United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, FEBRUARY 25, 2010 No. 25

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 25, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our strength and our salvation, touch us with the flame of Your love. Let it burn out self-interest, that our heartfelt dedication to public service of Your people may be transformed into deeper commitment.

Free this Congress to be Your sterile instrument to heal this Nation and restore its vitality.

May our accomplishments give You alone, Lord, all the glory, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

CONGRESS IS BEGINNING TO WORK TOGETHER

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

Mr. ALTMIRE. Mr. Speaker, the American people have demanded that Congress begin working together to solve this Nation's problems, and we have done just that.

On Monday, our friends across the Capitol, in the other body as we say, passed their version of the jobs bill by a vote of 70–28. We, in this House, have already passed a different version, and yesterday we passed by an overwhelming bipartisan vote of 406–19 a long overdue elimination of the antitrust exemption that health insurers have enjoyed for decades. We hope our friends in the other body will join us in a similarly bipartisan vote to send that bill to the President.

And today a bipartisan group of congressional leaders meets at the White House to discuss ways to bring down the cost of health care for every family and every business in America. While we're not yet finished, and there's clearly much work yet to be done, Congress this week has made great strides in moving forward on the issues that are of most concern to the American people.

IN RECOGNITION OF BLACK HISTORY MONTH

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

Mr. TERRY. Mr. Speaker, I rise today during Black History Month to recognize many important contributions African Americans have made to our Nation. We especially honor the extraordinary people who continue to shape our community and our great Nation. The Omaha area is blessed with thousands of successful and talented African Americans, and today I would like to recognize four individuals: Frank Hayes, Phyllis Hicks, Dr. Mary Clinkscale and Dr. Herb Rhodes.

Frank Hayes is a CPA who owns his own business. He is also a founding member and the first president of the 100 Black Men organization, which is dedicated to improving the lives of youth.

Since 1967 Phyllis Hicks has run the Salem Stepping Drill Team and continues to be a volunteer and chief fundraiser for this group. Through her outreach, she has helped many youth overcome obstacles.

Mary Clinkscale, Dr. Mary Clinkscale, or Dr. C, as she's commonly referred to, is the administrator of the Great Beth-el Temple where she has planned, produced and directed more than 250 theatrical productions and presentations, including a performance to prelude The Tuskegee Airmen.

Dr. Herb Rhodes is a lifetime member of the Omaha business community. He was featured in 1975 in Ebony magazine which highlighted successful African Americans who were leading the way in business.

OUR HEALTH CARE SYSTEM

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

Printed on recycled paper.

Mr. WALZ. Mr. Speaker, I rise today to applaud the House, the Senate and the President for having the courage to attack the important issue of health care. I also want to recognize that the legislation passed by this House in November takes a huge leap forward in addressing the issue of paying for value in health care.

The current payment system rewards volume and quantity rather than quality and outcomes. We waste hundreds of billions of dollars every year on tests and procedures that do not improve patient health. We need to change the incentive system. We need doctors and hospitals to work together to coordinate care based around patient need.

In my district in southern Minnesota, the Mayo Clinic has done exactly that. There are other institutions around the country that also provide high-quality, low-cost, efficient care. This is the one issue that both sides can agree on.

Yesterday in Roll Call, led by the Mayo Clinic, the Chamber of Commerce, Cleveland Clinic and other insurers, they stated: reforming health care in America will not become easier with the passage of time. We encourage all stakeholders, government officials, patients, families, insurers, doctors and nurses to work together to pass reforms that provide quality, affordable health care for Americans. This is the path to true health care reform that will strengthen our economy, take care of America's families, and grow jobs.

AMERICAN HEALTH CARE 1; CANADIAN HEALTH CARE ZERO

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

Mr. POE of Texas. Mr. Speaker, the Canadian Premier of Newfoundland, Danny Williams, snuck into the United States recently for some stealth health care. Now, why would the Canadian Premier come to the United States for heart surgery? Because his life depended on it.

''My heart, my choice, my health'' he proclaimed. When it came down to it, he didn't trust his life to Canada's government-run health care system. Imagine that.

The Canadian Premier said after the very successful American heart surgery, ''I did not sign away my right to get the best possible health care for myself when I entered politics.''

The American people have said they don't want to be forced into signing their lives away with government-run health care either. When life and death decisions are put in the hands of government bureaucrats, it's unhealthy for everybody.

Just ask the Canadian Premier. When it came down to a matter of his own life or death decision, the Canadian Premier chose private health care and American heart surgeons over the Canadian nationalized system.

Sounds like ''private health care for me, but not for thee.''

And that's just the way it is.

HONORING THE LIFE OF PETER STRAUSS

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

Mr. DRIEHAUS. Mr. Speaker, last week Cincinnati lost a committed public servant and a valued friend when Pete Strauss passed away.

Pete served on the Cincinnati City Council from 1981 until 1993, serving part of that time as the city's vice mayor. More than just a politician, Pete was a leader, a person who truly embodied the virtues of leadership. He sought office not out of personal ambition, but from a desire to improve the lives of those in our community. He served Cincinnati, not with a political or partisan agenda, but to get results for the people and city he represented.

When I was a young man with a growing interest in government, I and many others like me looked up to Pete Strauss as the kind of public servant we have since aspired to become.

Pete's character was beyond question, and his bravery was exhibited in his courageous fight against Parkinson's. He will be dearly missed by his wife, Kitty, his sons, Mike and Matt, and all of the city that he loved and served for so long. Thank you, Pete.

AMERICAN CONSERVATION AND CLEAN ENERGY INDEPENDENCE ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, in today's news, the Chairman of the Federal Reserve, Ben Bernanke, warned that huge deficits and borrowing place us at risk for high inflation and high interest rates.

Add this to the high unemployment, borrowing from China and buying huge amounts of oil from OPEC, and we have to recognize we've got a mess on our hands.

But there is a solution. We can create jobs and grow our economy without raising taxes. It is the bipartisan American Conservation and Clean Energy Independence Act, H.R. 2227. This bill uses the trillions of dollars from oil and gas exploration off our coast to drive conservation and new technologies to improve energy efficiency; develop clean-energy generation and infrastructure; rebuild America's inefficient transportation system; and clean our air and water. Not only will we be creating a clean energy future, but creating millions of good-paying jobs for years to come.

The news tells us of how things are, but that's not how it has to be. Join me in supporting the American Conservation and Clean Energy Independence Act.

HUMANITARIAN AID FOR HAITI

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

Mr. HIMES. Mr. Speaker, despite the economic pain felt by so many American families, we've seen something truly amazing in the extent to which Americans have come together to address the tragedy of our brothers and sisters in Haiti.

I'm proud to stand here this morning to highlight two organizations based in my district who have done wonderful work. Save the Children, Westport, Connecticut, run by Charlie McCormack, has 50 people on the ground that have touched half a million Haitians with medical, food and other sorts of aid. Americare is based in Stanford, Connecticut, and run by Curt Welling. The earthquake had barely stopped before they had teams on the ground providing medical relief; and they have pledged $50 million to rebuild the Haitian health care system.

I rise today to highlight, to honor and to thank these two wonderful organizations and to urge them to keep up the good work. Thank you, Save the Children, thank you, Americare, for all that you have done.

HONORING RESERVE OFFICERS ASSOCIATION'S CHAPLAIN OF THE YEAR

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

Mr. CAO. Mr. Speaker, I rise today to congratulate Chaplain Phillip ''Endel'' Lee, Jr., the 2010 recipient of the Reserve Officers Association Chaplain of the Year Award, who is currently serving in my district.

I also congratulate him and thank him for delivering the opening prayer here on the floor of the U.S. House of Representatives on Tuesday, February 9, 2010. His prayer was powerful and moving and reminded us that we are ''Americans promoting freedom, responsible for our actions, and dedicated to the principles that made us free.''

Chaplain Lee has always been a beacon of hope to those facing immense tragedies. He rescued survivors off rooftops during Hurricane Katrina and prayed at Ground Zero with the families of victims of September 11.

I am proud to have Chaplain Lee serving in my congressional district. I thank him for his leadership in the spiritual rebuilding of Orleans and Jefferson Parishes, and I speak for all of us here when I thank him and his family's service to and sacrifice for this great Nation.

HEALTH CARE REFORM

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

Mr. MURPHY of Connecticut. Mr. Speaker, the people I represent in Connecticut, those who buy their health

insurance on the individual market, are bearing the burden of a 20 percent rate hike in a recession.

Who's getting this 20 percent? It's not the patients, it's not my doctors, it's not my hospitals.

This fact screams for the need for national health insurance reform, reform that drives down health care costs for everyone, and asking those who make the biggest bucks off the system to take a little bit less.

Today President Obama is going to convene Members of both parties in a televised forum to sit down and try to fix our health insurance mess. And I'm hopeful that our Republican friends will finally bring some ideas that will change this status quo for individuals in my district, seniors and small businesses across the Nation. Instead of empowering these insurance industry rate increases, they should work with us to stop them.

I'm not naive. This may not happen today. But I'll tell you this: people in Connecticut will be watching.

HEALTH CARE SUMMIT

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

Mr. HERGER. Mr. Speaker, the President continues to ignore the American people's fundamental rejection of this health care bill. He needs to listen to the American public when they say ''no'' to Big Government and ''no'' to government-run health care. Yet, his proposal is more of the same government intrusion and high taxes that have been the dominant things of his health care plan since day one.

