

to protect consumers from price gouging. Price-gouging legislation is long overdue.

Congress needs to pass legislation to allow the FTC to prosecute price gouging. Our constituents are looking to us, to Congress, for relief. It is our duty to approve legislation that would provide that relief, to protect Americans from increased financial hardship that price gouging and high gas prices create, especially during the summer tourism months.

Whether you support the Pombo bill or not, I encourage my colleagues to vote "no" on the previous question so that we can consider the FREE Act, a real price-gouging bill that can provide relief for gas customers today.

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

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

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will amend the rule to provide that immediately after the House adopts this rule it will take up legislation to do as Mr. STUPAK just rightly said, stop price gouging at the gas pump and provide some immediate relief for the American consumer.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, as we consider this bill today that further opens up our precious coastal resources to the oil industry, should we not also be talking about how those oil companies treat Americans at the gas pump? Should they be allowed to drill the oil that belongs to the American people and then turn around and sell it to us at unconscionable prices?

They did not drill 3 years ago because the price of a barrel of oil was \$30. Now it is \$70, and they are ready to go drill. By that time, it will be \$80, and then turn around and sell it to us at prices that are unconscionable.

If the previous question is defeated, I will ask the House to take up H.R. 3936, Representative STUPAK's bill.

Members should be aware that a "no" vote will not prevent consideration of H.R. 4761 and it will not affect any of the amendments that are in order under this rule. But a "no" vote will allow us to vote on something to bring real relief to the American people and not degrade the environment in our Outer Continental Shelf.

Vote "no" on the previous question.

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

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time.

We have certainly had a lively and spirited debate on this rule, and I am

sure it will continue as we debate the legislation.

I would like to remind Members that for 6 years we did not have a comprehensive national energy policy, and the result has been higher prices for consumers and businesses. This underlying legislation is one component that will help ease the burden on consumers and manufacturers, and we all look forward to future debates on a myriad of energy solutions so we are better prepared for our future.

I see this as a jobs bill. I also see it as a helping hand to those seniors and those lower-income citizens who are having to pay the high cost of heating their homes and gasoline at the gas station.

This bipartisan legislation received the vast majority of votes in the Committee on Resources, and I encourage all Members to support an improved energy policy for the future.

I urge all Members of this fair rule and the underlying legislation.

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

PREVIOUS QUESTION FOR H. RES. 897—RULE ON H.R. 4761 THE DEEP OCEAN ENERGY RESOURCES ACT OF 2006

At the end of the resolution add the following new section:

"Sec. \_\_\_\_ . Immediately upon the adoption of this resolution, it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3936) to protect consumers from price-gouging of gasoline and other fuels during energy emergencies, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Energy and Commerce; and (2) one motion to recommit with or without instructions."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

gerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution \* \* \* [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule \* \* \* When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1300

PROVIDING FOR CONSIDERATION OF H. RES. 895, SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 896 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 896

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in

the House the resolution (H. Res. 895) supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit which may not instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Thank you, Mr. Speaker.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York, Congresswoman LOUISE SLAUGHTER, pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

This rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. It waives all points of order against consideration of the resolution and, as always, provides the minority with one motion to recommit, which may not contain instructions.

Mr. Speaker, I rise today in strong support of this rule and its underlying simple House resolution that allows the House of Representatives to take a very clear position on our collective commitment to identifying and tracking terrorist finances and our condemnation of the disclosure of any information that puts the lives of American citizens at risk.

Today, throughout the course of the debate, we will hear a great number of accusations hurled from those Members opposed to this resolution. It is their right to dissent. That is the basis of our democracy. However, it needs to be made clear at the outset what this resolution does and what it does not do. What this resolution does is simple:

It states that the U.S. House of Representatives supports efforts to identify, track and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks and that the House finds that the Terrorist Financing Tracking Program has been conducted in accordance with all applicable laws, regulations and executive orders, and that the appropriate safeguards and reviews have been instituted to protect civil liberties and that Congress was duly informed of this fact.

It also says that the House condemns the unauthorized disclosure of classi-

fied information and expresses concern that disclosure of this information may endanger the lives of American citizens and our efforts, and that the House expects the cooperation of all news media in protecting the lives of Americans and the capacity of the government to identify, disrupt and capture terrorists by not disclosing classified intelligence programs such as the Terrorist Finance Tracking Program.

This resolution does not single out or censure any specific media outlet for its disclosure of classified information that has put American lives at risk and made our allies less likely to share classified data in the future. Nor does it chill first amendment rights or prevent the news media from performing their constitutionally protected activities. We will hear these kinds of accusations today time and time again from the other side, Mr. Speaker, and it is important to make clear from the outset that they are simply not true.

The basis for the House taking this position is just as clear. We know that after our country was attacked on September 11, President Bush launched a full-on campaign against terrorist financing and authorized the Treasury Department to track the financial supporters of terrorist groups like al Qaeda, Hamas and Hezbollah to prevent any further attacks on American citizens either here or abroad.

We know that by following these monetary transfers, the United States has been able to locate and identify terrorists and their financiers, chart shadowy terrorist networks, and keep funds out of the hands of these criminals. We also know that data provided by this program helped to identify a Brooklyn man who was convicted of laundering \$200,000 through a Pakistani bank on behalf of al Qaeda. This program also facilitated the capture of the mastermind of the Bali resort bombing of 2002.

This terror finance-tracking program, better known as the SWIFT program, has been invaluable in protecting American lives and choking off the sources of terror funding. It is exactly the kind of limited, legal and effective program that we need to hunt down and starve terrorists of the funding that they use to attack American interests and citizens.

As with any national security program, the administration must be protective of the sources and methods it uses to execute its mission. Disclosure of this program has degraded our national security and injured our efforts to prevent terrorist activity by allowing our enemies to understand what steps we were taking to stop them. And in a situation where it is vital to always remain one step ahead of your enemy, the consequences of showing them our techniques has potentially devastating and life-threatening consequences.

Mr. Speaker, I urge all of my colleagues to speak with one voice today in recognizing the importance of iden-

tifying, tracking and ending the financing of terror and condemning any actions that would allow the unauthorized disclosure of information that helps our government to achieve this end. I urge the adoption of this rule and the underlying resolution.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, for all those who will in future years look back on the vote we take today as a window into the soul of this Congress, for all those who will see the approval or defeat of this bill as a testament to how committed this body was to the ideals from which our Nation draws its strength, for them, let me be very clear. On this day, the Republican majority shamelessly played politics with our most cherished principles.

From the very beginning, this resolution and this so-called debate has been about one thing and one thing only: election politics. Six months before our midterm elections, Republicans are falling back on the one play that has worked for them time and time again. They are sowing fear in the hearts of the American people and labeling any individual or organization that doesn't take its marching orders from the White House as a threat to our Nation.

Think of what we have heard from leading Republicans over the past few days. They have called the disclosure of the SWIFT anti-terrorist program a "disgrace." They have accused the newspaper that first wrote about it, the New York Times, of forcing its, quote, arrogant, elitist, left-wing agenda on the rest of the country.

Mr. Speaker, if all this is true, then I have no choice but to conclude that our President, President Bush himself, is a disgraceful, arrogant, left-wing elitist, because it was Mr. Bush who leaked this story. Mr. Bush, as well as numerous top-ranking members of his administration, have proudly discussed their efforts to eliminate the finances of terrorists for 5 years. Not two weeks after September 11, 2001, President Bush told the world the United States had "launched a strike on the financial foundation of the global terror network." Such claims have been made time and time again, not just by the President but by every top Republican official in power.

