(4))''.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(d)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection heading, by striking ''OF DCI'';

(2) by striking ''section 102A(i)'' and inserting ''sections 102A(i) and 104A(d)(4)'';

(3) by striking ''of National Intelligence''; and

(4) by inserting ''of the Central Intelligence Agency'' after ''methods''.

SEC. 422. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) in paragraph (2), by striking ''position or category of positions'' each place it appears and inserting ''individual, individuals, position, or category of positions''; and

(3) by adding at the end the following new paragraph:

''(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the Directorate of Operations of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.''.

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) in the first sentence, by inserting ''individuals or'' before ''positions''; and

(2) in the second sentence, by striking ''position or category of positions'' and inserting ''individual, individuals, position, or category of positions''.

SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) PROTECTION OF CERTAIN PERSONS.—Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by striking ''and the protection'' and inserting ''the protection''; and

(2) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of

the Director of National Intelligence as the Director of National Intelligence may designate;''.

(b) AUTHORITY TO ARREST.—

(1) Chapter 203 of title 18, United States Code, is amended by adding at the end the following:

''§3065. Powers of authorized personnel in the Central Intelligence Agency

''(a) The Director of the Central Intelligence Agency may issue regulations to allow personnel designated to carry out protective functions for the Central Intelligence Agency under section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) to, while engaged in such protective functions, make arrests without a warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.

''(b) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.''.

(2) The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding at the end the following:

''3065. Powers of authorized personnel in the Central Intelligence Agency.''.

SEC. 424. PROTECTIVE SERVICES FOR FORMER OFFICIALS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 409a et seq.) is amended by inserting after section 303 the following new section:

''PROTECTIVE SERVICES FOR FORMER OFFICIALS OF THE INTELLIGENCE COMMUNITY

''SEC. 304. (a) IN GENERAL.—Subject to subsection (b), the head of an element of the intelligence community may not provide personnel for the protection of a former official of an element of the intelligence community unless—

''(1) there is a specific and credible threat to such former official arising from the service of such former official to the United States; and

''(2) such head of an element of the intelligence community submits to the Director of National Intelligence notice of the intention to provide such personnel and an assessment of—

''(A) the threat to such former official; and

''(B) the level of protective services necessary to protect such former official based on such threat.

''(b) EXCEPTION FOR RECENT TERMINATION OF EMPLOYMENT.—The head of an element of the intelligence community may provide personnel for the protection of a former official of an element of the intelligence community without a specific and credible threat to such former official for not more than one year after the termination of the employment of such former official if such former official requests such protection.

''(c) THREAT ASSESSMENT UPDATES.—Not later than 180 days after the date on which the head of an element of the intelligence community begins providing personnel for the protection of a former official of an element of the intelligence community, and at least every 180 days thereafter until such head of an element of the intelligence community determines that there is no longer a threat to such former official, such head of an element of the intelligence community shall submit to the Director of National Intelligence an updated assessment of the threat to such former official and the level of protective services necessary to protect such former official based on such threat.

''(d) TERMINATION OF PROTECTIVE SERVICES.—If the head of an element of the intelligence community that is providing personnel for the protection of a former official of an element of the intelligence community pursuant to subsection (a) determines that there is no longer a threat to such former official, such head of an element of the intelligence community shall cease providing personnel for the protection of such former official not later than 30 days after determining such threat no longer exists.

''(e) REPORT.—Not later than 7 days after the date on which the head of an element of the intelligence community begins providing personnel for the protection of a former official of an element of the intelligence community, the Director of National Intelligence shall submit to the congressional intelligence committees notice of the provision of personnel for the protection of such former official.''.

(b) TABLE OF CONTENTS.—The table of contents of such Act is amended by—

(1) striking the second item relating to section 301;

(2) striking the second item relating to section 302;

(3) striking the items relating to sections 304, 305, and 306; and

(4) inserting after the item relating to section 303 the following new item:

''Sec. 304. Protective services for former officials of the intelligence community.''.

SEC. 425. STRATEGIC REVIEW PROCESS.

Section 102A(f) of the National Security Act of 1947 (50 U.S.C. 403–1(f)) is amended by adding at the end the following new paragraph:

''(9) Not later than September 30, 2007, and every four years thereafter, the Director of National Intelligence shall, in consultation with the heads of the elements of the intelligence community, manage and oversee the conduct of a strategic review of the intelligence community to develop intelligence capabilities required to address threats to national security. Such review shall analyze near-term, mid-term, and future threats to national security and shall include estimates of the allocation of resources and structural change that should be reflected in future budget requests.''.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

(a) PROTECTION OF CERTAIN PERSONS.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 20. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

(b) AUTHORITY TO ARREST.—

(1) Chapter 203 of title 18, United States Code, as amended by section 423 of this Act, is amended by adding at the end the following:

''§3066. Powers of authorized personnel in the National Security Agency

''(a) The Director of the National Security Agency may issue regulations to allow personnel designated to carry out protective functions for the Agency to—

''(1) carry firearms; and

''(2) make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have probable cause to believe that the person to be arrested has committed or is committing that felony offense.

''(b) The powers granted under subsection (a) may be exercised only in accordance with guidelines approved by the Attorney General.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, as amended by section 423 of this Act, is amended by adding at the end the following:

''3066. Powers of authorized personnel in the National Security Agency.''.

Subtitle D—Other Elements

SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION ELEMENTS IN THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE V—OTHER MATTERS

SEC. 501. AERIAL RECONNAISSANCE PLATFORMS.

(a) LIMITATION ON TERMINATION OF U–2 AIRCRAFT PROGRAM.—The Secretary of Defense may not begin the process to terminate the U–2 aircraft program until the Secretary certifies in accordance with subsection (b) that there would be no loss of national or Department of Defense intelligence, surveillance, and reconnaissance (ISR) capabilities in transitioning from the U–2 aircraft program to the Global Hawk RQ–4 unmanned aerial vehicle platform.

(b) REPORT AND CERTIFICATION.—

(1) STUDY.—The Secretary of Defense shall conduct a study of aerial reconnaissance platforms to determine whether the Global Hawk RQ–4 unmanned aerial vehicle has reached mission capability and has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(2) REPORT.—The Secretary shall submit to the congressional committees specified in subsection (c) a report containing the results of the study. The Secretary shall include in the report the Secretary's determination as to whether the Global Hawk RQ–4 unmanned aerial vehicle—

(A) has reached mission capability; and

(B) has attained collection capabilities on a par with the collection capabilities of the U–2 Block 20 aircraft program as of April 1, 2006.

(3) CERTIFICATION.—The Secretary shall include with the report the Secretary's certification, based on the results of the study, as to whether or not there would be a loss of national or Department of Defense intelligence, surveillance, and reconnaissance capabilities with a transition from the U–2 aircraft program to the

Global Hawk RQ–4 unmanned aerial vehicle platform.

(c) SPECIFIED COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 502. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INTELLIGENCE SHARING WITH UN.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended by striking subsection (b).

(b) IMPROVEMENT OF FINANCIAL STATEMENTS FOR AUDITING PURPOSES.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) by striking section 114A; and

(2) in the table of contents in the first section, by striking the item relating to section 114A.

(c) FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) by striking section 118; and

(2) in the table of contents in the first section, by striking the item relating to section 118.

(d) COUNTERDRUG INTELLIGENCE.—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) is amended—

(1) by striking section 826; and

(2) in the table of contents in section 1(b), by striking the item relating to section 826.

SEC. 503. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)''; and

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

SEC. 504. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 505. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 506. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under subsections (c), (d), (e), and (f) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a)''.

SEC. 507. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection heading, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 508. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

§ 509. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the national Geospatial-Intelligence Agency

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1) (in clause (K)).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)(XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

"§ 1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–438. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–438 offered by Mr. HOEKSTRA:

In section 421, strike subsection (c) (page 29, lines 15 through 23).

Page 29, line 24, redesignate subsection (d) as subsection (c).

Amend paragraph (1) of section 441 (page 39, line 8) to read as follows:

(1) in subparagraph (H), by inserting ''the Coast Guard'' after ''the Marine Corps'';

Page 39, line 15, strike the final period and insert a semicolon.