By refusing to change his plan, the President is demonstrating that today's summit and his rhetoric about working with Republicans to find solutions are purely for show.

Mr. Speaker, it's time to start over and allow the public to have a seat at the table.

□ 1015

ORLANDO ZAPATA TAMAYO

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

Mr. SIRES. Mr. Speaker, I rise today to share my deep sadness over the loss of a human prisoner of conscience, Orlando Zapata Tamayo, held by the Cuban regime.

Orlando Zapata Tamayo was first arrested in March of 2003 for participating in a hunger strike to demand the release of Dr. Oscar Biscet and other prisoners of conscience. Since his initial arrest and unwarranted imprisonment, the regime consistently increased Zapata's prison term to 47 years.

While in prison, Zapata endured frequent beatings and unimaginable living conditions. On December 3, Mr. Zapata began a hunger strike to protest the human rights violations and the repeated beatings by the Cuban authorities. After an 83-day hunger strike, Orlando Zapata Tamayo passed away on Thursday, February 23, 2010, with his mother at his side.

In mourning the death of Orlando Zapata Tamayo, I urge my colleagues to listen to his message of freedom and respect for human life. As the atrocities he fought against remain the reality of Cuba today, we must continue to fight for human rights and the release of all political prisoners.

SNOHOMISH COUNTY AUTO THEFT TASK FORCE

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

Mr. LARSEN of Washington. Mr. Speaker, today I rise to recognize the Snohomish County Auto Theft Task Force for its success in combating vehicle theft in my district.

Recently, the task force was recognized as the top auto theft recovery team in Washington State by the Washington Auto Theft Prevention Authority. While vehicle thefts across the State decreased 20 percent in 2009, Snohomish County led the way with a remarkable 29 percent decline.

The Snohomish County Auto Theft Task Force is an example of law enforcement agencies working together to make a difference in our community. The Snohomish team is made up of detectives from the Monroe, Marysville, and Lynnwood police departments; the Washington State Patrol; the Snohomish County Sheriff's Office, the Snohomish County Prosecutor's Office, and, most recently, the Tulalip Tribes.

Through this partnership, the task force disrupted the operation of 26 chop shops and theft rings over the past year alone—tracking down stolen vehicles, arresting those responsible, and helping make sure the bad guys were convicted.

Since forming in 2008, the Snohomish County team has convicted over 100 people and recovered 82 vehicles with an estimated value of $1.5 million along with $337,400 worth of stolen property.

At a time when budgets are stretched thin, we should not forget the needs of law enforcement or of the work of our prosecutor's office in making sure these folks are behind bars.

ANTITRUST EXEMPTION REPEAL

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, yesterday the House took a major step forward by repealing the antitrust exemption for health insurance companies. For more than 65 years, insurance companies have been able to play by a different set of rules, and the result has been disastrous for my constituents and for families across the country.

Americans deserve choices. They deserve the ability to pick the health plan they want at an affordable price, but because of these health insurance exemptions from antitrust, they were denied that trust. Insurance companies have been shielded from legal liability for price fixing, for sabotaging their competitors in order to drive them out of the market. In most industries, these behaviors would be unacceptable, but for the insurance industry, it's just another play in the book.

I have been a long and strong proponent of repealing this antitrust exemption. I'm thrilled that the House acted in such a bipartisan fashion to do so, and I urge the Senate to quickly pass this legislation so that all of our constituents can have a choice.

MILITARY FAMILIES JOB CONTINUITY ACT

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

Mrs. DAHLKEMPER. Mr. Speaker, every year our servicemembers across the country receive permanent change-of-station orders, having to relocate their families to meet the needs of our national defense. In the process, military spouses often have to put their careers on hold.

My new legislation, the Military Families Job Continuity Act, offers a $500 tax credit to any military spouse who has to renew or transfer a professional license when a permanent change-of-station order takes their family across State lines. This tax credit will ease the stress of transfers and help military spouses quickly reenter the workforce.

I urge my colleagues to renew our commitment to our soldiers and to our soldiers' families by supporting the Military Families Job Continuity Act.

NATIONAL TEACH AG DAY

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

Mr. CHILDERS. Mr. Speaker, I rise today in support of National Teach Ag Day. I have introduced a bill, House Resolution 886, to honor our Nation's agriculture educators and to support National Teach Ag Day on this day, February 25, 2010.

At a time when there is a nationwide teacher shortage in ag education and many agricultural education programs are suffering from the lack of qualified teachers, I feel it's important to encourage students to explore careers as teachers in agriculture. These teachers work hard to ensure that over a million American students receive an ag education as part of their curriculum.

Ag educators work hand in hand with community groups like FFA to strengthen communities. Our Nation's food supply depends on our continued support of the entire agriculture industry. Encouraging students to pursue

agriculture education is one way to help secure our food supply.

I urge you to join me and many of our colleagues, as well as the NAAE, on behalf of the National Council for Agricultural Education, in supporting America's agricultural educators and students on this day, National Teach Ag Day.

BIPARTISAN EFFORT FOR JOB CREATION

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

Mr. DREIER. Mr. Speaker, we all know that most of the political eyes and other eyes are focused down at the Blair House right now as the health care summit has just gotten underway, and my friend from Fort Lauderdale and I are going to begin the floor management of the very, very important intelligence authorization bill focused on our Nation's security.

But we can't forget what issue is in the forefront of the minds of most Americans, and that is getting our economy back on track, focusing on job creation and economic growth. And we've just gotten the news this morning that there has been an unfortunate 12 percent increase in the jobless claims, and we continue to have mixed reports on where we are with the economy.

It seems to me, Mr. Speaker, that it's absolutely imperative for us to work in a bipartisan way to put into place true private sector job creation incentives, and by that I mean utilizing the bipartisan effort that was, in the last half century, utilized by John F. Kennedy in the early 1960s and Ronald Reagan in the 1980s. And I believe that if we were to implement those kind of policies, Mr. Speaker, we would see the kind of job creation that the American people are seeking.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENTS TO H.R. 3961, MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–420) on the resolution (H. Res. 1109) providing for consideration of the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1105 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1105

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Permanent Select Committee on Intelligence or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. After passage of H.R. 2701, it shall be in order to consider in the House S. 1494. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2701 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1494 and request a conference with the Senate thereon.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of February 26, 2010.

SEC. 5. It shall be in order at any time through the legislative day of February 26, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

□ 1030

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

(By unanimous consent, Mr. HASTINGS of Florida was allowed to speak out of order.)

ANNOUNCEMENT REGARDING PATRIOT ACT AUTHORITIES

Mr. HASTINGS of Florida. Mr. Speaker, I rise to inform Members that the Intelligence Committee has received a classified document from the Department of Justice that is related to the PATRIOT Act authorities currently set to expire at the end of the month.

The House may consider a 1-year extension of the PATRIOT Act today so the Intelligence Committee will be making this document available for Member review in the committee offices located in HVC–304. Staff from the Intelligence and Judiciary Committees, as well as personnel from the Justice Department and with the Office of the Director of National Intelligence, will be available to answer any questions that Members may have. Members who want to review the document should call the Intelligence Committee to schedule an appointment.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California, my good friend, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days with which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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, I yield myself such time as I may consume.

Mr. Speaker, the resolution, as announced by our Clerk, provides for consideration of H.R. 2701, the Intelligence Authorization Act for fiscal year 2010, under a structured rule. The resolution waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The resolution provides 1 hour of debate on the bill, makes in order only those amendments printed in the rule, and the resolution waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI.

The resolution provides one motion to recommit with or without instructions and provides that the Chair may entertain a motion to rise only if offered by the Chair of the Intelligence Committee or his designee and provides that the Chair may not entertain a motion to strike the enacting words of the bill.

The resolution provides for a motion to consider the Senate bill and substitute its text with the text of H.R. 2701 as passed by the House. The resolution waives all points of order against the Senate bill and its consideration. It also makes in order a motion that the House insist on its amendment and request a conference with the Senate and waives all points of order against such motion.

The resolution waives a requirement of clause 6(a) of rule XIII for a two-thirds vote for same-day consideration of a report from the Rules Committee through the legislative day of Friday, February 26. It also permits the Speaker to consider motions to suspend the rules through the legislative day of Friday, February 26. The Speaker shall consult with the minority leader on the designation of any matter under this authority.

Mr. Speaker, I rise today in strong support of the rule providing for consideration of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

As vice chairman of the House Permanent Select Committee on Intelligence, I know that the intelligence community is the first line of defense against terrorists, proliferators of weapons of mass destruction, and other rogue elements who wish to do us and our allies harm here at home and across the globe.

This legislation provides policy guidance for 16 agencies of the intelligence community while also improving oversight and helping to prevent disastrous consequences that faulty intelligence and a misinformed Congress can have on national security.

Mr. Speaker, I have the honor and privilege of meeting many of our intelligence professionals in over 50 countries around the world during my oversight travel as a member of the Intelligence Committee. I cannot overstate how much I and the members of the committee, and I am sure all Members of this body, appreciate them and are humbled by their service. Their dedication and commitment became more evident when seven Americans made the ultimate sacrifice during a terrorist attack in Khost, Afghanistan, this past December.