What is more, no fewer than 20 current and former administration officials spoke to New York Times reporters about the SWIFT program. Where do you think the Times heard it? The article that started this all could not have been written without their active help. What the New York Times did, as well as the Wall Street Journal, the Los Angeles Times, The Washington Post, and newspapers throughout the country through news services, was to

publish a story which had, in effect, already been published a thousand times over by the White House itself and had even been on the Internet.

The end result is a Republican administration intentionally leaking a story, as they did to Judith Miller of the New York Times who was then their heroine, both publicly and privately, and then punishing the newspaper for reporting on its leaks. In such a context, the notion that one of our newspapers violated our national security last week is ludicrous on its face.

Think of this degree of Republican hypocrisy and then consider this: the bill before us claims to stand against leaks. But it comes 6 years into an administration that has always been willing to leak even the most sensitive information if it thought it would benefit from it politically. It is the height of irony to think that when the Bush administration sought to silence critics of its pre-Iraq war intelligence claims, it chose to leak the classified identity of a CIA agent, as well as previously classified components of a national security estimate to, of all places, the New York Times. But it did so, and it did so willingly.

Where were the resolutions of protest from the majority during that scandal? Did we have any expression of outrage over the leaking of a covert agent who, I am told, not only jeopardized her contacts with the CIA but the entire intelligence network itself because people would not trust us anymore? Where were the resolutions of protest about that? Nowhere.

Where was the outrage when a national security asset, as well as all of her contacts in the intelligence community, were put into danger? There was none, because Republicans deemed that was a permissible leak, and it was profitable.

The Republican outrage we see today stinks to high heaven because the leak of Valerie Plame's identity last year came from high-up, the highest ranks of its own White House. And when all the contradictions inherent in this bill are laid bare, we can see what it is actually all about.

Republicans need to change the subject of the real debate everyday people are having in the country. That debate is about the wisdom of this 3-year, \$400 billion war in Iraq that is still claiming American lives even today. It is about the numerous scandals of its own creation that the majority is scrambling to explain away. It is about the fact that Republicans have been entirely unwilling to exercise any form of meaningful oversight over the programs implemented by Congress and the White House with disastrous results to our Nation. It is about the very direction that America will take in the years ahead.

Democrats are eager to debate all of these issues. But Republicans, as we see today, are interested only in inventing enemies to point fingers at and

turn the public against. And to do so, Mr. Speaker, they are willing to jeopardize even our most basic and fundamental principles. They are willing with this bill and with what they have and will say on the floor today to make it the province of Congress to dictate to our cherished independent media what it can and cannot report about and what it can and cannot say.

But blaming the messenger is nothing new in this country, Mr. Speaker. The first time a newspaper was punished by an elected official was in 1735 when a New York publisher wrote unflattering things about the Governor of the New York territory and was put in jail. Only a few decades later, the Alien and Sedition Acts were passed by Congress to silence those who opposed American involvement in a war with France.

But to today threaten retribution and legal action against virtually every news organization in this country simply to gain a few points in the polls? It is a debasement of this Congress and a desecration of our Nation's ideals.

Mr. Speaker, my friends on the other side of the aisle and in the White House have a right to be worried about what lies ahead for them, but what they do not have the right to do is to politicize our national security. They do not have the right to hypocritically and arbitrarily decide when the Nation has been endangered by a leak and when a leak is entirely acceptable. And they most certainly do not have the right to reshape this Congress into a body concerned with, in truth, little more than political retribution against an equally arbitrary "enemies list."

The American people expect this majority and this administration to guard information, not punish newspapers from writing about it after it has been officially revealed at the highest source of the government. Think about that for a moment. The President of the United States time after time after time has bragged on this program and yet pillories the New York Times and other papers for writing about it.

The citizens of this country understand that at the end of the day, the job of protecting our national security falls on the shoulders of our elected officials, not just on journalists whose primary duty is to objectively report on the world around us. Our citizens expect this body to do much more than it is doing here today. They expect it to follow a higher calling. And they are right.

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

Mr. SESSIONS. Mr. Speaker, the President of the United States did speak about this opportunity that we had as a result of what the Congress passed the law asking and giving the legal authority to the President to track financial transactions. The Congress had already spoken about it as we were debating whether we were going to pass that law. In fact, the President

did as a result of these disclosures of finding terrorists say that we found financial ends and means by which terrorists were being supported.

□ 1315

But I will strongly disagree with the young woman from New York in her characterization that the President spilled the beans on all of this. Not true. It was someone going and talking to over 20 people, revealing intimate details of what the plan was. Not that it existed, but how it worked, where it was formed, where we gathered information, how things were done.

And that is a desperate attempt by someone to go and provide the enemy with information that would allow them to work around those things that we had established. What we are talking about is classified information, not the knowledge that something is happening. And classified information in detail about not just the summary of this, but in details, is what we are concerned about today.

So I disagree with the gentlewoman from New York. I believe that her characterization is not only wrong, but it is also aimed at the wrong people. We had hoped and would still hope that the minority today would see that what we are talking about is sharing of classified information and that we believe it is the wrong thing to do.

Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the Financial Services Committee.

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

Mr. OXLEY. Mr. Speaker, I thank the gentleman from Texas for yielding. And let me say at the outset I appreciate his good work on the Rules Committee and affording us the opportunity to testify last evening on this legislation.

I did not introduce this bill, or this resolution, for political purposes. I have a deep respect for our process and our institution here. I introduced that resolution to send a signal that a lot of people in this Congress, on both sides of the aisle, are pretty sick and tired of people leaking classified information, secret classified information, and having the media report it with no responsibility, no accountability whatsoever.

They are endangering our fighting men and women in Iraq and all over the world. They endanger the very freedoms that we enjoy. And it has been a continual frustration, whether it was the NSA revelations or the wire-tapping of al Qaeda suspects who are talking to people or emailing people in the United States.

This is the third time in a relatively short period of time that this country has been witness to essentially treasonous behavior on the part of individuals who leak classified information, clearly against the law, clearly against the law, and then brazenly reported in the front pages of major newspapers, aiding and abetting the enemy.

We are at war, ladies and gentlemen. Now, some of you folks find that an inconvenient fact, but we are at war. And when the Congress responded with the PATRIOT Act shortly after 9/11, that was supported by a broad array of Members on both sides of the aisle and with editorials in the New York Times and other newspapers telling the administration they better get on the case and set up ways that we can intercept terrorist financing.

Part of that legislation came out of my committee. We are pretty proud of what we did in that antimoney laundering, antiterrorist funding legislation that we made part of the PATRIOT Act. And guess what? It has worked. Now, that may drive some of these people crazy in certain editorial boards. But the fact is this program has worked effectively and efficiently since it was set up for the first time.

Even the New York Times in their editorial, the editorial board of the New York Times specifically called on Congress and the administration to set up programs to intercept and monitor financial reporting internationally. And this program has worked effectively well.

The President of the United States was not dumb enough to go out there and talk about methods and ways that this program worked, as the gentleman from Texas said. He talked about the program existing. But he did not say how it worked on a day-to-day basis. And now we have it spread all over the news media about how this program works. What is the average terrorist to think?

He is going to find a different way to move his money around, that is what he is going to do. He is going to change his behavior. So this resolution was set up to first of all say this is a very effective program. Let me just go over the four basic points of this resolution.