Page 39, after line 15, insert the following new paragraphs:

(3) by redesignating subparagraph (L) as subparagraph (M); and

(4) by inserting after subparagraph (K) the following new subparagraph:

''(L) The Office of National Security Intelligence of the Drug Enforcement Administration.''.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this is the manager's amendment to the bill. It contains two provisions. The first strikes the provision of the committee's amendment relating to the Freedom of Information Act at the request of the Committee on Government Reform. The second specifically clarifies that the new membership of the Drug Enforcement Administration in the intelligence community is limited to the DEA's Office of National Security Intelligence. This clarification was requested by the Department of Justice and the DEA. I do not believe that either of these changes are controversial. I urge Members to support the amendment.

I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I will support this amendment, but I rise to note that the chairman has agreed to modify a provision, and I appreciate the modification that he has made, and that relates to the CIA Director's responsibility under the Freedom of Information Act. The minority felt that the provisions were restricting FOIA requests, and the majority agreed to accommodate us and struck the language, and I would like our colleagues to know that that accommodation has been made. It makes the manager's amendment a better amendment, and I support the manager's amendment.

Mr. HOEKSTRA. If the gentlewoman has no additional speakers, I will yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–438 offered by Mr. FOSSELLA:

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE VI—COMMUNICATION OF INFORMATION CONCERNING TERRORIST THREATS

SEC. 601. IDENTIFICATION OF BEST PRATICES.

(a) STUDY.—The Secretary of Homeland Security and the Director of National Intelligence shall conduct jointly, or contract with an entity to conduct, a study of the operations of Federal, State, and local government entities to identify best practices for the communication of information concerning a terrorist threat.

(b) CONTENTS.—

(1) IDENTIFICATION OF BEST PRACTICES.—The study conducted under this section shall be focused on an analysis and identification of the best practices of the information sharing processes of the following government entities:

(A) Joint Terrorism Task Forces, which are operated by the Federal Bureau of Investigations with the participation of local law enforcement agencies.

(B) State Homeland Security Fusion Centers, which are established by a State and share information with Federal departments.

(C) The Homeland Security Operations Center, which is operated by the Department of Homeland Security for the purposes of coordinating information.

(D) State and local law enforcement agencies that collect, utilize, and disseminate information on potential terrorist attacks.

(E) The appropriate elements of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a), involved in the sharing of counter-terrorism information.

(2) COORDINATION OF GOVERNMENT ENTITIES.—The study conducted under this section shall include an examination of methods for coordinating the activities of Federal, State, and local entities in responding to a terrorist threat, and specifically the communication to the general public of information concerning the threat. The study shall not include an examination of the sources and methods used in the collection of the information.

(c) OBTAINING OFFICIAL DATA.—In conducting the study, the Secretary, in conjunction with the Director, with due regard for the protection of classified information, may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out this section. Classified information shall be handled through established methods for controlling such information.

(d) TEMPORARY DUTY OF FEDERAL PERSONNEL.—The Secretary, in conjunction with the Director, may request the head of any department or agency of the United States to detail to temporary duty personnel within the administrative jurisdiction of the head of the department or agency that the Secretary may need to carry out this section, each detail to be without loss of seniority, pay, or other employee status.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in conjunction with the Director, shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the study, including identification of the best practices for the processing, analysis, and dissemination of information between the government entities referred to in subsection (b)(1); and

(B) recommendations for a formalized process of consultation, communication, and confidentiality between Federal, State, and local governments, incorporating the best practices of the various entities studied, to facilitate communication and help prevent the unauthorized dissemination of information and criticism of decisions concerning terrorist threats.

(2) CLASSIFIED INFORMATION.—To the extent determined appropriate by the Secretary, in conjunction with the Director, the Secretary may submit a portion of the report in classified form.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2007.

SEC. 602. CENTERS OF BEST PRACTICES.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Director of National Intelligence, shall make grants for the establishment and operation of 3 centers to implement the best practices, identified by the study conducted under section 601, for the processing, analysis, and dissemination of information concerning a terrorist threat (in this section, each referred to as a ''Center'').

(b) LOCATION OF CENTERS.—In carrying out subsection (a), the Secretary, in consultation with the Director, shall make grants to—

(1) the State of New York for the establishment of a Center to be located in New York City;

(2) the State of Michigan for the establishment of a Center to be located in Detroit; and

(3) the State of California for the establishment of a Center to be located in Los Angeles.

(c) PURPOSE OF CENTERS.—Each Center shall—

(1) implement the best practices, identified by the study conducted under section 601, for information sharing concerning a terrorist threat;

(2) coordinate the communication of these best practices with other metropolitan areas;

(3) coordinate with the Secretary and the Director to develop a training curriculum to implement these best practices;

(4) provide funding and technical assistance to other metropolitan areas to assist the metropolitan areas in the implementation of the curriculum developed under paragraph (3); and

(5) coordinate with the Secretary and the Director to establish a method to advertise and disseminate these best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under this section—

(1) $10,000,000 for fiscal year 2007 for the establishment of the Centers; and

(2) $3,000,000 for each of fiscal years 2008 through 2012 for the operation of the Centers.

(e) REPORT TO CONGRESS.—Not later than March 31, 2010, the Secretary, in consultation with the Director, shall submit to Congress a report evaluating the operations of the Centers and making recommendations for future funding.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from New York (Mr. FOSSELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume.

First, let me thank the chairman and the ranking member for allowing me to bring this amendment forward in the Rules Committee.

One of the essential elements of government responsibility is to communicate effectively to the American people, especially in time of a potential terrorist attack or a natural disaster.

On October 6 of 2005, New York City was made aware of several reports that terrorists were planning a large-scale attack on the subway systems. That evening, as New Yorkers watched the news, they had to struggle with two conflicting messages about the day's events. City officials, led by the mayor and the police commissioner, announced that a credible threat was aimed at New York City subway system, and stated that the threat was specific enough to warrant an immediate and overwhelming response.

However, the news also reported that officials in Washington were down playing the severity of the threat. A spokesman for the Department of Homeland Security described it as ''specific, yet noncredible.'' Other antiterrorism officials stated that the information gathered about the plot was not verifiable.

New York officials first learned of the threat earlier in the week. The information gained from a reliable informant indicated that the people in Iraq were plotting with people in the United States to hide bombs in baby strollers, briefcases and packages and set them off in the city's subways.

But the Department of Homeland Security had a different take. They released to law enforcement agencies an unclassified bulletin on the threat to the subway system, indicating that the FBI and Department of Homeland Security had doubts about the credibility of that threat. Yet the document also stated that a team of operatives, ''some of whom may travel to or who may be in the New York City area,'' might attempt an attack on or about October 9, 3 days after this warning. It also said that the terrorists might use remote-controlled or timed explosives hidden inside or underneath baby carriages and briefcases or suitcases.

Vetting and verifying information is one thing. Having our government sending out conflicting messages to the American people when conflict can be avoided is another.

I have always and will continue to be supportive of all efforts by antiterrorism forces at the Federal, State and local levels, but it pained me, and I am sure many others, to watch the confusion that unfolded that October.

The trend continued weeks later in Maryland. Officials responded to a bomb threat in the I–95 tunnel under Baltimore Harbor, which the closing of resulted in stopping of thousands of cars for hours along a major transportation corridor. However, Baltimore's mayor and police commissioner said they learned of the tunnel closure and the bomb threat from the news media. This is not the way the system should work.

Bear in mind, since 9/11, law enforcement at all levels has responded to a variety of threats every day such as a misplaced bag, a suspicious package or unknown substance. In general, these agencies and the men and women who work for these agencies are dedicated, responsible, diligent, and respond very well to these potentially dangerous situations.

But what clearly needs to be done and to be improved is how different levels of government interact with each other when these threats are elevated. We need to get everyone on the same page and, when a credible threat occurs, inform the public in a coordinated way. In short, what is needed is a 911 call center for first responders. To achieve that, my amendment works in the following ways:

It authorizes a study to be conducted by the Secretary of Homeland Security and the Director of National Intelligence to identify the problems and the success of terrorist threat information sharing between the Federal, State and local levels of government.

Number 2, in addition to identifying the best practices, it will recommend a formalized process between the Federal, State and local levels of government for communicating threats to the public in a coordinated way.

Once complete, the study will be made available to all Federal, State and local government entities involved in terrorist intelligence gathering.

Finally, based on the results of the study, three centers of best practices will be created; staffs of the centers tasked with developing techniques to teach State and local governments how to improve their information sharing and planning techniques in conjunction with the Federal Government.

The center's staff will ensure the results of the study are incorporated in the daily workings of homeland security preparedness and responsive activities through all levels of government.