But the attempted terrorist attack on Northwest Flight 253 on Christmas Day was a startling reminder to all Americans that in spite of our best efforts we are still under attack, and we still have much work to do to get it right. The constant threat from violent extremists reinforces that now more than ever, and we must give the intelligence community the resources and flexibility it needs to thwart the continuing and emerging threats to United States national security.

For the last 4 years, our country has gone without an intelligence authorization bill. I find it very distressing that the House Intelligence Committee, which was created to ensure proper oversight and accountability of our intelligence community, has worked diligently every year to pass a bill but has not seen one signed into law in recent years.

As we have seen, the intelligence community is in dire need of independent oversight. Sadly, when we created the Director of National Intelligence, we did not create an independent Inspector General. This bill would remedy that flaw by making clear that the Inspector General does not serve at the whim of the Director of National Intelligence and also has an independent responsibility to keep Congress informed.

Some of my colleagues on the other aisle have argued against the creation of a new Inspector General. I would respectfully disagree with their assessment. It is clear that this provision will help to streamline and coordinate oversight.

This bill also contains a provision in the manager's amendment providing sensible reforms to the Gang of Eight process. As vice chairman of the committee, I have seen that process abused in the past, and I am glad that we are taking a careful step towards reform. I believe that the administration has a statutory and constitutional duty to keep members of the Intelligence Committee, all members of the Intelligence Committee, fully informed on certain intelligence matters. Therefore, by reforming this process, the bill enhances transparency and bolsters Congress' capacity to conduct important oversight.

The bill also clarifies the responsibility of the Director of National Intelligence to cooperate with GAO investigations initiated by Congress. GAO can provide the Congress with valuable expertise and assist with oversight functions, especially in areas of auditing and security clearance reforms.

I have stated time and time again that the intelligence community is not diverse enough to do its job of stealing and analyzing foreign countries' secrets. Diversity is a mission imperative. When I came on this committee, I came on after the legendary Lou Stokes, who served on this committee and advanced many measures that are in law today dealing with intelligence. My good friend and my good friend from California's good friend, Julian Dixon, who has departed life, carried that banner, as did SANFORD BISHOP when he was on this committee.

I, along with many other members of the committee, particularly Chairman REYES, ANNA ESHOO and others countless throughout the years, JANE HARMAN included, we have fought for continuing diversity on this committee. We need people who blend in, speak the language, and understand the cultures in the countries that we are targeting.

As my colleagues on the committee and I have mentioned on many occasions, when the intelligence leadership comes to testify, we don't see a lot of diversity at the table. We don't see enough women at the table. It is time for the community to get serious about improving diversity for the sake of our national security.

A real diversity effort means more than just staging recruitment drives at colleges with a lot of black students or Latino students. Diversity means hiring, hiring more Arab Americans. It means hiring more Iranian Americans, more Pakistani Americans, more Chinese Americans and more Korean Americans. If the intelligence community is to succeed in its global mission, it must have a global face.

I have offered an amendment on diversity in the intelligence community to the underlying bill. My amendment contains a requirement for the Director of National Intelligence to report to Congress on a comprehensive plan to improve diversity in the intelligence community. It calls on the Director to report on specific implementation plans for each element agency in the community. It also requires information on plans to improve minority retention, not only at the junior and mid-grade levels, but at the senior and management levels as well.

Finally, it requires that the Director of National Intelligence report to the congressional Intelligence Committees on the efforts being made with diversity training and how improvement in diversity will be measured. This amendment, along with many other important provisions in this bill, will make our intelligence community more effective, more efficient, and more accountable.

Given the immense security challenges facing our Nation, it is vital that Congress pass this legislation so that we may continue to fulfill our commitment to the safety and well-being of the great American people.

I reserve the balance of my time.

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

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

Mr. DREIER. Mr. Speaker, let me first express my appreciation to my friend from Fort Lauderdale, a member

of both the Rules Committee and a distinguished member of the Permanent Select Committee on Intelligence.

Mr. Speaker, last Christmas Day, as we all know, when a passenger boarded Northwest Airlines Flight 253 headed for the Detroit Metro Airport, the issue of national security once again came to the forefront, to the top of the agenda for everyone in our country. This is, of course, never, never far from our minds. But in recent months, as several high-profile terrorist plots have been thwarted, the tragic shooting at Fort Hood had taken place and our troops continue to fight two wars, we know that the threat of attacks on Americans remains a very real threat to us.

What was so shocking and revealing about the attempted attack on Christmas Day was not that al Qaeda remains a threat. This much we all know. What was most troubling to the American people was the revelation that key information was available that could have prevented Umar Farouk Abdulmutallab from ever boarding that plane in the first place.

Last month, December 25, as everyone, including the President has acknowledged, the system failed us. If not for the perpetrator's failure to properly detonate the device and the heroic acts of his fellow passengers, this attempted attack would have become a horrible, horrible tragedy. It was not careful intelligence gathering, analysis, and coordination that saved the people on that plane; it was luck and the quick thinking on the part of those very courageous passengers.

Mr. Speaker, the American people rightly began, immediately after Christmas, on Christmas Day and thereafter, to ask questions about what is being done to address this failure that allowed Abdulmutallab to board that plane. What exactly what wrong? How can we fix the system? What can we do to ensure that this kind of failure never, ever happens again.

Now, in light of these questions, it would seem appropriate that today we would be considering our annual intelligence authorization bill. Now is the time to compile the lessons learned from the attempted attack on Flight 253, the Fort Hood shooting, the numerous arrests of would-be terrorists like Najibullah Zazi and David Headley and the continued items that obviously we don't hear about out there.

□ 1045

Now is the time to take, Mr. Speaker, these new insights and reform our intelligence agencies and policies to better protect our homeland and the American people, and that has to remain the top priority. That is where all of the attention should be focused. And yet, inexplicably, we are considering a bill today that is nearly 8 months old. This legislation was reported out of committee in June of last year. It was written before any of these recent attacks and attempted attacks took place, before any of these new revelations of flaws in our system and before any analysis was conducted on how to fix them.

Mr. Speaker, unfortunately, the Democratic majority's decision to bring up this hopelessly outdated bill is made all the more inexplicable by the fact that it was known to be a seriously flawed bill even back in June when it was being finalized. In fact, Mr. Speaker, the Obama administration released a scathing criticism of this legislation and even issued a veto threat.

According to the Statement of Administration Policy from July 8 of last year: ''The administration has serious concerns with a number of provisions that would impede the smooth and efficient functioning of the intelligence community and that would raise a number of policy, management, legal and constitutional concerns.'' That is the Statement of Administration Policy.

The statement went on to elaborate on the bill's flaws: the serious risk of compromising highly sensitive data, the new layers of bureaucracy, the impediments to building an intelligence workforce for the 21st century, the wasted resources. These were not the accusations, Mr. Speaker of political adversaries; these were the serious criticisms of President Obama. And they were leveled nearly 8 months ago before a whole host of new challenges made themselves apparent to us. If this was a flawed bill last July, as the President clearly defined it as being, it is now a flat-out dangerous bill.

I believe that the American people will be stunned to learn that the Democratic majority has chosen, with this legislation, to simply ignore the grave new concerns that have been raised in recent months. No lessons have been learned and no new solutions have been contemplated. The Democratic majority's bold approach is to take up an 8-month-old bill that wasn't even a good idea at the time and, as I said, was criticized harshly by President Obama.

The manner in which they are bringing this bill to the floor is just as troubling, Mr. Speaker. The Democratic majority will likely claim that a bipartisan amendment process has been allowed: five Democratic amendments were made in order, four Republican amendments, and three bipartisan amendments. But what these numbers mask is the fact that 21 Democratic amendments were included in the manager's amendments. This not only skews the process in a very partisan way, but it denies the Members of this body representing all Americans, representing Democrats and Republicans alike, the opportunity to vote on these 21 amendments individually based on their merits. We are denied the opportunity for transparency and scrutiny.

What's worse, Mr. Speaker, is that this rule has implications for legislation far beyond the intelligence bill at hand. This rule provides a blank check for the Democratic leadership to bring up any bill at any time today or tomorrow without a shred of transparency or even one moment of public scrutiny. This rule gives them carte blanche to take whatever legislative action they choose, entirely absent of any accountability.

And I've got to say, I was thinking about this last night when we were in the Rules Committee, to impose this kind of structure this early in a Congress—the second month of the second session of the 111th Congress—is beyond the pale. When such drastic and draconian measures are taken to shield their actions from all scrutiny, we can only ask ourselves, what exactly are they plotting? What exactly are they trying to hide from the American people?

Mr. Speaker, for the sake of the security of our homeland and for the sake of a return to the often-promised accountability and transparency, I urge my colleagues to reject this rule. What we need to do is we need to take a hard look at the intelligence failures that have taken place. Let's ask the hows and the whys and make the necessary reforms that will ensure that we never again have to rely on blind luck to protect the American people.

Mr. Speaker, perhaps most important of all, we must reject this attempt to shield the Democratic majority's actions from public view.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

You know, Mr. Speaker, I appreciate my good friend from California's desire to address Flight 253; but in my view, his complaints that the bill is outdated ignores the rule. The rule makes in order an amendment by Representative SCHAUER directed at the lessons of Flight 253.