One, it supports the government's efforts to identify, track, and pursue terrorists and their financial supporters. Now, if you are against that, then vote "no."

Two, finds that the Treasury Department's Terrorist Financing Tracking Program has been conducted in accordance with law, with appropriate safeguards and reviews to protect individual civil liberties, and in consultation with and oversight by the Congress. If you don't like that, then vote against it.

Three, condemns the unauthorized disclosure of classified information. Who among us is not going to agree with that?

Four, calls on the news media organizations to stop disclosing classified intelligence programs that protect the lives of Americans and the capability of the government to identify, disrupt and capture terrorists.

That is what this resolution says. So read the resolution and then tell me what part of that resolution you don't agree with. And if you don't agree with it, then by all means vote "no."

I would like to close by quoting Mort Kondracke in a recent edition of Roll Call in his column. He says this: "Would newspapers in the midst of World War II have printed the fact that the U.S. has broken German and Japanese codes, enabling the enemy to secure its communications, or reveal how and where Nazi spies were being interrogated?"

Mr. Kondracke goes on to say: "Nowadays newspapers win Pulitzer Prizes for such disclosures." And then he goes on to say: "The situation is very serious; in fact it is dire." It is dire. Now, I don't consider Mort Kondracke to be from the far right. But he has nailed this basic question that this resolution addresses.

We all, as Members of Congress, have a responsibility to protect this Nation and its people. And one of the ways we do it is making sure that we can track terrorist financing and do it and protect civil liberties, and we are doing just that.

And this resolution confirms that. I ask all of the Members on both sides of the aisle to support this resolution because this is really at the heart of a gut-check in this country, whether we are going to allow for this kind of behavior to take place, leaking classified information and then having newspapers win a Pulitzer Prize as a result.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 2 seconds to say I am sorry this House did not care about the leaking of Valerie Plame to that extent.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, let's be honest. We are here today because there has not been enough red meat thrown at the Republican base before the Fourth of July recess. That is why we are here. So just in the nick of time, we have H. Res. 895.

The rule for this resolution is of course completely closed. Not even a substitute is made in order. The Republican leadership of this House does not even make a pretense of being fair and open and democratic any more. Under their leadership, this House makes the old politburo look like a New England town meeting. It is disgraceful.

This resolution purports to be about protecting our national security, about protecting the most sensitive secrets in the Federal Government. Mr. Speaker, no one in this House supports the disclosure of classified information that could genuinely endanger the lives of Americans.

But we all know that is not what is going on here. In reality, it is an attempt to punish and intimidate the New York Times and other newspapers for publishing a story about the administration's surveillance of international financial transactions.

The Times reported on surveillance of transactions to the Society for Worldwide Interbank Financial Telecommunication, or SWIFT.

But as the Boston Globe recently reported, the Bush administration itself has publicly and repeatedly talked about this issue since September 11.

Roger Cressey, a senior White House counterterrorism official until 2003, told the Globe: "There have been public references to SWIFT before. The White House is overreaching when they say the New York Times committed a crime against the war on terror. It has been in the public domain before."

Further, the Globe notes that a report to the U.N. Security Council in late 2001 said that SWIFT and other worldwide financial clearing houses "are critical to processing international banking transactions and are rich with payment information. The United States has begun to apply new monitoring techniques to spot and verify suspicious transactions. The group recommends the adoption of similar mechanisms by other countries."

How many times have we heard the Bush administration talking about the need to monitor and disrupt terrorist financial transactions? How many times have we heard them bragging about their success in doing so? Too many to count. So it does not even pass the laugh test when Members of Congress start using words like "treason," when they start calling for criminal prosecution against newspapers, when they circulate ludicrous Dear Colleague letters threatening to revoke the Times credentials to cover Congress.

Even worse, Mr. Speaker, is the rank hypocrisy exposed by this resolution. The Bush administration and their Republican allies in Congress say they are outraged by leaks of sensitive information. Well, as the ranking member on the Rules Committee pointed out, where was their outrage when White House officials leaked the name of an undercover CIA officer in an attempt to smear her husband?

Where was their outrage when White House officials leaked false and misleading intelligence about weapons of mass destruction in Iraq in order to bolster their case for war? Those leaks, I should note, were made to the same New York Times that has their knickers in a twist today.

Where was their outrage when General Casey's plan for potential troop reductions in Iraq suddenly appeared in the Times and in other newspapers? Now, I assume that given their outrage today, we will never again see sensitive information attributed to a "senior administration official" or "a senior House Republican."

What is really going on here, Mr. Speaker, is that the administration and their allies have no problems with leaks to the press when those leaks advance their political agenda. But if a leak contradicts their agenda, suddenly they call it treason. They suffer from a case of selective outrage.

This administration is obsessed with secrecy, with controlling the flow of information in this country, with shutting out the other branches of government, with signing statements that make clear they have no intention of following the law, with bullying their critics into silence by questioning their patriotism.

Time after time this Congress has acquiesced. For the Republican leadership, oversight is a four-letter word. Not since Richard Nixon has it been more important to have an unfettered and free press, because that is the only check left on the imperial Presidency in America today.

Mr. Speaker, I am confident that the American people will see through this. And I urge my colleagues to do the same. Reject this closed rule and reject this resolution.

[From the Boston Globe, June 28, 2006]

TERRORIST FUNDS—TRACKING NO SECRET,  
SOME S (BINDE)

(By Bryan Bender)

WASHINGTON.—News reports disclosing the Bush administration's use of a special bank surveillance program to track terrorist financing spurred outrage in the White House and on Capitol Hill, but some specialists pointed out yesterday that the government itself has publicly discussed its stepped-up efforts to monitor terrorist finances since the Sept. 11, 2001, attacks.

On Monday, President Bush said it was "disgraceful" that The New York Times and other media outlets reported last week that the US government was quietly monitoring international financial transactions handled by an industry-owned cooperative in Belgium called the Society for Worldwide Interbank Financial Communication, or SWIFT, which is controlled by nearly 8,000 institutions in 20 countries. The Washington Post, the Los Angeles Times, and The Wall Street Journal also reported about the program.

The controversy continued to simmer yesterday when Senator Jim Bunning, a Republican of Kentucky, accused the Times of "treason," telling reporters in a conference call that it "scares the devil out of me" that the media would reveal such sensitive information. Senator Pat Roberts, a Kansas Republican, requested US intelligence agencies to assess whether the reports have damaged anti-terrorism operations. And Representative Peter King, the chairman of the House Homeland Security Committee, has urged Attorney General Alberto Gonzalez to pursue "possible criminal prosecution" of the Times, which has reported on other secret government surveillance programs. The New York Times Co. owns The Boston Globe.

But a search of public records—government documents posted on the Internet, congressional testimony, guidelines for bank examiners, and even an executive order President Bush signed in September 2001—describe how US authorities have openly sought new tools to track terrorist financing since 2001. That includes getting access to information about terrorist-linked wire transfers and other transactions, including those that travel through SWIFT.

"There have been public references to SWIFT before," said Roger Cressey, a senior White House counterterrorism official until 2003. "The White House is overreaching when they say [The New York Times committed] a crime against the war on terror. It has been in the public domain before."

Victor D. Comras, a former US diplomat who oversaw efforts at the United Nations to

improve international measures to combat terror financing, said it was common knowledge that worldwide financial transactions were being closely monitored for links to terrorists. "A lot of people were aware that this was going on," said Comras, one of a half-dozen financial experts UN Secretary General Kofi Annan recruited for the task.