And finally, let me just say it is a fact that not every city can dedicate resources to terrorism. On the one hand, we have New York City where more than 1,000, about 1 in every 40, police officers in New York City are dedicated to antiterrorism duties. The reality is New York City faces a threat every single day. New York can be Exhibit A. But for other municipalities developing advanced techniques on fighting the war on terrorism, it is not so important. They don't have the resources, the manpower to dedicate. This amendment is not limited to just New York. The other centers of best practices, a suggestion would be in Detroit and Los Angeles, and can disseminate and share their techniques with other cities, whether it be Topeka or Peoria.

The sad fact is that the same terrorist scenarios, if they occurred in five different States, there could be five different sets of responses to the American people. We need, at a minimum, a level of coordination on communicating threats to the public. This amendment, I believe, will achieve that goal. The American people deserve it.

I yield back the balance of my time.

Ms. HARMAN. Mr. Chairman, I move to strike the last word, and rise in support of the Fossella amendment. I think it is an excellent amendment, and I think the explanation by Mr. FOSSELLA was excellent.

We had meltdowns, as he well describes, both in New York and Baltimore recently. I think local officials acted responsibly. The information they had showed direct threats to their municipalities, so they had no choice.

We can improve this. We not only need to share information better horizontally, a point we have been making in this committee and one of the reasons we set up the Director of National Intelligence, but we need to share it better vertically. Some of the best ideas are in our hometowns, and some of the best people trying to keep us safe are in our hometowns. I think the Fossella amendment will help us, through the establishment of centers of excellence, develop best practices to share information horizontally and vertically and get best information to those in our hometowns who are trying to protect us.

This is a great idea. I am kind of embarrassed we didn't have it in the base bill. It shows that when this House works together, we bring good information to the floor, and we improve legislation. I only wish that we had been able to bring some other good amendments to the floor to improve this legislation. I say to Mr. FOSSELLA, I strongly support you.

Mr. FOSSELLA. Would the gentlewoman yield?

Ms. HARMAN. Yes, I would be happy to yield to the gentleman.

Mr. FOSSELLA. I would just like to thank the gentlewoman for her efforts and that of your staff, especially Chairman HOEKSTRA, that of Chairman PETER KING and his staff and Rob O'Connor. But I thank the gentlewoman for her comments and strong support.

Mr. HOEKSTRA. Will the gentlewoman yield?

Ms. HARMAN. I would be happy to yield to the gentleman.

Mr. HOEKSTRA. I would like to thank the gentlewoman for her comments. I don't have time on this amendment. I also would like to indicate our side's support of this amendment. And this is something that you and I have talked about before. And again, we have gone through this the way it should be gone through. Appreciate your help.

Ms. HARMAN. Well, I agree. And just reclaiming my time, this is how this House should be working. This is bipartisan collaboration at work. It is going to make our cities safer, and it is going to send a message to the American people of one team, one fight, which is the message they want to hear.

I yield back, Mr. Chairman.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–438 offered by Ms. LEE:

At the end of the bill, add the following new section:

SEC. 510. REPORT ON AUTHORIZATION TO OVERTHROW DEMOCRATICALLY ELECTED GOVERNMENTS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing any authorization granted during the 10-year period ending on the date of the enactment of this Act to engage in intelligence activities related to the overthrow of a democratically elected government.

The CHAIRMAN. Pursuant to House Resolution 774, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Let me first thank our ranking member of the committee, my colleague and friend from California, Congresswoman JANE HARMAN, for her support of this amendment and for her leadership.

Mr. Chairman, this amendment is very simple and noncontroversial. It merely requires the President to submit a report to the House and Senate Intelligence Committees describing any authorization granted over the last 10 years to engage in intelligence activities related to the overthrow of a democratically elected government.

Mr. Chairman, we all know that democracy promotion is at the top of this administration's agenda, and I believe that there is no question that supporting democracy should be a nonpartisan issue that we all agree on because it is at the core of our Nation's values. It is, quite simply, fundamental to who we are as a people and what we stand for as a Nation. That is why we must support democratic movements as they take place across the world. Nothing less than our values are on the line if we don't. That is why we must be vigilant and safeguard against any actions that would undermine or threaten our ability to support democratic efforts.

It is clear that actions that undermine democracies also undermine our credibility in the world and, therefore, our ability to be viewed as a serious and legitimate agent of democracy. So if promoting democracy is to remain a critical pillar of our foreign policy, we must ensure that our ability to be this voice for people's movements throughout the world is not damaged by contrary actions. Who will believe us if our actions are inconsistent with our words? How successful will we be in achieving our goals?

So today I offer this amendment to support and protect our efforts toward promoting democracy and to help ensure that our actions are consistent with our values. Toward that end this amendment will help Members of this body stay well informed about our Nation's actions related to these types of overt or covert intelligence activities which is especially critical at this moment. This amendment will help increase transparency in the process by requiring a report that is organized and comprehensive over the past 10 years. It will also help provide this information in an organized fashion so Members do not need to sort through voluminous records or seek information on a country-by-country basis.

It is also critical to point out that that amendment in no way compromises the confidential and sensitive nature of the information as it requires the report to be delivered to the House and Senate Intelligence Committees and for Members to review it in a confidential and secure setting.

So, Mr. Chairman, I want to conclude by thanking again our ranking member for her support, and want to strongly urge all my colleagues here to stand up for democracy and to stand up for transparency by supporting this amendment.

I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I would like to claim the time in opposition to the amendment.

I will not oppose the amendment, but I do want to just have a couple of clarifying comments. We should not presume and we are not presuming by accepting the amendment that any such authorization to overthrow democratically elected governments has ever happened or been authorized.

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But we think it would be helpful to have this 10-year history to clarify that. The reporting requirements are very much appropriate. So with that clarification, we are inclined to accept the amendment.

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

Ms. LEE. Mr. Chairman, I want to thank the chairman for his support and want to make sure that it is on the record that we have talked and agreed with regard to the intent of this amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), ranking member of the committee.

Ms. HARMAN. Mr. Chairman, I thank the gentlewoman for yielding to me. I commend her for her courageous voice in Congress, she knows I do, on many important issues.

I also want to commend our chairman for saying that he will accept this amendment. He should know, and the gentlewoman surely does know, that we have worked together over the years to describe this issue in a manner acceptable to many in the committee. She and I have had conversations on the floor in past years about this issue. This year she is offering her concerns in the form of legislation, and I think this legislation is really very good. I think the goals of democratization and transparency are both good goals. Our President says he supports democratization. It surely is one of our major foreign policy goals.

I am for, and I mince no words about this, the robust use of intelligence to find out the plans and intentions of people who are plotting to do us harm. I do not think this amendment in any way compromises that, and I think the fact that the report is to be prepared and will be delivered to our committee in a classified form makes absolutely certain that we are not advertising to our enemies how we deploy our resources.

So, again, I want to commend the gentlewoman for offering this amendment and offer my strong support for it.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time.

I want to thank the gentlewoman for her leadership and for her support. And, yes, we have talked over the years about this and wanted to come to some bipartisan agreement and solution. So I think this is a very modest yet very important amendment, and I want to thank again our chairman and ranking member for their support.

Let me also thank our staffs on both sides of the aisle. Especially I want to thank my chief of staff, Julie Nixon, for her support and leadership, and both the minority and majority staff for, again, helping us to figure out the appropriate language to accomplish the goals that we want to accomplish. I thank them for their support.

Ms. WATERS. Mr. Chairman, I rise to support the Lee amendment, which would require the President to submit to Congress a report describing any authorization in the past 10 years to engage in intelligence activities related to the overthrow of a democratically-elected government.

In February of 2004, our government was a party to a coup d'etat that overthrew President Jean-Bertrand Aristide, the democratically-elected President of Haiti. Former soldiers and other heavily-armed thugs took over several Haitian cities and then marched into Haiti's capital, while opposition groups representing Haiti's wealthy elites staged confrontational demonstrations throughout the country. Early in the morning on February 29, U.S. Marines and Embassy officials entered President Aristide's home and told him to leave immediately or he and thousands of other Haitians would be killed. President Aristide was flown aboard a U.S. plane to the Central African Republic and left there.

The Bush administration had been working with the wealthy Haitian elites who hated President Aristide to force him to step down. The International Republican Institute, which is affiliated with the Republican Party, funneled U.S. taxpayer dollars to the Aristide-haters; and Roger Noriega, President Bush's former Assistant Secretary of State for Western

Hemisphere Affairs, conspired with sweatshop-owner Andre Apaid to organize, train and finance the opposition.