Now, listen, the intelligence community, constituted of 16 elements, is organic. It is constantly in a state of change, and there is considerable coordination and collaboration regarding the globe, not just one airplane, not just one individual. And when you isolate one individual, like the person that was on Flight 253, you do have that anomaly to show that we are steadily being set upon. But that was mild by comparison to some of those incidents that never make it in the public realm.

I am reminded of the constant saying that success has a thousand fathers, but failure evidently doesn't even have a mother because anytime there is a failure, the whole community is set upon, while day after day after day, year after year after year they're stopping countless attacks on this country that go unnoticed, whether it be in the field of cyber, whether it be on the battlefield. We are constantly in that position. There have been hundreds of successes to protect our homeland security.

Mr. DREIER. Will the gentleman yield?

Mr. HASTINGS of Florida. Certainly I will yield to my friend.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me say that I completely concur with my colleague about this notion of our recognizing that day after day—and I had that in my opening remarks—day after day we are seeing the prevention of the kinds of attacks that we are all concerned about, and we congratulate and herald the intelligence community for that. I think that what we need to focus on is the Abdulmutallab situation, the Fort Hood shootings, and the Najibullah Zazi and David Headley arrests. These things have taken place since this bill had any kind of committee consideration last year. And all we are arguing is, yes, it's great that some amendments have been made in order—unfortunately, it's a very partisan item to have 21 amendments included in the manager's amendment—but we believe very strongly that the committee—and you know very well, having worked so hard on that committee, that a lot of work takes place in secrecy, understandably, that in dealing with these situations, that should happen before bringing a measure of this magnitude to the floor that even the President and so many others have acknowledged is flawed.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Well, when you speak of the President's directions, there were several principal matters that the President referenced in his, as you put it, threatened veto. But the veto, more specifically, the principal objection was to the Gang of Eight restriction that many of us in the committee supported for the reason that we think—and thought—that each of the intelligence members should be advised by the President the same as those of the Gang of Eight.

You know, we use these terms around here. The Gang of Eight are the central players—the Speaker, the minority leader, the majority leader, and the committee Chairs and ranking members. That is who that small kernel of people are who receive specific information. I hope the public at least understands some aspect of that.

The point that I was trying to make and will continue to make is—let me give you a for example. In the last month, I have visited our intelligence operations in nine countries, including Saudi Arabia, Turkey, Israel, Jordan, Egypt, Ukraine, Germany, just to mention a few. In each of those places—and there were others that will go unmentioned—in each of those places I learned of immense success and reporting of successes coming back here to the intelligence community and to the President. Nobody talks about that in the newspaper. Nobody talks about that in this particular setting. You pick three incidents out of thousands of successes and point to a community's failures. I can't accept that.

For 10 years I have watched on this committee these people work their hearts out, Republicans and Democrats, under the leadership of—friends of mine and yours—Porter Goss, who led this committee, others long before Leon Panetta, and the other committees that don't even get mentioned at all because most people don't even know that they have intelligence operations. What would happen in this world, what would happen with our allies if we did not have the SIGNET? How would we be having the successes that we are having in Afghanistan today of picking off leaders of Taliban, leaders of al Qaeda?

All the time it seems to me that all that comes out as is, oh, they just took out another one, but it doesn't get played up. If one of them managed to get to Canada and to the United States, then that would be the biggest talk that we would have here in Congress. It's not fair, and fairness to the intelligence community is as deserving as any other parts of our bureaucracy that fail considerably, including this institution.

Mr. DREIER. Mr. Speaker, will the gentleman yield for just 1 second?

Mr. HASTINGS of Florida. I was going to yield my time, and I ask the gentleman to take his time, but I am more than happy to yield.

Mr. DREIER. I thank my friend for yielding. And Mr. Speaker, let me just say that I totally concur with absolutely everything my friend just said.

Mr. HASTINGS of Florida. Well, then, I will just take my time back, now that you agree with me.

Mr. DREIER. All I want to do is agree with you. So thank you very much.

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

Mr. DREIER. Mr. Speaker, at this time, I am very, very happy to yield 4 minutes to the very hardworking and diligent and thoughtful ranking member of the Select Committee on Intelligence, our friend from Clarendon, Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the gentleman from California yielding to me.

I think it is important to step back and put this bill in a bit of context. The Intelligence Committee reported H.R. 2701 out of committee on June 26, 2009, by a vote of 12–9 and the Rules Committee first reported a rule for its consideration here on the floor on July 8, 2009. And yet, from July 8, 2009, until today there has not been time found on the floor to consider this measure. Now, we did find time to consider the Restore Our American Mustangs Act, we did find time to consider the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, we found time to consider the Castle Nugent National Historic Site Establishment Act for St. Croix, all under a rule—none of these even included suspensions—but we couldn't find time to have the Intelligence authorization bill in support of the very people that the gentleman from Florida and the gentleman from California are talking about who keep us safe.

What has happened over the past 7 months since this bill was reported out, as the gentleman from California mentioned, is that we have had a number of arrests and attempted attacks against our homeland; I count eight that have made the papers. Some of them we have stopped by the diligent work of our intelligence professionals. One of them at least was stopped by just pure luck. One of them was not stopped at all, and that was at Fort Hood, where a number of people tragically lost their lives.

In addition, in the last several months, the situation in Afghanistan has changed tremendously. We have had increased terrorist threats emanating from Yemen and Somalia and other places around the world. And yet for some reason intelligence was not a high enough priority, with the leadership of this House at least, to bring this Intelligence authorization bill to the floor.

In addition to that, I would say that a number of issues have been much discussed in the press and around the country that are very central to the efforts of those intelligence professionals to keep us safe. For example, the President said he was going to close Guantanamo Bay within 1 year; it hasn't happened. What's going to happen with those prisoners now? What happens if an American somehow joins a terrorist organization overseas? What are his rights and what are our responsibilities when we get into that situation?

□ 1100

Should there be a complete record of the briefings that were made to Congress about various antiterrorism matters or should those just be selectively leaked out as is happening now?

Another question: Should we automatically give the Miranda warning that says you have the right to remain silent when a non-U.S. person is obtained here in the United States?

Now, amendments on every one of these issues I've just mentioned were filed before the Rules Committee, and yet none of those amendments was made in order.

Why? We have these issues that are central to safeguarding the country. Yet the majority does not make those in order. What does it make in order? A number of reports, as we have discussed.

In addition, in the manager's amendment, there is a section that, I am afraid, illuminates for us all the approach that at least some people in this House are taking in this fight against terrorism. I do not believe it represents a number of the members of the Intelligence Committee, who see this every day; but in the manager's amendment are provisions that apply only to intelligence community professionals. The provisions say that they will go to jail for forcing one to do

something that is against one's individual religious beliefs.

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

Mr. DREIER. I am happy to yield to my friend an additional 2 minutes.

Mr. THORNBERRY. I appreciate the gentleman for yielding.

Now, remember, we can't have debates on serious issues regarding Guantanamo, Miranda rights and other things. What is hitting in this blizzard of reports are several pages which say, if our intelligence professionals try to get information from a terrorist in order to prevent future terrorist attacks and if they don't give him the proper amount of sleep, our intelligence professionals will go to jail.

If they do anything that violates how the terrorist sees his religious rights, without any standard of reasonableness, without any standard to judge it by—it's like, if the terrorist says, My religion requires me to have a Big Mac every day. If we don't give him that Big Mac, we are violating this provision, and our intelligence professionals will go to jail.

There are provisions which say subjecting a terrorist to prolonged isolation will cause our intelligence professionals to go to jail. How many county jails and State prisons in the country could operate under this standard? I would say none. This provision will treat terrorists more gingerly than those in our criminal defense system.

So, Mr. Speaker, unfortunately, what this rule does is it avoids the debates on the substantive issues. Yet there is this thread, which I don't believe the President seems to share—perhaps some in his administration do, and perhaps a few people in this Congress do—a thread of antagonism against our intelligence professionals which says we are going to prosecute them, as the Justice Department is investigating, and that we are going to send them to jail if they don't coddle these terrorists in the appropriate way.

I think that reflects a lack of seriousness with this measure, and that is sufficient reason to reject this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I have listened to my colleague, who is an absolutely brilliant member of the intelligence community, and he has provided continuing and dedicated service for the period of time that he and I have served on the committee together. There is one thing, I think, I know a little bit more about than he does, and that is our prison system, and that is for the reason that I participated, as a State and a Federal judge and then as a lawyer, in dealing with circumstances in our prisons.

Our colleague suggests that detainees are treated in a certain way, and those particular things—for example, food and the length of the hair or religious convictions—have been litigated ad nauseam in the United States. I can assure you that persons who are in custody in the United States find themselves able to access to the food that comports with their religious requirements and also the other circumstances.

One thing that is great about America is that we do have values, and one thing that is great about us in handling others, even much better than they even ever consider us, is that those values manifest themselves in the treatment of persons who are our enemies.

Now, I am going to try with this document here to put to rest this not-in-my-backyard argument that I continue to hear from my colleagues about Guantanamo.

I first want to commend to my colleagues H.R. 3728, the Detainment Reform Act of 2009, which I filed, and I would urge them to look at it and to look at the detention criteria and at the ways to process detainees, as well as the reporting requirements that transpire. I will not take the time now to go into detail, but that measure is sitting here, and any one of them can join it. I have no pride of authorship, and I've said to Members on the other side and on our side that, if there is something they can add or detract, then please do so.