"Unless they were pretty dumb, they had to assume" their transactions were being monitored, Comras said of terrorist group. "We have spent the last four years bragging how effective we have been in tracking terrorist financing."

Indeed, a report that Comras co-authored in 2002 for the UN Security Council specifically mentioned SWIFT as a source of financial information that the United States had tapped into. The system, which handles trillions of dollars in worldwide transactions each day, serves as a main hub for banks and other financial institutions that move money around the world. According to The New York Times, SWIFT executives agreed to give the Treasury Department and the CIA broad access to its database.

SWIFT and other worldwide financial clearinghouses "are critical to processing international banking transactions and are rich with payment information," according to the 33-page report by the terrorist monitoring group established by the UN Security Council in late 2001. "The United States has begun to apply new monitoring techniques to spot and verify suspicious transactions. The group recommends the adoption of similar mechanisms by other countries."

Some worry that the new disclosures will nonetheless hamper US counter-terrorism efforts.

"I worked this stuff and I can guarantee that [revealing the SWIFT] information made a difference," said Dennis Lormel, a retired FBI special agent who helped establish the bureau's Terrorist Financing Operations Section before leaving government in 2003. "The disclosure will have an adverse impact on investigations. It was used in two specific instances where it helped to track terrorists. We also used it for lead value."

But the White House has also been very public about its efforts to track the overseas banking transactions of Americans and other foreign nationals.

Less than two weeks after the 9/11 attacks, Bush signed an executive order calling for greater cooperation with foreign entities to monitor money that might be headed to terrorist groups. The executive order was posted on the White House website.

The document called for "cooperation with, and sharing information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism."

Richard Newcomb, the head of the Treasury Department's Office of Foreign Asset Control at the time, later publicly credited the president for enabling US law enforcement and intelligence agencies to nab suspected terrorists, including followers of "Hambali," Al Qaeda's leader in Southeast Asia. The New York Times report said Hambali's capture in 2003 came with the aid of information gleaned from SWIFT.

Administration officials have said this week that the disclosure of such details were particularly damaging to US security.

Nevertheless, in July 2003—a month before Hambali was captured—Newcomb told the Senate Government Affairs Committee in detail about a program initiated after 9/11 between his office and the Pentagon to track Hambali's financial network in Southeast Asia. The scope of the project included Indonesia, the Philippines, Malaysia, and Singapore, focusing on the finances of Jemaa

Islamiyah, the Al Qaeda group run by Hambali that was responsible for deadly bombings in Bali in 2002.

He said the operation "identified the key leaders, fund-raisers, businessmen, recruiters, companies, charities, mosques, and schools that were part of [Jamaa Islamiyah] support network. Thus far, we have imposed sanctions against two of these key nodes, and are coordinating action against several others," Newcomb told the committee.

Other public documents have also detailed post-9/11 efforts to follow terrorist money.

The Patriot Act approved by Congress after the attacks emphasized providing new authorities for the Bush administration to track and choke off terrorist funds around the world. One part of the act, dealing specifically with terrorist money, was described by the Treasury Department as the most "significant [anti-money-laundering] law" since a 1970 law requiring banks to report cash transactions over \$10,000.

That section of the Patriot Act required the Bush administration to "adopt regulations to encourage further cooperation among financial institutions, their regulatory authorities, and law enforcement authorities" to track terrorist-related money laundering.

In testimony before Congress in early 2002, Juan C. Zarate, deputy assistant Treasury secretary in charge of terrorism and violent crime, discussed how the global exchange of information was a key element in choking off their source of funds.

He cited a special international meeting hosted a month after the attacks by the International Financial Crimes Enforcement Network, "to eliminate existing impediments to exchanging information" between financial institutions and to find solutions to the challenges of tracking terrorist funds.

Mr. SESSIONS. Well, we just heard it. It's okay to leak classified information. New York Times, it's okay. Democrat Party, no problem. That is what the power of the press should be all about. We need them now more than ever, Mr. Speaker.

Mr. Speaker, I disagree with that.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SESSIONS. Leaking classified information is wrong.

Mr. MCGOVERN. That is not what I said.

Mr. SESSIONS. And the—

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas controls the time.

Mr. SESSIONS. Mr. Speaker, we are asking for all Members of Congress to universally say today we believe the leaking of classified information is wrong. And that is what we are here for today. I am disappointed that we have Members of this body that say that is what a free press is all about, to leak classified information.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SESSIONS. It is a real sad day in this House, Mr. Speaker.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

Mr. Speaker, this country is witnessing disgraceful and illegal leaks of classified programs and processes that have successfully protected this country from attacks since September 11, 2001.

The evidence is printed in black and white in our own newspapers. Revealing those classified programs is very damaging to our Nation and to the safety and security of our citizens. I believe those reports revealing successful classified tools to combat terrorism will also cost millions and millions of dollars as well as the loss of safety. It is simply wrong. It is illegal.

The gentleman from Ohio pointed out that this is not the first time leaks have occurred.

□ 1330

It should be the last. It must be stopped now. In fact, Mr. Speaker, it is my hope that the Department of Justice will convene a grand jury and provide immunity to the papers, to the editors and to the reporters if, and only if, they will reveal their government sources, the real cause of the leaks. Then I hope we will prosecute them, and I hope that the judge will hold them in contempt if they fail to produce these sources.

I believe these government leakers are politically motivated. They are doing it to embarrass this administration, and this is why the minority wants to protect them. The leakers were not successful, nor were the papers. They have not embarrassed this administration, but the leakers have damaged the security and our relationship with our partners.

Mr. Speaker, Congress needs to send a strong message condemning these leaks. We must stop the leakers, the government leakers, because they jeopardize us all.

Mr. Speaker, I hope we pass this rule and we pass this bill and send a very strong message that we will not tolerate leaks coming from our government that harm our citizens.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of clarification, I yield 30 seconds to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, for the record, I just want to state that I deeply resent the gentleman from Texas deliberately mischaracterizing what I said here on the House floor; and let me repeat for him what I said: That no one in this House supports the disclosure of classified information that could endanger the lives of Americans.

I would simply say to the gentleman from Texas that the American people are sick and tired of the smears that have gone on here. We can have a debate. You don't need to smear or mischaracterize what I said.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5½ minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time and for her leadership on our committee.

Mr. Speaker, today we debate a resolution with far-reaching implications. It affirms the legal authority for the

so-called Terrorist Finance Tracking program. It would also condemn the unauthorized disclosure of classified information. Finally, it sets the expectation that news outlets will yield to the government's decision whether or not to publish stories with classified information.

A vote in favor of this resolution would affirm each of these points: Assertions about a classified program that cannot be proved or disproved with the limited information available; assertions that implicitly threaten the freedom of press enshrined in our Constitution.

Because of the closed rule, Members are prevented from correcting its inaccuracies. So if the choice is simply an up-or-down vote, the resolution must be voted down.

Mr. Speaker, it is unclear how the information disclosed by the Wall Street Journal and New York Times and several other newspapers around the country differed from what was already in the public record.

As the Boston Globe documented yesterday, anyone with an Internet connection could have read the President's executive order authorizing increased efforts to track terrorist financing.

Public testimony to Congress has described how the administration is actively utilizing wire transfers and other financial transactions to track terrorists around the globe. As one former U.S. diplomat noted, "We have spent the last four years bragging how effective we have been in tracking terrorist financing."