Congress has a right to know why the Bush administration allowed a small minority of wealthy elites and a group of heavily armed thugs to overthrow a democratically-elected government. More importantly, Congress has a right to know whether U.S. intelligence agencies and operatives were directly involved in this coup d'etat.

I urge my colleagues to support the Lee amendment and demand that Congress uncover the truth about the coup d'etat in Haiti.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–438 offered by Mr. PRICE of North Carolina:

At the end of title III, add the following new section:

SEC. 308. ACCOUNTABILITY IN INTELLIGENCE CONTRACTING.

(a) REPORT ON REGULATIONS GOVERNING INTELLIGENCE COMMUNITY CONTRACTING.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on regulations governing covered contracts under the National Intelligence Program and, at the discretion of the Director of National Intelligence, the Military Intelligence Program.

(2) MATTERS COVERED.—

(A) The report required by paragraph (1) shall include a description of any relevant regulations prescribed by the Director of National Intelligence or by the heads of agencies in the intelligence community, including those relating to the following matters:

(i) Types of functions or activities that may be appropriately carried out by contractors.

(ii) Minimum standards regarding the hiring, training, security clearance, and assignment of contract personnel.

(iii) Procedures for conducting oversight of covered contracts to ensure identification and prosecution of criminal violations; financial waste, fraud, or abuse; or other abuses committed by contractors or contract personnel.

(B) The report also shall include a description of progress made by the Director of National Intelligence in standardizing the regulations described in subparagraph (A) across the different agencies of the National Intelligence Program to the extent practicable.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be in unclassified form, but may contain a classified annex if necessary.

(b) ACCOUNTABILITY REQUIREMENTS FOR CONTRACTS AWARDED BY INTELLIGENCE COMMUNITY AGENCIES.—

(1) INFORMATION ON INTELLIGENCE ACTIVITIES TO BE PERFORMED.—Each covered contract in an amount greater than $1,000,000 shall require the contractor to provide to the contracting officer for the contract, not later than 5 days after award of the contract, the following information regarding intelligence activities performed under the contract:

(A) Number of persons to be used to perform such functions.

(B) A description of how such persons are trained to carry out tasks specified under the contract relating to such functions.

(C) A description of each category of activity relating to such functions required by the contract.

(2) UPDATES.—The information provided under paragraph (1) shall be updated during contract performance as necessary.

(3) INFORMATION ON COSTS.—Each covered contract shall include the following requirements:

(A) Upon award of the contract, the contractor shall provide to the contracting officer cost estimates of salary, benefits, insurance, materials, logistics, administrative costs, and other costs of carrying out intelligence activities under the contract.

(B) Before contract closeout (other than closeout of a firm, fixed price contract), the contractor shall provide to the contracting officer a report on the actual costs of carrying out intelligence activities under the contract, in the same categories as provided under subparagraph (A).

(c) ACCOUNTABILITY REQUIREMENTS FOR CONTRACTING AGENCIES OF THE INTELLIGENCE COMMUNITY.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report containing the information described in paragraph (2) on contracting activities in the intelligence community.

(2) MATTERS COVERED.—The report required by paragraph (1) shall include the following information:

(A) A list of contracts awarded for intelligence activities by each agency in the intelligence community during the one-year period preceding the date of submission of the report.

(B) A description of the activities to be performed by contractors in fulfillment of each contract on the list under subparagraph (A), including whether such activities are classified or unclassified.

(C) The number of personnel carrying out work under each such contract.

(D) The estimated cost of performance of the work required by each such contract.

(d) RETENTION OF INTELLIGENCE COMMUNITY PROFESSIONALS.—

(1) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National of Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on hiring, promotion, and retention of intelligence community professionals.

(2) MATTERS COVERED.— The report required by paragraph (1) shall include the following:

(A) Recommendations regarding any bonuses, benefits, or other inducements that would help the intelligence community to hire, promote, and retain its professional workforce in order to compete effectively against the attraction of private sector opportunities.

(B) Recommendations regarding any policy changes, including changes to policies governing the awarding of security clearances, that may promote hiring, promotion, and retention of the intelligence community professional workforce.

(C) A description of any additional authority needed from Congress to implement the recommendations under subparagraphs (A) and (B).

(3) FORM OF REPORT.—The report required by paragraph (1) shall be in unclassified form, but may contain a classified annex if necessary.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) COVERED CONTRACT.—The term ''covered contract'' means—

(A) a prime contract with any agency or office that is part of the intelligence community;

(B) a subcontract at any tier under any prime contract with an office or agency referred to in subparagraph (A); or

(C) a task order issued under a task or delivery order contract entered into by an office or agency referred to in subparagraph (A, if the work to be performed under the contract, subcontract, or task order includes intelligence activities to be performed either within or outside the United States.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since the 9/11 attacks, the budgets of U.S. intelligence agencies and the scope of their operations have increased, and they have increasingly turned to private sector contractors to help do their work. Experts both within and outside the intelligence community have warned that the expanded use of private contractors is posing some major challenges. According to the Washington Post, the Director of National Intelligence, Mr. Negroponte, has himself expressed concern about this issue.

It is an important matter. About half of the intelligence community's budget is reportedly now spent through contracts awarded to private sector firms. So we are talking about several billion dollars in contracts each year.

While the intelligence community has addressed some of the questions about how private contractors are being used and how they should be used, there needs to be a deeper examination and discussion of these issues both in the community and in Congress. My amendment would solicit information from the Director of National Intelligence and, I hope, would spur such dialogue.

It would also ask the director to provide suggestions on how to help him recruit and retain top-notch personnel, too many of whom we are now losing to private sector opportunities. Over and over again, we see the government invest thousands of dollars in training and obtaining top-level security clearances for intelligence personnel, only to lose them to lucrative jobs in the private sector. I know Representative

JOHN TIERNEY and others have been interested in this issue, and I appreciate their support for my amendment.

I have worked with the Intelligence Committee majority and minority to draft this amendment in a way that will give Congress the information it needs to conduct proper oversight without posing an undue reporting burden on the intelligence community. I believe we have achieved a good balance with my amendment, and, as I have indicated to the chairman, I am happy to continue working with him and the ranking member to further improve the language as the legislation moves forward.

I urge my colleagues to support this amendment and help us shed some light on an important and largely unnoticed shift in the way we gather intelligence.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I would like to make a point for the benefit of the members of the committee. Mr. THORNBERRY and I have been aggressively involved in standing up to DNI and we have been concerned, the committee has been concerned, that we do not establish a new set of regulations and reporting requirements for our intelligence agencies.

Would your amendment have that kind of impact? Could you explain that to us?

Mr. PRICE of North Carolina. Mr. Chairman, I appreciate the question. My amendment, in fact, does not establish new regulations for the intelligence community nor does it prohibit contractors from carrying out any type of work. It simply requires contractors and the intelligence community to provide Congress with more information so we can do our job effectively. It is not about more regulations. It is about information, about what practices and policies are already in effect.

As for the reporting requirements, this amendment would require reports on private contracting. We have crafted the amendment to minimize the additional burden on the agency. The vast majority of what we are requesting is information that the agency either has or should have already, but it is a matter of assembling that information and making it available to the appropriate committees of the Congress.

Mr. CRAMER. If you would continue to yield, I think you clearly raise issues that we need to continue to address, and this is information that we should continue to have. I would support your amendment and would urge my colleagues in the committee to do the same thing.

Mr. PRICE of North Carolina. Mr. Chairman, I thank my colleague for his support, and I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I would like to claim time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, again, I believe that with some of the dialogue we have had before, we will not oppose the amendment, but I just want to add some clarification.

I am very appreciative of the efforts of the gentleman from North Carolina to work closely with the committee to perfect his original amendment. The intent of this amendment, as I understand it, is to improve contractor management, civilian retention, and to eliminate fraud, waste, and abuse across the intelligence community. These are the goals that the Intelligence Committee has embraced and we fully support.

The amendment as written requires numerous duplicative and onerous reports that will only increase costs in personnel overhead at the intelligence community agencies, and particularly within the Office of the Director of National Intelligence, an issue that the ranking member and I and other members of the committee have been very, very concerned about.