Regarding where you put people whom we hold and somehow or another the thought being that we can't try people in our Federal system or, for that matter, if we have a situation where every detainee must be tried in military commissions, according to some, well, let me tell you some of the people whom we hold in one prison today.

According to the Bureau of Prisons, ADX Supermax in Florence, Colorado, has a capacity of 490 inmates. There are currently 445, leaving 45 cells available. I can assure you anybody in Guantanamo could be transferred here with no threat to Florence, Colorado. No one has ever escaped Supermax. Supermax officers are some of the best trained in the Nation, and current and former inmates include—let me just give you some of these people:

Anthony Casso, a mobster and former underboss of the Lucchese crime family, is at this prison. Wadih el-Hage, a coconspirator in the 1998 United States Embassy bombings, is in this prison. Matthew Hale, a white supremacist leader convicted of soliciting the murder of a Federal judge, is in this prison. Larry Hoover, the leader of the Gangster Disciples Nation, based in Chicago, is in this prison. Jeff Fort, the cofounder of the Black P. Stones gang in Chicago and the founder of its El Rukn faction, is in this prison. Omar Portee, the cofounder of the United Blood Nation, is in this prison and has never escaped. Theodore Kaczynski, the Unabomber, is in this prison in Colorado. Juan Matta-Ballesteros, the drug trafficker and coconspirator in the Enrique Camarena case, is in this prison. Zacarias Moussaoui—remember him? He was tried in our regular system as a coconspirator in the September 11, 2001, attacks. Guess where he is? In Colorado, in Supermax. Terry Nichols, the Oklahoma City bomber, is in this prison. Richard Colvin Reid, the Islamic terrorist, nicknamed the ''Shoe Bomber,'' who also came through our regular system under the aegis of the previous President, is in this prison. Eric Robert Rudolph, convicted of the 1996 Olympic Park bombing, is in this prison. Dwight York is in this prison. Ramzi Yousef, of the World Trade Center bombing, is in this prison.

Enough of this ''not in my backyard.'' We can hold these people.

H. Rap Brown is in this prison. Thomas Silverstein, convicted of murdering a Federal correctional officer, is in this prison. Luis Felipe, founder of the Almighty Latin Kings and Queens Nation, is in this prison. Howard Mason, a drug trafficker, who ordered the murder of Police Officer Eddie Byrne, is in this prison. A leading member of the Aryan Brotherhood, Barry Mills, is in this prison.

So what are you all talking about when you stand around and tell people that we can't hold people in this Supermax prison? We can hold them in Guantanamo. We can hold them in Supermax, and we can do everything that is required of us as a nation in order to protect ourselves in that regard.

Yet what has happened in this institution is you have given the American people a chance to believe that they should be afraid if you hold them in certain institutions in your neighborhoods. Well, they come through your neighborhoods an awful lot, and you evidently don't know about it. I, personally, am just a little tired of your not-in-my-backyard attitude about this particular system. We can hold terrorists, and we can hold criminals, and we've been doing it all of my adult career, and that's 50 years as a lawyer.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, let me just say that my friend from Gold River, California, has been attempting to engage in a colloquy with my friend.

I yield 3 minutes to the gentleman from Gold River, California (Mr. DANIEL E. LUNGREN), and I am sure that he will yield to the gentleman from Fort Lauderdale if he would like to respond in any way.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the gentleman asked: Why?

Well, you know, it's not just in my backyard. I don't want them in any American's backyard. Guess what? The American people agree with me.

That's why Mr. KING and I went before your committee, to ask permission if we could possibly debate this issue on the floor. Everything you just said is part of a debate that could take place, and we could resolve it, but the Rules Committee decided, in their infinite wisdom, not to allow us to debate that on the floor.

Mr. KING's and my amendment did one simple thing. It said that those who are currently in or in the future

will be in Guantanamo Bay will not be transferred to U.S. sovereign territory for any trials. That is, they will stay at Guantanamo with the specially created courtroom that we have there—absolutely secure—under the Military Tribunal Act, which we, the Congress, passed in 2005.

I mean that's the answer to your question, but it must seem strange to the American people that the majority would be afraid, seemingly, to allow us to debate that with real consequence. You can allow us to debate that in the rule, knowing it has no consequence. The real consequence would be if we had an opportunity for the American people to actually be heard by way of legislation.

It is interesting that you did make in order the manager's amendment, which will give newly established rights, by way of penalty, to our members of the intelligence community if they would dare deprive one of these individuals of sleep or if they would isolate them for too long a period of time—neither one of them defined in the statute.

So what we have done is we have said we will continue to ignore the American people who have said loudly and clearly, We do not want Khalid Sheikh Mohammed and his confederates to come to New York. We do not want those in Guantanamo to come to the United States.

I find it strange that the gentleman from Florida would compare H. Rap Brown to a terrorist involved in a terrorist network. He doesn't understand—I know he does understand. I'm sure it was a rhetorical device the gentleman was using—the difference between someone who is an American citizen and the rights that he has versus someone who happens to be a noncitizen—in fact, an unlawful enemy combatant. There is a distinction that has always been known in our courts, and the idea that we are going to extend the full parity of constitutional rights to someone whose only connection with the United States is that that person was captured on the battlefield, attempting to kill Americans, is inconsistent with the history of this Nation and is inconsistent with all of the decisions of the Supreme Court.

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

Mr. DREIER. May I inquire of the Chair how much time is remaining on both sides before I yield to my friend from Gold River?

The SPEAKER pro tempore. The gentleman from California has 13 minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. DREIER. I yield an additional 1 minute to my friend from Gold River, California.

Mr. DANIEL E. LUNGREN of California. So we have right now, taking place across the street from the White House, a summit on health care. We should be having a summit today on the intelligence community, in our effort against those who would wish to destroy us by terrorism. The way we act suggests to the American people this is not on the top of our priority list but on the bottom.

Later, we are going to have the rule on the PATRIOT Act. Why? Because, within a couple of days, three provisions of the PATRIOT Act are set to expire.

Monday, we rushed in here. We had an extra day of voting. What did we do? We worked to rid the country of the scourge of unnamed post offices. We were here to make sure that—man, we've got to find some more post offices to name.

Why couldn't we give additional time to allow amendments that are serious in nature and that the American people want us to deal with on this floor? But no. Once again, the Rules Committee has said we are not going to allow it, but we are going to incorporate in the manager's amendment an amendment which actually provides greater rights to those who are being held and put at jeopardy our intelligence community.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend on the Rules Committee, I would just like to comment regarding my good friend, Mr. LUNGREN's comments.

Mr. LUNGREN, there have been three people who have been convicted in military commissions, and two of them are already free. During that same period of time, under President Bush's administration and under in President Obama's administration, more than 300 people have been convicted in our civilian courts.

□ 1115

And you're correct. I was using the people in the Supermax to make the point no matter who they were, whether they were Zacarias Moussaoui, who certainly isn't an American citizen, or countless others, that we can hold them and that they can't escape. The fear some seem to think is that they would escape.

Mr. Speaker, I yield 1 minute to my colleague on the Rules Committee, the distinguished gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I won't take the 1 minute.

I'd say to my friend from California, in Colorado we were asked to take over the trial of Timothy McVeigh, who had blown up an office building in Oklahoma. He didn't do it in Colorado. But we said okay, we're part of this country. We're part of America. We have a responsibility. We don't know what kind of crazy people are going to come and try to disrupt or harm our judges, our people that worked in the prisons or the like, but we took that responsibility. We weren't afraid of that responsibility. And our judicial system, our Federal judges, handled that matter, I think, in a very fair, fine, and proper manner. We did it because that's who we are. And we've taken prisoners into our supermax who are terrorists by anybody's definition.

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

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. PERLMUTTER. We take responsibility for those things that Americans have to deal with. We don't like dealing with it. You don't like dealing with it. But we have to. So we're prepared. In our court system in America, whether it's in New York or Colorado or Texas or California, we have good judges. We have good people that work in our Bureau of Prisons. We can handle this.

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

I would first say in response to my good friend from Colorado, Mr. LUNGREN has just reminded me that the moment one of these individuals is on American soil, they have enhanced rights that they would not otherwise have.

I would like to engage in a colloquy with the very distinguished ranking member of the Select Committee on Intelligence to discuss one of the amendments that unfortunately will not see the light of day, that we will not have the opportunity to debate other than in the context of the overall manager's amendment, which included 21 amendments from our Democratic colleagues, including the McDermott amendment.

Now, the McDermott amendment, which was discussed by my friend from Clarendon, is an amendment that provides basically carte blanche, an opportunity for any individual, one of these barbarians, to claim for religious reasons that they are being mistreated. The moment I heard the word ''Big Mac'' come forward from my friend MAC THORNBERRY, I have to say who's my Big Mac, but I thought, my gosh, someone could actually claim that being denied a Big Mac would be cruel and unusual punishment? And I've got to say as I look at the litany of items on here, including exploiting phobias of the individual, I just don't understand it. And I wonder if my friend might further enlighten us on this.

I'm happy to yield.

Mr. THORNBERRY. I thank my friend for yielding.

Let's start with a bit of context. Remember, the Army field manual has been published so that terrorists all around the world know what we will and will not do to them. This will take it another step forward and actually give terrorists more rights, more consideration than ordinary criminals in our criminal justice system.