Tracking financial transactions is a general principle of counterterrorism. The question should be the specific ways this administration uses this tool.

The administration's actions have indicated consistently that, in a time of war, it is above the law. This raises the concern over how well we as a Nation strike the balance between security and civil liberty and how we scrutinize the outcome.

This leads to a second, important point. Consultation and oversight by the full House and Senate Intelligence Committees is required to check the potential for abuse of power. It is not clear this happened as the resolution asserts.

Many Members sitting on those panels do not think the limited information given to them meets the required threshold of consultation. Without that, this body cannot judge the program's legal basis, nor ensure a balance is struck between security and civil liberties.

Notwithstanding information already in the public domain, some government officials may have disclosed classified information about this program. As a result, the Director of National Intelligence has begun a classified investigation. Anyone who leaked this information should be prosecuted to the full extent of the law.

Recent history is not encouraging, however. Three years ago next month,

classified information was deliberately leaked to the press for political purposes by one or more senior White House officials. The intelligence community expressed outrage over the disclosure of Valerie Plame. A network of U.S. intelligence sources developed over the course of several decades was endangered.

At no time did the House leadership bring a resolution to the floor condemning the leak. Every effort by Democrats to investigate the incident was blocked. While the resolution before us references other past leaks of classified information by name, it remains silent about this particular incident.

Mr. Speaker, the fundamental challenge facing our Nation in the aftermath of 9/11 is how to guarantee the security of our citizens without sacrificing the fundamental principles upon which this great Nation is founded. Guaranteeing security is about the end goal. Guaranteeing those fundamental principles is about how we get there. We cannot allow either principle to erode, and the wisdom of including both in our Nation's founding document indicates that our greatest leaders did not see these ideas as contradictory.

My local newspaper, the Sacramento Bee, has an editorial of their own this morning which speaks to this subject, and I will insert the full text into the record at the end, but it reads in part, "The first amendment's durability rests not only on its text but on a long-standing unwritten bargain between government and the press that both will do their best to avoid straying over that line."

I could not agree more. I urge my colleagues to reject this rule and the underlying resolution.

EDITORIAL: WHO'S OVERREACHING?

President Bush has condemned as "disgraceful" several newspapers' reports about a government program that monitors international financial transactions. Some congressional Republicans go further: Sen. JIM BUNNING of Kentucky accused the New York Times of "treason" and Senate Intelligence Committee Chairman PAT ROBERTS of Kansas wants intelligence agencies to assess the extent of damage to national security.

What's ironic about this is, first, that the news reports, while they added much detail, merely described a program that's been no secret to anyone who has followed the administration's anti-terrorist efforts. And if there's any investigative tool that most Americans would probably agree is a proper one, it's tracking suspected terrorist finances.

A major component of that tool has been a Belgium-based database called SWIFT—Society for Worldwide Interbank Financial Telecommunication—that tracks millions of financial transfers, many of them between this country and others. SWIFT serves as a clearinghouse for financial institutions worldwide. The president was infuriated because, he said, disclosure of the program to tap into SWIFT's database "does great harm to . . . America" by tipping off suspects.

That's debatable.

Amid the hue and cry from the White House and Capitol Hill, less fevered voices

tried to put things in perspective. Roger Cressy, a former U.S. counterterrorism official, said the White House is "overreaching," that the SWIFT program "has been in the public domain before." And a former U.S. diplomat, Victor Comras, who was involved at the United Nations in efforts to combat terrorist financing, told the Boston Globe: "A lot of people were aware that this was going on," and that "unless they [terrorists] were pretty dumb, they had to assume" their transactions were being monitored.

That makes sense. And so do the frenzied calls to crack down on the news media, at least in a politically partisan sense.

Never mind that some members of Congress had been briefed on the program and that all Americans have known for years about the Government's efforts to uncover terrorist financial movements and seize assets.

This issue provides a convenient campaign weapon for supporters of the Bush administration to use against "soft-on-terrorism" officeholders, especially Democrats, and against critics in the news media. All of the frothing in Washington raises the possibility that some in Congress will seek to muzzle the press with legislation, subpoenas or other means of intimidation. The long-term effects of such actions might stifle the free flow of information in a society that treasures it, but whose current administration not only has an overdeveloped passion for secrecy but has used that secrecy to cover an array of abuses, including the abuse of people in U.S. custody, some of whom turned out to be innocent.

Such actions have tarnished America's reputation and subverted its values. They deserve to be held up to the light of day, no matter how unflattering the result may be to those now in power.

The line between what's fair to publish and what might hurt national security is a blurry one. The First Amendment's durability rests not only on its text, but on a long-standing unwritten bargain between government and the press that both will do their best to avoid straying over that line. The burden is on an administration that has gone much too far in the name of national security to show that news organizations have done the same in the name of press freedom. That's not evident.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, following the absolutely horrific attacks on our Nation of 9/11, the news media condemned our government for not connecting the dots on how we could have prevented those attacks. We have had government employees who spoke of their inability to gather necessary information or to share that information with others in government.

The 9/11 Commission stated the need to be more aggressive in gathering information on those who seek to murder our fellow citizens. To address this problem, Congress authorized the administration to take all appropriate measures to track down the terrorists; and the administration has done so, with the appropriate oversight by our Intelligence Committees.

But now some in government service who have been entrusted with Top Secret classified information have repeat-

edly taken it upon themselves to illegally leak those secrets; and they have leaked those secrets to a news media, some of them all too willing to give our playbook to the enemy, giving them the opportunity to adapt and to evade, the same news media that had previously condemned our government's inability to uncover terrorist plots.

By illegally leaking and irresponsibly publishing our secrets, the lives of our fellow citizens, our fellow Americans and our brave men and women in uniform who defend our freedom are endangered.

It is certainly disappointing, but not surprising, that my colleagues on the Democratic side see this issue in light of how it might be used to their political advantage, rather than wondering how it might seriously undermine our national security.

I would urge my colleagues to send a very strong message that this Congress will not stand idly by while loose lips are allowed to cost innocent lives.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank Ranking Member SLAUGHTER for your extraordinary leadership on not just this subject but countless subjects dealing with the liberties of American citizens.

Last night in the Rules Committee, Ms. SLAUGHTER said that this was an historic moment. I could not agree more with that fact.

This does not call for hyperbole or hyperventilation or fancy rhetorical flourishes. This particular measure has the weight that must have existed at the time that the Founding Fathers and Mothers of this country gave birth to the first amendment of the United States Constitution.

If there had been no reporting in the free press during the period of the colonies as to what King George and those persons were doing, there may never have been an American Revolution.

Almost exactly 35 years ago, the eminent Mr. Justice Potter Stewart in the Pentagon Papers said this: "In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry, in an informed and critical public opinion which alone can here protect the values of democratic government," he wrote.

He continued, "For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the first amendment. For without an informed and free press, there cannot be an enlightened people."

I have had the distinct privilege of being the president of an international organization, the Organization for Security and Cooperation in Europe, its parliamentary assembly that Ms. SLAUGHTER and others are members of

as well; and during that period I was the lead election monitor in places where democracy is trying to find root but in places where journalists courageously went forward to offer information that should be offered against those administrations, Belarus being an example of that, where there is no free press and where the people cannot rise up, as they did in Ukraine where the press played a major role.

I believe this administration operates on the premise the best defense is a good offense. It is never any accountability with them. It is always somebody else did something. A guy lost his election to one of our distinguished colleagues from Utah last week. He said the devil was the reason that he did not have his campaign money. Maybe it is the devil that makes them do this.