As Mr. CRAMER has also identified, the Oversight Subcommittee has been working in a way to try to reduce the number of reports. This amendment, we believe, as an example, within 90 days of enactment of the legislation, there would be a requirement for the delivery of a report on hiring, promotion, and retention of all intelligence community professionals. The text does not define intelligence professional; so the amendment basically would ask for this report on every career field within the intelligence community. This may simply not be necessary. It would potentially be overly burdensome. Since it also applies to parts of the Defense Department that are part of the military intelligence program, our friends at the House Armed Services Committee have expressed some concerns about this. But based on the discussions that we had before the amendment came up indicating Mr. PRICE's willingness to work with us on refining this amendment once we are in conference, we are inclined to accept the amendment and to move on.

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

Mr. PRICE of North Carolina. Mr. Chairman, I thank the chairman and once again assure him that we indeed do stand ready to work on refining this language so we get the information we need in the Congress but that we do not impose undue reporting requirements.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), ranking member.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding.

And I agree that there is more to explore about this subject in conference. But outsourcing is a big deal, and it is probably a bigger deal than any of us on the committee knows.

Oversight of the intelligence community in today's world means oversight of contractors. We have outsourced more and more of the community, and I think that more serious thought needs to go into the impact of this.

The good thing about the Price amendment is that it does not mandate any particular solution. It just requires the DNI to examine the problem in a meaningful way. It essentially calls for an inventory of contracts and of rules regarding what duties may be outsourced. And I think giving us full information will allow better policy.

I applaud the gentleman for introducing this amendment and urge our colleagues to support it.

The CHAIRMAN. All time has expired on the proponent's side.

Mr. HOEKSTRA. Mr. Chairman, again I am looking forward to working in conference in a bipartisan way to work out any concerns or any additional issues that may arise with this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–438 offered by Mr. ANDREWS:

At the end of the bill, add the following new section:

SEC. 510. REPORT ON INTELLIGENCE RELATING TO INSURGENT FORCES IN IRAQ.

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to Congress a report, in classified form, on intelligence relating to the disposition of insurgent forces in Iraq fighting against Coalition forces and the forces of the Government of Iraq, including—

(1) an estimate of the number of insurgent forces;

(2) an estimate of the number of insurgent forces that are—

(A) former members of the Ba'ath Party; and

(B) members of al Qaeda or other terrorist organizations;

(3) a description of where in Iraq the insurgent forces are located;

(4) a description of the capability of the insurgent forces; and

(5) a description of how the insurgent forces are funded.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are many different views in the House as to how we should prosecute the war effort in Iraq. There are many different views as to

what we should do next. But I believe there is only one view about the constitutional responsibility of this branch of government, and that is that we have the solemn and grave responsibility of oversight.

It is our job on behalf of our constituents to ask questions about the direction, the efficacy, and the future of American policy in Iraq. In order to appropriately answer those questions, it is important that certain facts be adduced and be available to the Members on a regular basis. Because of the sensitive nature of those facts, it is important that the facts be available on a classified basis so that those who are prosecuting the war and the related intelligence activities are not compromised in any way.

The purpose of my amendment is to serve the twin goals of promoting fact-based oversight while maintaining the confidentiality and security of sources and methods of intelligence gathering.

My amendment says this: on a quarterly basis, the relevant intelligence authorities would be responsible for producing for the House a classified report that would set forth the best intelligence estimates as to the number of resistance fighters in Iraq. These categories would be broken down according to the various sources of the disruption and violence that we are seeing: former regime elements, insurgents from outside of the country, groups associated with terrorist organizations around the world, and so forth.

I am not suggesting that the only metric of the success of our policy would be the diminution of such forces, but I am suggesting that a critical metric of the success or failure would be the metric of that reduction. Similarly, if we are having trouble pinpointing the number in each category, that alone is a relevant fact that would help us understand the nature of the problem that we face and the nature of remedies to those problems.

So this report would produce an important metric for review by the Members as to the progress or lack thereof with respect to defeating the resistance in Iraq.

I want to reemphasize that this report is quarterly and it is classified. This would be handled much in the same way that the intelligence budget is handled, where Members who have properly executed the proper oath would have access to the information on a quarterly basis, would have the opportunity to review it, would be bound by the appropriate rules of confidentiality in discussing what they have seen, but would be able to form a more factual basis for an evaluation of the success or lack thereof of our policies in Iraq.

□ 1630

Again, I believe that this amendment serves the many different views we have with the prosecution of this policy in Iraq. For those who would call for an expeditious withdrawal, for those who would call for staying the course, for all those in between, this would be fact-based information that I think would enrich our debate and further advance our constitutional responsibility of oversight.

Mr. Chairman, I would respectfully urge adoption of the amendment, and I thank you for this opportunity to explain it.

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

Mr. HOEKSTRA. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I will not oppose the amendment. I think this information is very consistent with the type of information that the Intelligence Committee receives on a regular basis, but we need to make sure that we continue receiving it in the future.

Again, we will be inclined to accept this amendment.

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

Mr. ANDREWS. Mr. Chairman, I thank my friend from Michigan and my friend from California for their cooperation, and I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. RENZI

Mr. RENZI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–438 offered by Mr. RENZI:

At the end of the bill, add the following new section:

SEC. 510. SENSE OF CONGRESS REGARDING UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) FINDINGS.—Congress finds the following:

(1) The Supreme Court has unequivocally recognized that the Constitution vests the President with the authority to protect national security information as head of the Executive Branch and as Commander-in-Chief.

(2) The Supreme Court has recognized a compelling government interest in withholding national security information from unauthorized persons.

(3) The Supreme Court has recognized that secrecy agreements for government employees are a reasonable means for protecting this vital interest.

(4) The Supreme Court has noted that ''It should be obvious that no one has a 'right' to a security clearance''.

(5) Unauthorized disclosures of classified information relating to national security are most damaging when they have the potential to compromise intelligence sources and methods and ongoing intelligence operations.

(6) Potential unauthorized disclosures of classified information have impeded relationships with foreign intelligence services and the effectiveness of the Global War on Terrorism.

(7) Media corporations and journalists have improperly profited financially from publishing purported unauthorized disclosures of classified information.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should utilize the constitutional authority of the President to the fullest practicable extent, where warranted, to classify and protect national security information relating to intelligence activities and information and to take effective action against persons who commit unauthorized disclosures of classified information relating to intelligence activities and information contrary to law and voluntary secrecy agreements.

The CHAIRMAN. Pursuant to House Resolution 774, the gentleman from Arizona (Mr. RENZI) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, within our Nation's media organizations there exists a great number of professionals who provide America with information of substance and great importance. The media's role is vital to this Nation. They provide checks and balances of power and oversight of our political activity, and I want my words today to be respectful, particularly of those true professional journalists who have a hard time choosing in the battle to get their story and the need to protect our Nation.

Yet amongst the journalistic profession there are a few, a small few, who disclose our most sensitive intelligence sources and methods to our enemies. They even boldly have justified their actions recently by claiming themselves to be whistleblowers.

Yet it is not the role of a reporter working with a disgraced or disgruntled politically motivated former government employee or those who are on the verge of retirement to determine when to reveal our national secrets.

Some reporters explain that the information that they are disclosing is illegal. If you suspect it to be illegal, then notify the FBI or the intelligence committees. If you feel that there will be inactivity or political coverup, then inform both Republicans and Democrats. But do not publish classified information for personal gain.

My amendment expresses the sense of Congress that the President ought to use his full authority, where warranted, not to overclassify information, but to protect national security information and take effective action against those persons who have betrayed this Nation during wartime by publishing current, ongoing operational disclosures of classified information.

We all want to protect our frontline agents. It is vital to the war on terror. It is also vital that those nations who we conduct joint operations with are able to trust us, not to ask our agents in the field whether or not we can even keep a secret.

I understand our publishers and their need to get the story, but I also understand that it is their right that by free speech they also safeguard this Nation and help contribute to our victory in this war on terror.

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

Ms. HARMAN. Mr. Chairman, I rise in opposition to this amendment, though I may not oppose it. I really rise for the purpose of entering into a colloquy with the amendment's sponsor.

Mr. Chairman, there is much that is good in this amendment. All of us, certainly this Member, oppose the leaks, unauthorized leaks, of classified information. That is the wrong thing to do. All of us who serve on the Intelligence Committee not only took the general oath as Members of Congress, but I believe we signed a second oath as members of the committee, and I have no reason to believe that any one of us ever, not for a nanosecond, has compromised classified information, nor would we. I am sure the amendment's author agrees.