For example, it is not unusual, I suspect, for the FBI to interrogate someone accused of a crime, perhaps involving murder, to say you'd better cooperate with us or you may get the death penalty. That would be illegal under this amendment. As a matter of fact, the intelligence professional who says that under this amendment would go to jail for 15 years because you cannot threaten the use of force.

The gentleman's correct; there is no standard of reasonableness for what

they would classify as your religious practice, so I can classify as my religious practice anything I say. And the intelligence professionals have to coddle to that or they could go to jail. It is an outrageous inversion of our priorities, I think, Mr. Speaker, where we care more about coddling the terrorists than we do about protecting the American people.

Mr. DREIER. I thank my friend for his contribution.

He just reminded me that the speech that everyone heard, what was described as the ''Scott heard 'round the world'' when we saw Scott Brown elected to the United States Senate seat in Massachusetts, the line that came to the forefront was, I want to make sure that my tax dollars are expended on fighting against these terrorists rather than expending our tax dollars defending these terrorists. And the McDermott amendment takes and expends more time and effort and energy in defending them. And, unfortunately, the only discussion that we will have on this, Mr. Speaker, is during consideration of the rule because we're not going to have a chance to vote on this amendment other than its being included in the overall manager's amendment with 20 other amendments being included.

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

Mr. HASTINGS of Florida. Mr. Speaker, I continue to have to teach law here, and I never wanted to do that.

The language in the manager's amendment restates existing criminal law prohibitions like those in the Detainee Treatment Act and clearly establishes that the United States will adhere to the rule of law, and that's whether a person is in Guantanamo or whether they are in Colorado.

That said, at this time I yield 1 minute to the distinguished gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I would like to thank the chairman for his hard work on the underlying bill.

As a member of the House Armed Services Committee, I know just how important it is to focus on vulnerabilities in the global supply chain, and I'm glad that my amendment was included in the manager's amendment.

My amendment broadens review of global supply chain vulnerabilities to include the risks not only from counterfeit products but from original products. Considering the number of foreign state-owned or state-invested enterprises in the technology industry that manufacture products for our market, original products present serious risks to our defense and intelligence systems.

The amended review also assesses the impact of the provision of services by foreign-owned companies, which also creates vulnerabilities in the supply of parts and equipment, causing increased vulnerability to cyberattack on our intelligence systems.

I urge my colleagues to support the rule and the manager's amendment.

Mr. DREIER. Mr. Speaker, at this time I yield 3 minutes to a very thoughtful new Member who has expended a great deal of time and energy trying to ensure that we can at least have a debate on the issue of bringing terrorists onto U.S. soil, my friend from Peoria, Mr. SCHOCK.

Mr. SCHOCK. I thank my good friend from California for the time.

What a novel idea. The United States House of Representatives would debate the power of a good idea.

You know, in my short 1 year in this body, it's amazed me how many amendments have come before this body at a straight up-or-down party vote. Republicans vote one way and Democrats vote another.

We live within the confines of majority rule. It's something that our voters and taxpayers live with. It's something that we in this body live with. But I think there's something that almost everyone that I represent in my district abhors, and that is the notion that the power of a good idea is not allowed the form of debate in this body and is not allowed a straight up-or-down vote for each Member to cast his or her vote based on the best interests of their districts. And for that reason, Mr. Speaker, I offered three what I thought were thoughtful amendments specifically dealing with the proposal to move the much-talked-about Guantanamo Bay detention facility to my State in Illinois.

I might add, Mr. Speaker, that this wasn't just an idea that I had, but rather, I was joined by every single member of the Illinois delegation on my side of the aisle. They felt this was important enough to allow both sides to be able to debate this issue, both sides, each individual Member, a straight up-or-down vote.

Now, what is it that we wanted each Member to be able to vote on? Well, ladies and gentlemen, there's been much talk about moving all of these prisoners, close to 100 of them, from Gitmo to the center part of our country, in the Midwest, in Illinois, and the idea that somehow that will make us safer as a Nation by moving those terrorists to our country. Yet one of the questions that continually is asked of me, as well as my colleagues who represent the State of Illinois, is who are these people? What are their names? Why are they being held? What acts of terror have they attempted or committed against our country?

So our amendment was very simple. It said this: The American people ought to know what we know. If the American people are supposed to weigh in to their elected representatives to say, yes, we think it's a great idea for Guantanamo Bay to come to Illinois, don't you think they should have the information to make an educated decision? After all, I sat in this front row a year ago and listened to the Speaker of this House talk about how I was going to be a part of the most transparent and open government in United States history. Imagine being a part of the most transparent and open government in United States history. And yet today, ladies and gentlemen, taxpayers, voters, not just in the State of Illinois where these terrorists are supposed to be coming, but every American——

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

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend from Illinois.

Mr. SCHOCK. Thank you. I'll wrap up.

Ladies and gentlemen, it's real simple. In the most transparent and open government in United States history, shouldn't the American people know what we know?

Mr. HASTINGS of Florida. Mr. Speaker, I'd inquire if my colleague has any remaining speakers. I'm the last speaker for this side, and I will reserve my time until the gentleman closes.

Mr. DREIER. Let me say to my friend that I anxiously look forward to his spellbinding closing remarks that I'm sure we'll all be able to benefit from, but I have one other speaker and then I'll close and look forward to sitting patiently and listening to my friend.

Mr. Speaker, at this time I am happy to yield 2½ minutes to a hardworking member of the Intelligence Committee, a veteran of the FBI, the gentleman from Brighton, Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, something fundamentally different has happened in the last year. We have fundamentally changed the way we deal with terrorists in the United States. We should absolutely fully have that debate on the policy of that switch. Why? Because it has had tremendous consequences.

Think about this: The CIA officers who, given direction by the Department of Justice, interrogated and debriefed and got some 70 percent of what we know about al Qaeda through their debriefings, are now being treated as criminals. Foreign-trained criminals are being brought to the United States and being treated as Americans.

The fact that we would take a terrorist off a plane who had just attempted to kill some 300 people and the people on the ground and say you have the right to remain silent—wrong. You don't. I need to know if there's anybody else out there. I need to know where the training camp was. I need to know a name of an airline you may have heard while you were training in a place like Yemen to come to the United States on a combat mission and kill Americans. They should be treated as enemy combatants. That's exactly who they are. And when you make this fundamental switch from a proactive intelligence approach to keep them at bay to a law enforcement effort to bring them to the United States, it will have negative consequences for the national security of the United States.

To not allow the amendments—I have had many and many of my colleagues here who had amendments to debate and talk about these very serious issues. There is a reason that they couldn't wrap up the fact that there was a shooting at Fort Hood and the Christmas Day bomber. There's a reason that happened. Because when you bring in law enforcement, it slows things down.

□ 1130

They stop providing information until their lawyer can cut their best deal possible. This can't be about lawyers in the back room cutting good deals for foreign-trained terrorists trying to kill Americans. It has to be about the protection of every citizen in the United States and our allies abroad. When we lose that focus, we will lose the ability to stop everyone that comes to these shores.

And if our new program is we are going to catch them at the airport by spending lots more money, we are going to lose this fight. We need to get them in Yemen, in Saudi Arabia, in the tribal areas of Pakistan, and wherever else they train, they finance, and they commit themselves to an act of combat to kill U.S. citizens.

Mr. HASTINGS of Florida. I reserve the balance of my time.

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

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. DREIER. Mr. Speaker, we all know where the eyes of the American people are focused right now, and it is not here on the House of Representatives. They are focused down across the street from the White House at the Blair House, where the health care summit is taking place. I have no idea how it is going. We have been managing this debate on an issue that is of paramount importance.

The five most important words in the middle of the preamble to the U.S. Constitution I regularly say are ''provide for the common defense.'' We need to recognize that this is priority number one, our Nation's intelligence. Umar Farouk Abdulmutallab, Najibullah Zazi, David Headley, these are names that have come to the forefront because these individuals pose a threat to the United States of America.

There is no issue that is more important for us to be focusing on. Mr. LUNGREN said earlier rather than having a 6-hour summit on the issue of health care, which we all acknowledge is important and needs to be addressed, the attention should be focused on national security. And unfortunately, it is not only not being focused on, but what we are doing here today is taking a flawed bill from July of last year, 8 months old, that was maligned and criticized by the statement of administration policy from President Obama, and what is it we have done? We have denied amendment after amendment.

Mr. SCHOCK's very thoughtful amendment to deal with the issue of should we give enhanced rights to these people who have perpetrated terrible acts against us? Bring them onto U.S. soil, which would make that happen? We think we should have a chance to debate that issue. Should we take the 21 amendments that our Democratic colleagues have offered, including my friend, Mr. MCDERMOTT, who has an amendment that dramatically enhances the power of those individuals who have either tried or have perpetrated terrible acts against us and provides them new defense?

Again I mentioned SCOTT BROWN earlier. And what resonated from his acceptance speech when he won the election was that we shouldn't be expending our taxpayer dollars on defending these terrorists. We should be expending our taxpayer dollars to fight to make sure they never, ever pose a threat against us. This is a terrible rule. It is a terrible rule because it denies the opportunity for debate. And the bill itself needs to be reworked by the Select Committee on Intelligence.

Mr. Speaker, we can do better. I urge my colleagues to reject it. Let's do the right thing.