We have flag burning proposals for constitutional amendment. We have gay marriage proposals for constitutional amendment. Yet when it comes to the basic freedom and liberty of this country, the press, we are presented with a resolution that condemns them. That is all it does. It does not sanction. It condemns them.

It is our opportunity to vent and say little things about The New York Times. Please add The Washington Times. Please add The Wall Street Journal. Please add other media entities that have reported along these lines.

I do not believe in what Fox News says, but I believe, and I do, for their right to say it.

You know better than to seek to amend the first amendment, and let us look at this resolution.

□ 1345

It is factually inaccurate when you say, "Whereas appropriate Members of Congress, including the members of the Committee on Intelligence of the Senate and House of Representatives." I am a member of that committee. You say that they were briefed, and I am here to tell you that every member of that committee was not briefed on this particular program.

But I want you to listen to Ben Franklin. I want all of you to listen to Ben Franklin. He said, "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

Find all of the leakers, prosecute them, put them in jail, but let a free press stand in this Nation.

Mr. SESSIONS. Mr. Speaker, last night at the Rules Committee we had an opportunity to digest a lot of information about this, not only about the program but also about, theoretically, who knew what, where, and when. It is my understanding that every single member of the Intelligence House Committee received an invitation to attend a briefing. That is not an indication that every single member attended that open invitation.

I would allow the chairman of the Intelligence Committee, the gentleman

from Michigan (Mr. HOEKSTRA), 1 minute.

Mr. HOEKSTRA. I thank my colleague for yielding. I have got the list of who was briefed, when they were briefed. The first briefing of the Intelligence Committee goes back to March of 2002, where the chairman and then the former ranking member of the committee were briefed. I have the briefing dates for Members, of when members of the committee were briefed. I have the dates for when the staff was briefed on the HPSCI Committee.

Staff was briefed as early as March of 2002. Staff was briefed in 2003, 2005, 2005, 2006, 2006, and 2006.

ALCEE, these records indicate that you also had the opportunity and you were at a briefing session on this program.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Is the gentleman referring to the financial services program, as offered?

Mr. HOEKSTRA. On the financial services program, that is correct.

Mr. HASTINGS of Florida. I would like to see that exact date, and I am here to tell you that we didn't receive such a briefing. And if you can tell me that this resolution holds that every member was briefed, I am here to tell you that that is not true.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, my colleague, the chairman of the Financial Services Committee, asked us to say where we disagree with this resolution. I would be glad to tell you that.

This resolution makes factual assertions that I do not believe any Member of the House can confidently and honestly make, and certainly not more than four or five could even pretend.

It says, for example, in the resolved clause that we know, those of us who would be voting for this, as a fact "that the program has been conducted in accordance with all applicable laws, regulations, and executive orders; that appropriate safeguards have been used and been instituted to protect individuals' civil liberties."

I don't believe any Member knows that. Maybe one or two will claim that. Do Members feel free to vote for things and say they know things which they don't?

It is also true in the whereas: "Whereas the terrorist finance program consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy."

That may or may not be the case, but Members here don't know it. And let me talk about briefings, by the way. I am the senior Democrat on Financial

Services, and I have been for 3½ years. I was, about a month ago, asked to a briefing. I was asked to a briefing and told that this was about to be made public and, therefore, they were going to brief me. But that if I listened to the briefing, when it was made public I couldn't talk about it.

Yes, I did not accept that briefing. It was a briefing only because it was about to be made public, and then I could not talk about it. But even if I had had the briefing, I do not believe I could in good conscience say these things.

Now, there are Members here who may have such faith in their administration that they will claim to say things which I know they don't know. Yes, faith-based programs are very useful, but I don't think faith-based resolutions do our job.

So I don't know that these things are wrong, but I disagree with making factual assertions about the program that may not be correct.

There is another factual assertion that may not be correct. And I know there has been a lot of concern about the Times. In the Republican majority's resolution there is an attack on the Times. It doesn't mention them. Quite sensitively, it doesn't mention the Times, but it talks about one of the most damaging allegations I have seen about a leak.

It says, on the bottom of page 2: "In 1998, disclosure of classified information regarding efforts to monitor the communication of Osama bin Laden eliminated a valuable source of intelligence information on al Qaeda's activities." Now, that is a serious accusation to make against the Times. It is, of course, the Washington Times. Somehow, that adjective sort of disappeared.

There has been a lot of talk about the New York Times. It is the Washington Times who is referred to in your own resolution, Mr. Speaker, as having done a far more damaging specific thing. But the Washington Post came to the defense of the Washington Times and said, no, that was already known. Well, that is in controversy.

I am not prepared to vote for the resolution which accuses and convicts the Washington Times of having foiled our efforts to find Osama bin Laden when I don't know that as a fact. The Washington Post says it is unfair to the Washington Times.

You may be prepared, Mr. Speaker, to condemn the Washington Times so clearly for undermining our efforts to find Osama bin Laden. I am not.

But we are only here partly about the specifics. This is an outrage, the procedure. I do not understand how Members can hold up their heads when they advocate this.

Well over half of the Democratic Members saw this resolution for the first time at 4:15. There was no consultation about the draft. It was drafted entirely in a partisan way. We looked at it and said, we agree with

some of it and not others. Yes, I think almost all Democrats agree that we should track the financial doings.

We have a resolution which takes much of the language from the Republican resolution and says that. It says we are in favor of tracking things, and we condemn leaks. We think it is wrong for people to leak. So we would like to have that in there. But we don't want to have to say, at the same time, that the Bush administration has done everything perfectly. We don't want to make some of the criticisms of the media that you make, including this denunciation of the Washington Times.

We are asking for a chance, in a democracy, to put forward our resolution where we could make clear that we disagree with some of the leaking; where we make clear that we think you should track the financial records of the terrorists; but we do not want to have to say that we also agree with the administration. That would seem to me a reasonable choice.

Mr. Speaker, to the discredit of the Republican Party, you have denied us that choice. This is not democracy, this is plebiscitary democracy. You demand a "yes" or "no." Mubarak and Peron and Hugo Chavez would be proud of your understanding of the democratic process.

Mr. SESSIONS. Mr. Speaker, you know, we do talk about disclosure, unauthorized disclosure of information. But I fail to see where this resolution talks about any newspaper where we mention them. We intentionally chose not to do that because that is not what the resolution is about today, Mr. Speaker.

Time after time we have heard our Democrat colleagues mention newspapers by name. That is not what this was about. We are simply trying to say that we believe that information that is considered private, sensitive, and that should not be disclosed should not be done.

It would be very simple for us to understand that the President may say, you know, we have spies that work for the United States, but if he disclosed who they were, what they did, how they went about doing their business, where they were located, who they came into contact with and their MO about how they did things, that clearly would be something that would be out of order.

So I will tell you, Mr. Speaker, we intentionally have not tried to chastise anyone. We are simply saying we believe the unauthorized disclosure should not be revealed.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, once again, the Nation finds itself engaged in a world war against abject evil. And in the process, it is always wise to look back to the last world war against abject evil, one which was led by the greatest Democratic President, one of the greatest Presidents ever, Franklin Delano Roosevelt.

We must learn not only from the past how to win this struggle but we must look to the past to see that we do not repeat some of the mistakes that were made by the government at the time, most notably the internment of our fellow citizens of Japanese descent in internment camps.