I think it is important to say that the Congress wants those who leak in an unauthorized fashion to be prosecuted. I think that is a fair thing to say. I am also in full agreement that the President should use the fullest extent of his power to properly classify information and to protect classified information.

But two things are on my mind, and one of them relates to the language here. One thing on my mind, as I stated earlier, is we should not have a double standard. If we are against leaks of classified information, we should be against leaks of classified information everywhere, and I don't believe, and I am not asking the sponsor, unless he would like to comment, that it is proper for the President or the Vice President to use inherent power to authorize their own aides to discuss what was classified information with selected reporters.

But the question I want to ask the sponsor is this: there is one section of this amendment that I think is overly broad, and it is clause (7) of the findings, where it says, ''Media corporations and journalists have improperly profited financially from publishing purported unauthorized disclosures of classified information.'' That may be conjecture. I don't personally think that is true.

I would like to ask the amendment's sponsor whether he will work with us as this bill goes to conference to modify this language so that it can be absolutely accurate and convey on a bipartisan basis the view that unauthorized leaks are wrong, but that our findings are completely factual on the point.

Mr. RENZI. Mr. Chairman, if the gentlewoman will yield, I appreciate the dialogue with the ranking member and have great respect, as she knows, for her command of this subject matter.

In recent weeks we have almost seen a glorification, a self-glorification, almost a self-indulgence with this issue. In my opinion, with the rewards that have gone with the Pulitzer Prize, the money that goes with it, the trophies, the whole idea of leaking information and making it part of the marketplace was the motive for why I had that language put in.

If you are asking if I am willing to work with you, absolutely. From day one I want to work with you on it, and I would ask the chairman to look at it as it relates to the conference. But I think we need to send a message to the publishers in America that they have got to help us in this war on terror, and the motivation cannot be an ambition that is out of the realm of asking our media outlets to be reasonable. I would just offer that to the ranking member.

Ms. HARMAN. Mr. Chairman, reclaiming my time, I appreciate the gentleman's sincerity. You know, I enjoy working with you, but I doubt, and that is why I said we need more facts here, I don't think we should allege this unless it is factually based. I doubt the motivation in many of these cases was financial. I doubt it.

I understand that books have been written and prizes have been garnered based on publishing classified information, but we have a strong tradition of freedom of the press and a strong constitutional amendment, the first amendment, that protects freedom of speech. So I think we should be very careful in making claims like this.

What I am seeking is just a commitment that we will review this language and make sure that we all feel it is factually based.

Mr. RENZI. Mr. Chairman, if the gentlewoman will yield further, I appreciate the gentlewoman from California and her comments. I only would point out that books on these are in the millions and millions of dollars. I don't mean to limit it to just awards. But taking and listening to your initiative, I would also ask that the chairman look at his leadership role on this and his ideas and be able to formulate the final opinion along with you. I appreciate that.

Ms. HARMAN. Mr. Chairman, I reserve the balance of my time.

Mr. RENZI. Mr. Chairman, I yield such time as he may consume to our chairman, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague from Arizona. My commitment is to work with the ranking member and with the gentleman from Arizona on making sure that this language, we move it to somewhere that we are all agreeable. I think we can find that common ground.

I just want to say I rise to support the gentleman from Arizona's amendment today. We need to set the record straight about our national security. Specifically, Congress must speak with a single voice, clear and unwavering, about the value of our intelligence information and about who makes decisions regarding its use. We need to speak now.

This amendment says the right things. We are at war. Every day our Armed Forces and intelligence services do battle with an enemy whose sole purpose is to kill Americans. This point sounds fairly basic. It is. But the point bears repeating as long as some individuals here in Washington behave as if they have forgotten that we are at war.

Our government has a vital interest in protecting sensitive national security information during a time of war. The United States Supreme Court has recognized this vital interest in preserving secrecy. This interest is not merely some speculative opinion. It is the law of the land. This amendment makes that point.

The Constitution places the responsibility and authority to protect national security with the President of the United States. The President does so as the head of the executive branch and Commander in Chief. The U.S. Supreme Court has recognized this fact as law. The gentleman's amendment again makes that point.

Under our system of laws, the President must decide what sensitive national security information can be shared with the public and what must remain closely guarded. The President does not make these decisions lightly. He is elected by the American people to exercise his judgment in this regard and to make such decisions with the best interests of the American people in mind. Ultimately he is accountable to the people at the voting booth.

We have worked with the President and disagreed with his opinions and directions, most recently the decision to declassify over 48,000 boxes of documents that were obtained in Iraq. The position of the intelligence community and the executive branch for an extended period of time was to hold that information. After working with the executive branch, that information is now in the process of being declassified and released to the American people. That is a good decision.

But we went through a process. Individuals who disclose sensitive national security information without authority undermine the rule of law. These people substitute their judgment for that of the President, and they exercise that authority when legally it does not even belong to them. These individuals may act for self-determined reasons, not in the best interests of the American people, but in their own interests. I think that is what makes it different. Unless they are prosecuted, they remain unaccountable to the American people for their actions.

Mr. RENZI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I thank the gentleman from Arizona for yielding.

Mr. Chairman, I support his amendment and share his concern about the destructive consequences of unauthorized disclosures or leaks. This was one

of the strategic oversight areas which the chairman and ranking member assigned to the Oversight Subcommittee at the beginning of this Congress.

We have held several hearings, including an open hearing, to discuss this problem. One of the results is that we have found that there are a limited number of tools that the agencies have to deal with those inside the agencies who choose to violate the law and disclose classified materials.

One of the things that is in this bill is to request information from the Director of National Intelligence on other tools, administrative or contractual avenues perhaps, with which we can help encourage people to follow their oath and to obey the law.

□ 1645

I think what is in the bill, as well as what is in the gentleman from Arizona's amendment, work very well together to convey the seriousness with which we take this problem.

I applaud the gentleman's amendment and support it.

Mr. RENZI. Mr. Chairman, I continue to reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, we have no further speakers and I do appreciate the comments of the amendment's sponsor on his amendment. I do intend to support the amendment and then to work with him and our chairman on some modifications of that amendment in the conference.

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

Mr. RENZI. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I very much appreciate the ranking member and her kindness on the issue. I just want to wrap up by saying that the leaks are absolutely vital to our victory against the Islamofascists who very much want to establish a worldwide caliphate. It is that real.

The leaks have got to stop to protect our frontline agents. They have got to stop in order to rebuild the trust between our nations and our allies. I would urge my colleagues to support this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. RENZI).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 366, noes 56, answered ''present'' 1, not voting 9, as follows:

[Roll No. 106]

AYES—366

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—56

Abercrombie
Ackerman
Baldwin
Blumenauer
Conyers
Costello
Delahunt
DeLauro
Dingell
Doggett
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Inslee
Jackson-Lee (TX)
Johnson, E. B.
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lynch
Maloney
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pastor
Payne
Rangel
Sánchez, Linda T.
Scott (VA)
Serrano
Slaughter
Solis
Stark
Tierney
Towns
Udall (NM)
Waters
Watson
Watt
Woolsey
Wu

ANSWERED ''PRESENT''—1

Capuano

NOT VOTING—9

Case
Evans
Ford
Hastings (FL)
Millender-McDonald
Miller, George
Moore (WI)
Ros-Lehtinen
Schakowsky

□ 1713

Messrs. STARK, MEEHAN, OWENS, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. LYNCH, Ms. DELAURO, Messrs. LARSON of Connecticut, WATT, INSLEE, RANGEL, TIERNEY, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. TOWNS, Ms. SOLIS, Mr. PASTOR, Ms. JACKSON-LEE of Texas, and Mr. COSTELLO changed their vote from ''aye'' to ''no.''

Ms. BEAN, Mr. DAVIS of Illinois and Mr. WAXMAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no other amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KUHL of New York) having assumed the chair, Mr. REHBERG, Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 5020) to authorize appropriations for fiscal year 2007 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 774, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1715

The SPEAKER pro tempore (Mr. KUHL of New York). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHIFF

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHIFF. Yes, in its current form.

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

The Clerk read as follows:

Mr. Schiff moves to recommit the bill, H.R. 5020, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

At the end of title III (Page 16, after line 10), add the following new section:

SEC. 308. NSA OVERSIGHT ACT.

(a) SHORT TITLE.—This section may be cited as the ''NSA Oversight Act''.

(b) FINDINGS.—Congress finds the following:

(1) On September 11, 2001, acts of treacherous violence were committed against the United States and its citizens.