Mr. HASTINGS of Florida. Mr. Speaker, this is a responsible bill that will enhance vital human intelligence collection, fill the critical gaps in our intelligence-gathering activities, authorize significant investment in our Nation's cybersecurity capabilities, as well as provide much needed reform by forbidding the CIA's practice of outsourcing interrogation to private contractors operating outside the law.

It is unfortunate that we live in a dangerous and different world, where we must always be vigilant of those who wish to cause harm to others. This bill is critical to addressing the many challenges we face within the intelligence community.

I want to take this moment of personal privilege to thank Chairman REYES and the staff of the House Select Committee on Intelligence, the Republican and Democratic staff, for their extraordinary hard work and dedication in helping to see this excellent bill to fruition.

Four years is far too long for the intelligence community to go without guidance from its oversight committees. I believe we should get an authorization bill passed and on the President's desk for signature into law. There is going to be added general debate. But when I listened to my colleague, who is my good friend, I kind of feel like that all of the labor on both sides, including speakers that I served with on that committee, Mr. THORNBERRY and Mr. ROGERS, we have worked very actively to get us to the position that we are in with reference to this authorization bill. There have been agreements and there have been disagreements. And there are always things that can be added.

The responsibility of the Rules Committee is to move the agenda. I am very proud of the fact that there is a summit on health care going on at the White House at the same time that we are discussing the authorization bill, and that I am getting ready to leave here and go to a jobs task force, which I believe is high on the minds of the American agenda, which proves that we really can do legislation, prepare legislation, chew gum and walk at the same time. We are an incredible lot of people we are, and just like that we can also secure this Nation, as this bill does in high kind.

But I am going to say to you all one more time, enough of the business about not in my backyard. If I didn't dispel it today, I will see you another time on the floor to have you understand just how extraordinary the Federal judiciary is, just how extraordinary the intelligence community is, and just how important it is to our Nation's security that we allow them to function accordingly.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

Mr. DREIER. 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 CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3961, MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1109 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1109

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question was taken; and (two-thirds being in the affirmative) the House agreed to consider the resolution.

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

Mr. PERLMUTTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 1109.

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

There was no objection.

Mr. PERLMUTTER. Mr. Speaker, House Resolution 1109 provides for consideration of the Senate amendments to H.R. 3961, extending expiring provisions of the USA PATRIOT Improvement and Reauthorization Act.

The rule makes in order a single motion by the chair of the Committee on the Judiciary to concur in the Senate amendments. The rule waives all points of order against consideration of the motion except clause 10 of rule XXI, and provides that the Senate amendments shall be considered as read.

Finally, the rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The Senate amendments to H.R. 3961 extend for 1 year several expiring provisions essential to our fight against terrorism. One of these provisions allows authorities to seek court orders for business records or any intangible thing related to a terrorism investigation. Another expiring provision reauthorizes wiretaps on terrorism suspects so that law enforcement officials do not have to file multiple applications when a terrorist disposes of phone after phone or shifts from one communication device to another. Otherwise, terrorists could use multiple devices or frequently change cell phone numbers or carriers, with the aim of interfering with surveillance efforts under FISA.

The Justice Department has said that this provision has proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders. The government cannot use this authority lightly. It must provide specific information that the suspect may employ countersurveillance activities.

Finally, the Senate amendments we are considering today will extend for 1 year a provision first enacted in 2004 that allows the government to apply to the Foreign Intelligence Surveillance court, the FISA court, for surveillance orders involving suspected lone wolf targets. These are suspects who are engaging in or preparing for international terrorism activities, but don't necessarily have ties to a larger organization, such as a terrorist group or a foreign nation. The provision does not apply to any U.S. citizen or illegal immigrant. These three programs are vital tools our Nation cannot let expire.

With that, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Colorado for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the bill that is with us today. The safety of this Nation, protecting America from terrorists, is of high and vital concern not only to this Member, but I think every single Member, as we have been reminded time after time that we cannot take our eye off the ball, that the security of this country is a job that must be done all day, every day, by a group of savvy professionals that I believe we presently have in this country. It is a combined effort of not only law enforcement and intelligence, but also it involves bright minds from this body also.

Today what we are here to do is to consider reauthorization of the USA PATRIOT Act. This act was done 9 years ago, 9 years ago when our Nation was struck. It was crafted in such a way that there were provisions, ideas, thoughts that we did at the time where we said we need to make sure they are reauthorized, that these ideas are looked at, where we go through the processes and see what happens not only with our own effectiveness with the law, but also how our intelligence agencies are nimble enough to adapt themselves to make these changes.

At the same time I say I am for this, it is unfortunate that my friends on the Rules Committee, my Democratic colleagues, continue to deny the minority due process by not allowing us to offer a motion to recommit. Time and time again Republicans are shut out of the amendment process, forcing us to simply accept what comes forward.

□ 1145

I encourage my friends on the other side of the aisle to stop restricting this process in the House.

Almost 9 years ago, as I stated, Congress passed this PATRIOT Act, bipartisan support, at a time that was very difficult not only for us to see that enemy that was at us, but also for us to understand more clearly how we should respond, and this Nation did respond. We responded with a PATRIOT Act that was specific in nature that allowed intelligence agencies to stand a chance to fight those against us.

This legislation was and still is vital to our intelligence capacity and our desire to show the enemy that we're willing to fight, that we're willing to stand up and protect this country, that we're willing to go to the lengths that are expected of anybody who wants to protect their own homeland.

Earlier this week, Ranking Member LAMAR SMITH of the Judiciary Committee, the gentleman from San Antonio, Texas, urged Democrat leaders, as we did not know whether this bill would come forward, to extend those expiring provisions, stating: ''Congress has a duty to protect the American people. Failing to reauthorize our national security laws in a time of heightened threat is reckless.''

These were the types of public comments that Republicans are making about the need to make sure that we press this body to get done its job with those processes.

Yesterday, up in the Rules Committee, the gentleman, MAC THORNBERRY, also from Clarendon, Texas, testified in the Rules Committee about the importance of extending the expiring PATRIOT Act provisions at the time we were debating the Intelligence bill. I thought that Mr. THORNBERRY was well on point, was thoughtful, was articulate about the significance of providing the necessary debate on important issues and amendments.

I think we just had a debate here on the floor where we went through how these issues need to be talked about in this body and every single Member needs to understand them as a result of their constitutional duty to protect and defend, not just our Constitution, but this country. And I wholeheartedly agree with his assessment when he said we need to provide the intelligence community with the appropriate tools to protect this Nation.

Yesterday, the Senate passed this legislation by voice vote; confirming the importance of acting immediately. Look, I'm just for getting it done. I'm just for getting it done. If the Senate wants to do it by voice vote, that's fine.

Today we are here on the floor to talk about the three provisions that were set to expire. They were set to expire because the previous Congresses have said we needed to have an active debate on these issues, like to talk about them, allowing the government to seek court orders for roving wiretaps on terrorism suspects who shift their modes of communication.

Mr. Speaker, if there's one thing we learned, the enemy is smart and nimble and quick. They adapt themselves to the way we do business. We need to give our intelligence agencies the ability to be nimble, quick and to adapt themselves also. Glad this is being redone just in time.

To allow investigators to obtain a Foreign Intelligence Surveillance Act court order to procure certain records in national security investigations, you've heard this said for a long time. The people who are trying to protect this country are few in number, and the cases against them are very large. The number of people who are seeking to turn our country into another war

zone where civilians are killed, where planes are blown up out of the sky, where we have inundation of our national security efforts, as well as cybersecurity, are numerous. We need to make sure our investigators have a clear understanding about the rules and are able to receive information in a legal process.

Lastly, to allow the government to apply special court surveillance orders involving suspected terrorists that are called ''lone wolf'' terrorists who do not necessarily have ties to larger organizations.

I think the gentleman, Mr. ROGERS, made a point here from the Intelligence Committee that our ability to be able to see this for what it is, whether it's a part of a larger terrorist group or whether it's a lone wolf acting on his own, that we need to be able to make sure that we can fully vet these individuals before shutting them down and allowing them just to be treated as a person who's committed a crime. We need to be able to see that which is aimed at this country and to fully vet them.

When people who are overseas terrorists come into this country by lying to us about why they would be coming and their intents, we need to be smart enough and nimble enough to pick these up.

Each of these provisions are used by law enforcement officials and intelligence agents to prevent terrorist attacks. By reauthorizing these provisions today, which my party, the Republican Party, fully supports, we believe, for an additional year, will provide the appropriate defense and intelligence measures to protect Americans from another event like 9/11.

If I offered some comments, Republicans would have been in favor of making these permanent in law. Of course, we need to make sure that we're reevaluating these, but these should be made permanent law so that our law enforcement agencies set themselves in a position to be nimble enough to see the attack against us.

I think 9 years' worth of effort has told us we need to give our law enforcement every single tool that we believe is reasonable. I think we've done it today. I wish we'd done it for more than a year, because here we are, we will be here a year from now, perhaps struggling with the same issue.

Let's make these permanent additions to the Homeland Security PATRIOT Act. This country is under a constant threat of violence and terrorism, and that's why it's necessary to make sure that all of our intelligence and law enforcement have the appropriate tools to defeat those who would wish to do us harm.