In that process, I do believe that the press has an invaluable role. It has an invaluable role as a watchdog of democracy and liberty, and it has an expressed constitutional right to do so. What this resolution I believe would help to do, however, is to rectify the current mistake that is being made in a time of war, whereas classified information is being broadcast on the basis of potential abuse rather than actual abuse.

I think that we must further that debate and come back to the realization that potential abuse is a very nebulous standard and which, fortunately, was not applied in World War II to classified information, or there would have been no Manhattan Project.

Further, I think it is also wise to look back at the relationship between the government and the press at the time of World War II. President Roosevelt was fond of bringing reporters into his office, and he would engage in off-the-record conversations with them so that they were aware that he trusted them and that then he could reciprocate that trust to the reporters.

At one point, some of the off-the-record briefing appeared in a column in a paper. At the next meeting of the assembled press in the Oval Office, Franklin Roosevelt gave that reporter a gift. It was an iron cross.

Mr. Speaker, I urge that we support this rule, this resolution, and that we all continue to encourage the debate where the differentiation between potential abuse and actual abuse and the Nation's interest in the defense of our citizens' lives is ever remembered.

Ms. SLAUGHTER. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I wish to state for the record my objection to the Republicans' refusal to be indignant about the outing of a spy by the administration.

Ms. SLAUGHTER. I yield for a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the rule and this measure.

Mr. Speaker, today the House will vote on a resolution that is allegedly intended to reaffirm Congress's support for stemming the flow of money to terrorists. I support efforts by this Administration to cut the financial supply lines to terrorists.

But the resolution before us today is really just an open-faced attack on America's free press for telling the American people what its government is doing.

After 9/11, the Bush Administration announced that one of the ways it would go after terrorists was by cutting off their funding sources. A major part of this effort has been monitoring suspect international financial transactions.

I believe that, at the time, this was the correct decision. We can and must do everything we legally can to protect the country from those who wish to bring us harm.

The Administration's efforts to monitor financial transactions have been a frequent topic of public discussion: By members of the Administration; in open, on the record Congressional testimony; and in the United Nations.

However, to date, I am not aware of any harsh recriminations from the President or Republicans in Congress as a result of any of these discussions over the last few years.

But now that the program has been discussed in the New York Times and other newspapers, the radical right wing Republican enemies of a free press in America have come out swinging—again.

Congress had a choice when the NY Times reported on the SWIFT program. It could have announced hearings on the effectiveness of the SWIFT program and on the impact of public reporting on the SWIFT program. But it did not do that.

This extremist Congress instead has chosen a different, but very familiar, path—a partisan political attack for which it has become famous.

The Bush Administration and this republican-controlled Congress represent the most partisan and most anti-free press Republican party this nation has seen since the days of Richard Nixon and his infamous 'enemies list.'

The fact remains that this president and this Republican Congress wants to manipulate the press to its advantage through the use of covert propaganda and through lying about intelligence and other matters, but it wants to curb the press's role in communicating to the American people information about the actions of its government.

That sounds more like the Soviet Union before the wall came down than the America that I know and love and whose freedom, and free press, is so revered around the world.

The fact is that the party in control of this Congress is out of gas when it comes to leading, they are out of gas when it comes to big bold new ideas to re-energize America.

They have resorted, nearly every day now, to their tired old whipping posts, including the free press, in a desperate effort to hold on to their power, an awesome power that they have failed to use to help America.

As this bill's sponsor, Mr. OXLEY, so wisely stated earlier, we do need accountability in Government.

The President promised to hold those accountable in his Administration involved in leaking the identity of a covert CIA agent to the press. He has yet to do that. Instead he and his rubberstamp Congress choose to go after leaked information only when it suits their political agenda.

We have yet to hold anyone accountable for the falsified intelligence about Weapons of Mass Destruction. Instead we get the rubberstamp Congress's version of a weapon

of Mass Destruction just in time for the November elections.

This Congress has not held anyone accountable for pulling military resources away from Afghanistan to prepare for the unjustified war and occupation of Iraq, which allowed Osama bin Laden to escape capture.

If only the Administration and its Republican allies in Congress were as aggressive in attacking Osama bin Laden as they are when attacking the press, we might be safer as a nation.

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

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank my friend from Texas, and I do want to make a few points here today.

One thing you have to give my Democratic friends credit for is their consistency on the war on terror. They have been consistently mad. They were mad we didn't do more surveillance-wise before 9/11 to stop that attack; and they have been mad that we have done too much surveillance since 9/11, which has helped successfully stop another attack, including attacks in Toronto and New York most recently.

But I rise here today to talk about the resolution itself. What this resolution does basically is to tell you, if you operate a flight school and you have reason to believe that the people learning to fly planes want to fly planes into American buildings to kill Americans, you shouldn't warn your students that they may be under surveillance. You should tell the FBI.

This resolution sends a message to all the people that operate hotels that if you are having people stay with you, paying you rent, and you have reason to believe they are putting together an attack on American civilians, you shouldn't warn them that they may be under surveillance. You should tell the FBI.

If you are a chemistry professor and you have reason to believe that a student is putting together weapons of mass destruction, like biological or chemical weapons, you shouldn't warn your student that they may be subject to surveillance. You should tell the FBI.

If you are an American banker and you have reason to believe that your client is depositing money to fund terrorist activities, you shouldn't warn your client that the American Government may be watching you. You should tell the FBI.

And, yes, it does tell American newspapers that if you are loyal, you should not deliberately give sensitive and secret information to the entire world of people that want to do us harm.

Finally, it says to every employee of the United States Government that if you deliberately leak sensitive information that you have access to that you may have committed treason and you may be a traitor.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from the great State of Georgia (Mr. GINGREY).

□ 1400

Mr. GINGREY. Mr. Speaker, I think it would be instructive for all of our colleagues to let me read briefly the synopsis of this resolution: Supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation, as we heard from Chairman HOEKSTRA a minute ago, and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances.

Mr. Speaker, we heard a little while ago from the gentleman, the very intelligent gentleman from Massachusetts, that resolved number 2 he had some concerns about. Resolved number 2 basically says, finds that the Terrorist Finance Tracking Program has been conducted in accordance with all applicable law, regulations and executive orders, that appropriate safeguards and reviews have been instituted to protect individuals' civil liberties.

He is concerned about that. I grant him that concern. I am not concerned about it. I am sure if he votes against this rule or against the resolution, he can explain this to the people of Massachusetts.

Mr. Speaker, I can explain also my support to the people in the 11th District of Georgia because, mainly, of resolved number 4, and this is it. It expects the cooperation of all news media organizations in protecting the lives of Americans and the capability of the government to identify, disrupt and capture terrorists by not disclosing classified intelligence programs leaked to them, such as the Terrorist Finance Tracking Program.

I don't care who it is, Mr. Chairman, of what political party or who they work for. If they are leaking information and putting our men and women who are doing the fighting and dying for us, putting their lives in danger, then we need to out them and prosecute them. The media, and we are not naming names with regard to whether it is The Washington Post or New York Times, needs to show some responsibility.

Support the rule and the underlying resolution.

Ms. SLAUGHTER. Mr. Speaker, may I inquire if my colleague has more requests for time?

Mr. SESSIONS. Mr. Speaker, we are through with all of our speakers that we might have. We will then wait for the gentlewoman from New York to close, and then we will do so.