(2) Such acts render it both necessary and appropriate that the United States exercise its right to self-defense by protecting United States citizens both at home and abroad.

(3) The Federal Government has a duty to pursue al Qaeda and other enemies of the United States with all available tools, including the use of electronic surveillance, to thwart future attacks on the United States and to destroy the enemy.

(4) The President of the United States possesses the inherent authority to engage in electronic surveillance of the enemy outside of the United States consistent with his authority as Commander-in-Chief under Article II of the Constitution.

(5) Congress possesses the authority to regulate electronic surveillance within the United States.

(6) The Fourth Amendment to the Constitution guarantees to the American people the right ''to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures'' and provides that courts shall issue ''warrants'' to authorize searches and seizures, based upon probable cause.

(7) The Supreme Court has consistently held for nearly 40 years that the monitoring and recording of private conversations constitutes a ''search and seizure'' within the meaning of the Fourth Amendment.

(8) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) and chapters 119 and 121 of title 18, United States Code, were enacted to provide the legal authority for the Federal Government to engage in searches of Americans in connection with criminal investigations, intelligence gathering, and counterintelligence.

(9) The Foreign Intelligence Surveillance Act of 1978 and specified provisions of the Federal criminal code, were expressly enacted as the ''exclusive means by which electronic surveillance . . . may be conducted'' domestically pursuant to law (18 U.S.C. 2511(2)(f)).

(10) Warrantless electronic surveillance of Americans inside the United States conducted without congressional authorization may have a serious impact on the civil liberties of citizens of the United States.

(11) United States citizens, such as journalists, academics, and researchers studying global terrorism, who have made international phone calls subsequent to the terrorist attacks of September 11, 2001, and are law-abiding citizens, may have the reasonable fear of being the subject of such surveillance.

(12) Since the nature and criteria of the National Security Agency (NSA) program is highly classified and unknown to the public, many other Americans who make frequent international calls, such as Americans engaged in international business, Americans with family overseas, and others, have a legitimate concern they may be the inadvertent targets of eavesdropping.

(13) The President has sought and signed legislation including the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107–56), and the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458), that have expanded authorities under the Foreign Intelligence Surveillance Act of 1978.

(14) It may be necessary and desirable to amend the Foreign Intelligence Surveillance Act of 1978 to address new challenges in the Global War on Terrorism. The President should submit a request for legislation to Congress to amend the Foreign Intelligence Surveillance Act of 1978 if the President desires that the electronic surveillance authority provided by such Act be further modified.

(15) The Authorization for Use of Military Force (Public Law 107–40), passed by Congress on September 14, 2001, authorized military action against those responsible for the attacks on September 11, 2001, but did not contain legal authorization nor approve of domestic electronic surveillance not authorized by chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(c) REITERATION OF CHAPTERS 119 AND 121 OF TITLE 18, UNITED STATES CODE, AND THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS THE EXCLUSIVE MEANS BY WHICH DOMESTIC ELECTRONIC SURVEILLANCE MAY BE CONDUCTED.—

(1) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, chapters 119 and 121 of title 18, United States Code, and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted.

(2) FUTURE CONGRESSIONAL ACTION.—Paragraph (1) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to chapters 119 or 121 of title 18, United States Code, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to paragraph (1).

(d) DISCLOSURE REQUIREMENTS.—Not later than 14 days after the date of the enactment of this Act, the President shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report in classified form identifying the United States persons who have been the subject of electronic surveillance not authorized to be conducted under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapters 119 or 121 of title 18, United States Code, and the basis for the selection of such persons for such electronic surveillance.

(e) ELECTRONIC SURVEILLANCE DEFINED.—In this section, the term ''electronic surveillance'' has the meaning given the term in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

Mr. SCHIFF (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of the motion.

Mr. SCHIFF. Mr. Speaker, the motion to recommit is based on bipartisan legislation that I introduced, along with Representatives FLAKE, HARMAN and INGLIS, dealing with the NSA surveillance program. And the basic premise of this legislation is that the Government must have all the tools it needs, it must have all the authority it needs to pursue al Qaeda using every tool in the toolbox.

But the premise is also that we are a Nation of laws, and that whereas the Commander in Chief has the authority to eavesdrop and surveil off American shores, when it comes to the electronic surveillance of Americans on American soil, Congress has the authority to regulate that surveillance. And, in fact, Congress has regulated that surveillance through title III and through the Foreign Intelligence Surveillance Act; and, in fact, those two laws form the exclusive authority to surveil Americans on American soil.

Now, we have learned, both through a disclosure in The New York Times and through the disclosures of the present administration, that there is an NSA surveillance program that, among others things, surveils conversations between Americans or people on U.S. soil and people overseas who may be affiliated with al Qaeda. Other than a small number of us, we don't know much about the contours of this program.

Recently when the Attorney General testified in the Judiciary Committee, I asked about the limiting principle of this program: Was it restricted only to these international calls? What if the Attorney General decided tomorrow or

the administration decided tomorrow that it had the inherent authority as Commander in Chief to tap purely domestic calls between two Americans; did it feel it would need to go to court for that authority? And the Attorney General said he would not rule it out. He would not rule out having the pure authority, without going to court, to tap the calls between two Americans on American soil.

So what is the limiting principle if this program can change from day to day without the input of Congress? The only limiting principle is the good faith of the executive, which when the executive shows it is infallible might be a sufficient limiting principle. But the executive is no more infallible than we are here in Congress, and so we have a role to play.

And this motion to recommit says that that role is the following: that, first, when we pass a law, like FISA and Title III, where we say the exclusive means of domestic eavesdropping is under these provisions with court approval, we mean what we say; that, second, the authorization to use military force that we voted on in the immediate aftermath of 9/11 did not create an exception to the authority to eavesdrop on Americans on American soil; that, third, if the President believes that FISA or existing law is insufficient to the task, he should come to Congress through his representatives and ask us to amend the law.

And this is what is most disturbing about what has happened so far. When the administration did come in the context of the PATRIOT bill and asked us to change FISA, we made changes to FISA. When one of the Republican Senators asked the administration, do you need us to change FISA more; is there a problem with FISA; is it not keeping pace with the terrorists or technology? The answer from the administration was, no, FISA is working just fine. The more truthful answer would have been, no, because we don't feel bound by FISA. We feel we can do what we choose to, what we feel we must, without consulting with Congress.

So this bill says, importantly, that if the administration feels that existing law is not enough, it should come to us and ask for amendment. And, finally, it asks the administration to report to Congress on the extent to which Americans have been surveilled on American soil so we can do our job as a coequal branch of government.

Mr. Speaker, I yield to my colleague, the ranking member from California.

Ms. HARMAN. I thank the gentleman for yielding and commend him and Messrs. FLAKE and INGLIS for their bipartisan leadership on this issue.

Mr. Speaker, every Member of this body supports tracking the communications of al Qaeda. That is not the issue. The issue is whether the electronic surveillance of Americans must comply with law and the fourth amendment. I believe it must. And as one of the few in this body who has been briefed on the highly classified program we are talking about, I believe it can. This program can and must comply with FISA. That is what the amendment says. The President believes his inherent authority trumps Article I of the Constitution, and I respectfully disagree.

Recommitting this bill and adding this provision will make a good bill stronger and will honor the sacrifice and dedication of those who serve us so courageously in the field.

Mr. HOEKSTRA. Mr. Speaker, I am opposed to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleagues on the other side of the aisle for this motion to recommit so that we can talk about this issue.

The language that is being used to describe the President and the executive branch is absolutely outrageous. Today we have heard the charges ''unlawful, reckless, abusive, infallible, without consulting with Congress.'' For 4½ years, Republicans and Democrats have been brought into this program.

Immediately when this program was started, to protect Americans both here and abroad, the leadership, on a bipartisan basis, was informed on the program. They consistently on a quarterly or a 4-month basis met with the executive branch, met with the Vice President and the people operating this program, and they came back united and said this program is legal, it is limited, the safeguards are in place to protect American civil liberties, it is effective, it is making a difference, and it is necessary.

And only when someone leaked it to the press all of a sudden did it become all of these other things that you have ascribed to the President. The President has reached out. The President has worked with Congress to make sure that we address these concerns.

America is at war. We were at war when this program started. We continue to be at war. Bin Laden was on tapes this weekend. Zarqawi is on a tape. We have bombings in Egypt, and troops in Iraq and Afghanistan. This continues to be the same thing that on a bipartisan basis people said needed to be done. It is legal, it is limited, it is necessary, and it is making a difference.

Mr. Speaker, I yield to my colleague from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker.

I have to say to my colleague from California that I really don't understand. For over 3 years, the ranking member of the Intelligence Committee and the minority leader of this House, Ms. PELOSI, have gone along with this and accepted limited briefings without insisting that the Intelligence Committee be informed and that oversight happen.

In January of this year, Ms. HARMAN said, ''This program is essential to U.S. national security, and its disclosure has damaged critical national intelligence capabilities.'' But now that effective oversight is taking place, because I demanded it, and this committee, the Intelligence Committee, is conducting effective oversight, you want a report.

Mr. SCHIFF has proposed not a benign piece of amendment, but a specific report on by-name targets, not only to the Intelligence Committee, but to the Judiciary Committee, an unprecedented release of sources and methods of intelligence that you know would compromise ongoing operations critical and vital to the security of this country.

The oversight of this program is proceeding. This committee went to the NSA on the 8th of April. We are going again on Friday. The Director of National Intelligence and the Deputy Director have briefed this committee, and continuing information comes in as we speak.

We will do our job as the Intelligence Committee, and we will also protect the security of the United States in the process. I urge my colleagues to oppose this motion to recommit.

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

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.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. 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 passage.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 7, as follows:

[Roll No. 107]

AYES—195

Abercrombie	Cardoza	Doggett
Ackerman	Carnahan	Doyle
Allen	Carson	Edwards
Andrews	Case	Emanuel
Baca	Chandler	Engel
Baird	Clay	Eshoo
Baldwin	Cleaver	Etheridge
Bean	Clyburn	Farr
Becerra	Conyers	Fattah
Berkley	Costa	Filner
Berman	Costello	Flake
Berry	Cramer	Frank (MA)
Bishop (GA)	Crowley	Gonzalez
Bishop (NY)	Cuellar	Gordon
Blumenauer	Cummings	Green, Al
Boren	Davis (AL)	Green, Gene
Boswell	Davis (CA)	Grijalva
Boucher	Davis (FL)	Gutierrez
Boyd	Davis (IL)	Harman
Brady (PA)	Davis (TN)	Herseth
Brown (OH)	DeFazio	Higgins
Brown, Corrine	DeGette	Hinchey
Butterfield	Delahunt	Hinojosa
Capps	DeLauro	Holden
Capuano	Dicks	Holt
Cardin	Dingell	Honda

Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Evans
Ford
Hastings (FL)
Millender-McDonald
Miller, George
Moore (WI)
Ros-Lehtinen

□ 1746

Mr. SKELTON changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KUHL of New York.) The question is on the passage of the bill.

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

RECORDED VOTE

Ms. HARMAN. 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 327, noes 96, not voting 9, as follows:

[Roll No. 108]

AYES—327

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—96

Abercrombie
Ackerman
Andrews
Baldwin
Becerra
Blumenauer
Boyd
Brady (PA)
Capuano
Conyers
Costello
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Duncan
Eshoo
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Harman
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kilpatrick (MI)
Kind
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lofgren, Zoe
Lynch
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Serrano
Sherman

Slaughter	Towns	Waxman
Solis	Velázquez	Weiner
Stark	Visclosky	Wexler
Tauscher	Waters	Woolsey
Thompson (CA)	Watson	Wynn
Tierney	Watt	

NOT VOTING—9

Davis, Tom	Millender-McDonald	Radanovich
Evans	Miller, George	Ros-Lehtinen
Ford	Moore (WI)	
Hastings (FL)		

□ 1758

Messrs. GUTIERREZ, WYNN and DOGGETT changed their vote from ''aye'' to ''no.''

Mr. CUMMINGS changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TOM DAVIS of Virginia. Mr. Speaker, on rollcall vote No. 108, final passage of the Intelligence Authorization Act, I am recorded as not voting. Although I was present in the Chamber, my vote was not recorded.

I intended to vote ''aye'' and would like to be recorded as such.

PARLIAMENTARY INQUIRY

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LAHOOD. Mr. Speaker, when a Member of the House offers the motion to recommit and is asked the question whether they oppose the bill and say that they do in order that they can offer the motion, is it a violation of the rules of the House that that Member then votes for the bill and contradicts his statement that he was against the bill when he offered the motion to recommit? Is that a violation of House rules?

The SPEAKER pro tempore. The Chair would state to the gentleman from Illinois that the Chair takes a Member who makes that statement on the floor at his word.

Mr. LAHOOD. Is it a violation of the House rules for a Member to have the prerogative to offer the motion to recommit and state at that time that they are opposed to the bill, and then vote for the bill, which is what occurred here on the House floor on the intelligence authorization bill?

The gentleman from California offered the motion to recommit. He was asked by the Chair if he opposed the bill. He said he opposed the bill. And he is recorded as voting for the bill. Is that a violation of the House rules?

□ 1800

The SPEAKER pro tempore (Mr. KUHL of New York). Again, for the gentleman from Illinois, at the time that a Member makes his statement that he opposes the bill, the Chair takes him at his word. But it is not necessarily a violation of the House rules for a Member to vote one way or another.

Mr. LAHOOD. Well, Mr. Speaker, I think in the future, the leadership on the other side should instruct their Members about what the rules of the House are, that if a Member wants to offer a motion to recommit, that is well within their right to do it, but they have to vote against the bill.

Let me ask another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. LAHOOD. Is it possible, then, for the Chair to instruct a Member that wants to vote against the bill that offered the motion to recommit, that they in fact, according to House rules, have to vote against the bill? Can the Chair instruct a Member that perhaps does not know the rules of the House that when they stand up to offer a motion to recommit and they are opposed to the bill, that in fact they have to vote against the bill?

They cannot have it both ways, can they, Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. LAHOOD. My parliamentary inquiry is, Mr. Speaker, can they have it both ways?

The SPEAKER pro tempore. The gentleman from Illinois will suspend.

Mr. LAHOOD. Can they have it both ways?

The SPEAKER pro tempore. The gentleman will suspend.

As previously indicated to the gentleman from Illinois, the Chair takes a Member at his word when assessing his qualification to offer the motion. But it is not the province of the Chair to instruct a Member how to vote thereafter.

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland is recognized.

There was no objection.

Mr. HOYER. Mr. Speaker, the gentleman from Illinois, in my opinion, is casting aspersions on the character and motives of a Member. That is clearly against the rule. But what I want to stand and say is that clearly, as we know, DUNCAN HUNTER offered a resolution on the floor of this House in response to Mr. MURTHA's press conference, that mischaracterized Mr. MURTHA's position, but, more importantly, we had some hours of debate on that resolution, and Mr. HUNTER, of course, voted ''no'' on that resolution.

Furthermore, I would say to the gentleman from Illinois that a Member may well be opposed to a bill, I say to my friend, and want the opportunity to offer an amendment, but when that amendment fails, the situation has changed. The circumstances have changed. And the circumstances that have changed is then that Member is left with either supporting a bill that he may not think was perfected as he thought it should be but on which the majority of the House disagreed. At that point in time, I say to my friend, the situation has changed.

And so for any one of us 435 to judge our 435th Member who sees a different situation confront him is, in fact, as I respectfully tell my friend, against the rules of the House of Representatives.

AUTHORIZING THE CLERK TO MAKE CHANGES IN ENGROSSMENT OF H.R. 5020, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5020, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

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

There was no objection.

RULES OF THE HOUSE

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized.

There was no objection.

Mr. LAHOOD. Mr. Speaker, my response to my friend from Maryland is that I cast no aspersions on any Member. You know better than that. But we have rules around here, and people need to know what the rules are. When the Rules Committee folks come down here and criticize the majority because they do not particularly like the way the Rules Committee operates, then I think it is perfectly proper for Members to realize that if they want to offer the motion to recommit because they have a grievance, because they did not get their amendment, that is well within their right to do it; but they ought to do it under the rules of the House. That is my only point.

I cast no aspersions on Mr. SCHIFF. I have great admiration and respect for him. But I just think all the Members ought to know what the rules are around here.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Because the irony is Members are put in a position where they have no alternative by the Rules Committee because their amendments are not made in order, which may well have been supported by the overwhelming majority of the House of Representatives, and that is the position that Members are put in on a regular basis. The situation, I suggest to the gentleman, does, in fact change when an amendment is defeated, and a Member then has a new judgment to make. That was my point.

Mr. LAHOOD. I take your point.