Ms. SLAUGHTER. Mr. Speaker, I will be asking Members to vote "no"

on the previous question so that I can amend the rule to allow the House to consider a resolution introduced by Financial Services Ranking Member Barney Frank instead of the press-bashing resolution made in order under this rule.

I ask unanimous consent to print the text of the amendment and a description immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, the Frank substitute resolution expresses Congress' support for intelligence and law enforcement programs that track terrorists and terrorist finances and are conducted consistent with Federal law and with appropriate Congressional consultation.

Vote "no" on the previous question so we can consider this resolution instead of H. Res. 896. Again, vote "no" on the previous question.

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

Mr. SESSIONS. Mr. Speaker, at this time, I yield all time remaining to the Chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, the day after President Bush gave his stirring address right here to a joint session of Congress on September 20, 2001, The New York Times editorialized, and I quote, what promises to be a long and painful fight against a ruthless enemy.

Mr. Speaker, this was true then, and it remains true today. So it goes without saying that any information and any intelligence exposed to the enemy directly hinders our prosecution of the war and directly threatens the safety of Americans. By relying on illegal leaks of classified information to publish the details of our government's program to track terrorist financing, some of our country's biggest newspapers, led by The New York Times, have imposed their interpretation of the, quote-unquote, public interest on a public whom I am confident to say would much rather be safe than be all-knowing.

Let us be clear, those very newspapers that spilled barrels of ink about the government not connecting the dots before September 11, 2001, are now making it much harder to collect, much less connect, the dots today.

Mr. Speaker, by all accounts, this was a legal, effective and narrow program that nabbed high-value terrorists. There were no reported abuses by the program, and there was no compelling reason to publish it, which is cause for serious concern. If officials leak information on programs such as this and newspapers print it, what won't be leaked and what won't be printed?

The case was made to newspapers by Democrats, Republicans, and people inside and outside of the administration that publication of this story would expose a critical program.

Our former colleague, Lee Hamilton, and his cochairman of the 9/11 Commission, Tom Kean, were very clear. They were among those people who made the case. Mr. Kean said in an interview with Byron York, there are a number of programs which we are using to try to disrupt terrorist activities, and you never know which one is going to be successful. We knew that this one already had been.

Mr. Speaker, it is absolutely critical that we send this very strong message that this behavior cannot continue.

The material previously referred to by Ms. SLAUGHTER is as follows:

Previous Question for H. Res. 896, Rule for H. Res. 895: Supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finance.

Strike all after the resolved clause and insert in lieu thereof the following:

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 900) supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate congressional consultation. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit which may not be instructions.

#### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution \* \* \* [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule \* \* \* When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I move the previous question on the resolution.

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

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

**PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES**

Mr. SESSIONS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 440) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 440

*Resolved by the House of Representatives (the Senate concurring).* That when the House adjourns on the legislative day of Thursday, June 29, 2006, or Friday, June 30, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on

Monday, July 10, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, June 29, 2006, Friday, June 30, 2006, or Saturday, July 1, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 896, by the yeas and nays; adoption of H. Res. 896, if ordered; ordering the previous question on H. Res. 897, by the yeas and nays; adoption of H. Res. 897, if ordered; adoption of H. Con. Res. 440, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

**PROVIDING FOR CONSIDERATION OF H. RES. 895, SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES**

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 896, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 18, as follows:

[Roll No. 350]

YEAS—222

Aderholt	Goode	Osborne
Akin	Goodlatte	Otter
Alexander	Granger	Oxley
Bachus	Graves	Paul
Baker	Green (WI)	Pearce
Barrett (SC)	Gutknecht	Pence
Bartlett (MD)	Hall	Peterson (PA)
Barton (TX)	Harris	Petri
Bass	Hart	Pickering
Beauprez	Hastert	Pitts
Biggart	Hastings (WA)	Platts
Billray	Hayworth	Poe
Bilirakis	Hefley	Pombo
Blackburn	Hensarling	Porter
Blunt	Hergert	Price (GA)
Boehler	Hobson	Pryce (OH)
Boehner	Hoekstra	Putnam
Bonilla	Hostettler	Radanovich
Bonner	Hulshof	Ramstad
Bono	Hunter	Regula
Boozman	Hyde	Rehberg
Boustany	Inglis (SC)	Reichert
Bradley (NH)	Issa	Renzi
Brady (TX)	Istook	Reynolds
Brown (SC)	Jenkins	Rogers (AL)
Brown-Waite,	Jindal	Rogers (KY)
Ginny	Johnson (CT)	Rogers (MI)
Burgess	Johnson (IL)	Rohrabacher
Burton (IN)	Jones (NC)	Ros-Lehtinen
Calvert	Keller	Royce
Camp (MI)	Kelly	Ryan (WI)
Campbell (CA)	Kennedy (MN)	Ryun (KS)
Cantor	King (IA)	Saxton
Capito	King (NY)	Schmidt
Carter	Kingston	Schwarz (MI)
Castle	Kirk	Sensenbrenner
Chabot	Kline	Sessions
Chocoma	Knollenberg	Shadegg
Coble	Kolbe	Shaw
Cole (OK)	Kuhl (NY)	Shays
Conaway	LaHood	Shimkus
Crenshaw	Latham	Shuster
Cubin	LaTourette	Simmons
Davis (KY)	Leach	Simpson
Davis, Jo Ann	Lewis (CA)	Smith (NJ)
Davis, Tom	Lewis (KY)	Smith (TX)
Deal (GA)	Linder	Sodrel
Dent	LoBiondo	Souder
Diaz-Balart, L.	Lucas	Stearns
Diaz-Balart, M.	Lungren, Daniel	Sullivan
Doolittle	E.	Sweeney
Drake	Mack	Tancredo
Dreier	Manzullo	Taylor (NC)
Duncan	Marchant	Terry
Ehlers	McCaul (TX)	Thomas
Emerson	McCotter	Thornberry
English (PA)	McCrery	Tiahrt
Everett	McHugh	Tiberi
Feeney	McKeon	Turner
Ferguson	McMorris	Upton
Flake	Melancon	Walden (OR)
Foley	Mica	Walsh
Forbes	Miller (FL)	Wamp
Fortenberry	Miller (MI)	Weldon (FL)
Fossella	Miller, Gary	Weldon (PA)
Fox	Moran (KS)	Weller
Franks (AZ)	Murphy	Westmoreland
Frelinghuysen	Musgrave	Whitfield
Gallely	Myrick	Wicker
Garrett (NJ)	Neugebauer	Wilson (NM)
Gibbons	Ney	Wilson (SC)
Gilchrest	Northup	Wolf
Gillmor	Norwood	Young (AK)
Gingrey	Nunes	Young (FL)
Gohmert	Nussle	

NAYS—193

Abercrombie	Boyd	Crowley
Ackerman	Brady (PA)	Cuellar
Allen	Brown (OH)	Cummings
Andrews	Brown, Corrine	Davis (AL)
Baca	Butterfield	Davis (CA)
Baird	Capps	Davis (FL)
Baldwin	Capuano	Davis (IL)
Barrow	Cardoza	Davis (TN)
Bean	Carnahan	DeFazio
Becerra	Case	DeGette
Berkley	Chandler	Delahunt
Berman	Clay	DeLauro
Berry	Cleaver	Dicks
Bishop (GA)	Clyburn	Dingell
Bishop (NY)	Conyers	Doggett
Blumenauer	Cooper	Doyle
Boren	Costa	Edwards
Boswell	Costello	Emanuel
Boucher	Cramer	Engel