We don't need to look back very far to Christmas Day; but I would say to us that after that, we still had warnings that came from our intelligence community that said, and expect more, and expect more; which is the reason why we should be making these issues that we talked about today, not extending them for one more year, but to make them permanent to give our guys, our team, our men and women who are engaged in the professional aspect of protecting this country, the tools which they need to protect this country.

Mr. Speaker, at this time I will reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I am in agreement with my friend from Texas that this rule ought to be passed and we ought to move forward right now. So I don't have any other speakers. I'm going to reserve the balance of my time.

I'd ask my friend from Texas how many people he expects to have speaking on his side.

Mr. SESSIONS. I would appreciate that. And in a colloquy, if the gentleman would allow me the time since he has indicated he has no further speakers, I will go ahead and consume my time with the knowledge that he would then be ending very quickly. And I thank the gentleman very, very much.

Mr. Speaker, I am going to go ahead and proceed using up all my time at this time with the knowledge that he will be through.

Mr. Speaker, at this time we have the gentleman from Gold River, California, a gentleman, Mr. LUNGREN, who has served as not only a Member of this body, then went back to California, served as the Attorney General from the State of California. He's a very thoughtful Member. He sees very clearly the laws of this country and the Constitution of this country, but he also sees the need for us to be nimble enough to see the attack that's against us, to be able to respond and to give our men and women who are on the front line all the assets and resources only that are necessary, but the laws and the underpinning of being able to make sure that we can fully protect this country.

And I will yield to the gentleman 6 minutes at this time.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the generous provision of time.

Mr. Speaker, when we were reauthorizing the PATRIOT Act in 2005, or extending it, I authored in committee the sunset provisions that subjected these three provisions of the PATRIOT Act to further consideration by the House. That sunset was up last year. And so, rather than seriously consider it and thoughtfully proceed as to whether it ought to be permanent or not, we kicked the can down the road by extending it a year. And then we came just before Christmas up against it, once again, and we extended it for 2 months. And now, here we are, 3 days before the expiration of these provisions, and we are going to have a temporary extension, a year, not 2 months, but just a year.

I would hope that we would consider an issue such as this as an important primary issue. It's almost as an afterthought. Just before we leave for Christmas, we extend it for 2 months. Now, we're within 3 days of it expiring, we extend it for a year. Forgive me, but it almost sounds like we're treating it like a burp after a big meal, something we're kind of embarrassed about, something that happened, sort of involuntarily, as if we don't have control of this.

I've said on this floor before that we're certainly making sure that no post office in America goes unnamed or un-renamed. But at the same time, we deal with this issue, which is crucially important.

Our Judiciary Committee considered the reauthorization of these provisions; and we reauthorized, by our bill, the business records section. We reauthorized the roving wiretap provision, although we made some changes in that from current law, which I did not support, but nonetheless, that was it. But we failed to extend the lone wolf provision. And let me tell you the thinking on that.

The argument was, we didn't need the lone wolf provision because it had never been used. What's the lone wolf provision? It allows us to apply the intelligence-gathering authorities that we have in the overall law to individuals that we cannot, at that point in time, determine are actually involved with a foreign country, that is, associated with a foreign country, or with a known terrorist organization. And so they said it had never come up before. So we failed to vote it out of Judiciary Committee. That was in the morning, about 12:30, just after noon.

What happened later that day? The massacre at Fort Hood. A lone wolf. Now, admittedly not someone who would be under the PATRIOT Act because he's an American citizen, but my point is, we have to be concerned about lone wolves.

And what about Mr. Abdulmutallab?

If we had had information and been able to connect some of the dots early on, we would have not been able to prove initially that he was necessarily associated with any other group, maybe inspired by another group. He would actually come under the definition of a lone wolf.

And yet the Judiciary Committee said, well, we're going to deprive our intelligence community of the powers under the law for those who are lone wolves.

That's why I say this needs full and vigorous debate. We need to consider the essence of these provisions, and we need to determine whether we believe it needs more than an extension of a single year. Does anybody on this floor truly believe that al Qaeda will give up in a year? Does anybody believe that those who are out there with the idea that they want to do harm to the United States, utilizing terror inspired by al Qaeda or others, are going to quit after this year? I would hope they would. I would hope we would defeat

each and every one of them before the year's out. But that's unrealistic. Let's understand.

So, why we're bringing this to the floor with only a single-year provision is beyond me. If we take seriously our obligation to provide for the common defense, in this environment of a nonconventional war, asymmetric, as they like to say, undefined, compared to previous conflicts, where the enemy does not seek territorial advancement, but seeks the destruction of who we are and what we are, our institutions, and how we, in fact, act.

This is a different world. I've said on this floor before and I'll say it again, al Qaeda doesn't hate us and attack us because of Guantanamo. Al Qaeda hates us and attacks us because of the Statue of Liberty and everything it represents.

□ 1200

And so I would hope that at some point in time we would come to this floor and have a serious, full-throated debate on these three provisions of the PATRIOT Act as to whether they ought to be extended as a matter of permanent law or at least as a reasonable period of time—5 years, 10 years, not single year—and not treated as an accident of legislative action.

So I rise in support of the bill and the rule that allows the bill but in great disappointment that we are not doing all we could do to advance the cause of freedom and protection of the American people. This is better than nothing, but it's not good enough.

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

Mr. Speaker, we're talking about something that is real important today. We've been talking about something that is real important, and I think the point that's made today is that the Republican Party supports the extension of the PATRIOT Act that we're doing here today. These three provisions are very important.

We're questioning why we have to move these on a piecemeal basis. We should move them. They should become permanent law. We believe that the enemy that is at our doorstep, that is all around this world, that is attacking our allies, our friends, people who love freedom, that that is not going to go away. We need to give our intelligence officials the ability to know that they are going to hard-code this in their books and their training and what they do instead of exceptions to, well, we might not want to do this in the future. Mr. Speaker, we need to give our team that's protecting us all of the tools that are available.

We're going to vote for this today because we think it's the right thing, but we think it ought to be made permanent. We think it ought to be a provision that all of our law enforcement, all of our intelligence officials understand why we're doing this, and we want to send them a strong signal: Protecting this country is not something that should be taken lightly from a perspective of what might expire. We want to give them all of the tools that are necessary. We want to make it permanent. Let's put it in their permanent training manual, not in an exception rule that they have to follow up and retrain people about what the law is.

Protecting this country should not be something that is related to whether we have an expiring provision or not. Let's make it permanent. Let's get that done. It would be my hope that the Intelligence Committee of this House would move to get that done as soon as we've passed this today.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I thank my friends from Texas and California for their comments, and their comments indicate that they support this rule.

This rule allows for the passage, ultimately, of an extension of time on three important surveillance tools that we now have within our arsenal. There is no disagreement between the sides at all as to the need for the passage of this rule and the need to move forward. So, I would urge a ''yes'' vote on the previous question and on the rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1239

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 12 o'clock and 39 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1105, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 237, nays 176, not voting 19, as follows:

[Roll No. 66]

YEAS—237

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert

Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Platts
Poe (TX)
Posey
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Barrett (SC)
Bishop (NY)
Boucher
Cardoza
Gingrey (GA)
Hall (TX)
Johnson, E. B.
Kennedy
Pence
Pitts
Price (GA)
Radanovich
Reichert
Ros-Lehtinen
Shimkus
Stark
Towns
Westmoreland
Wilson (SC)

□ 1317

Messrs. COFFMAN of Colorado and BILIRAKIS changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PENCE. Mr. Speaker, on rollcall No. 66, I was unavoidably detained. Had I been present, I would have voted "nay."

GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill H.R. 2701.

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

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

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

□ 1321

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Texas.

Mr. REYES. Thank you, Madam Chair. I yield myself such time as I may consume.

Madam Chair, I am proud to rise today in support of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This is an unusual time of the year for us to be considering this legislation. However, it is and remains a very important bill which addresses critical national security issues, and one that we ultimately need to see enacted.

As chairman of the Permanent Select Committee on Intelligence, my most important job is to guide the committee in providing appropriate tools, resources, and authorities to aid the dedicated men and women of the intelligence community in keeping our Nation safe. I believe that H.R. 2701 does just that.

First and foremost, this bill authorizes the activities and the funds for the 16 agencies of the intelligence community. It is difficult to talk about their roles and their missions in the open, but in some ways it is probably one of the most important things that we do on the Intelligence Committee. In addition to providing authorization for intelligence activities, this bill takes the initial important steps to improve congressional oversight of that intelligence community.

I want to highlight two legislative provisions from this year's bill that I believe will significantly improve oversight.

When this bill was marked up in committee, we made significant changes to the so-called ''Gang of Eight'' procedures. As Members know, the President has had the statutory authority to limit briefings to the Gang of Eight when they involve sensitive covert actions. It was the sense of the committee that the Gang of Eight statutory authority had been overused, and that, on matters of critical importance, the committee as a whole should have been informed. For that reason, that earlier version of the bill removed the statutory authority for limiting briefings to the Gang of Eight.

Last July, the administration issued a statement of policy on H.R. 2701 that included a veto threat with respect to the provisions that would modify the Gang of Eight notification procedures. I believe that some level of concern at that point was justified, and I have been working with the administration over the past several months to resolve those differences. Since July, there have already been noticeable improvements in the way the administration and the intelligence community are communicating and briefing Congress.

Accordingly, the manager's amendment I will offer includes a revised provision on Gang of Eight reform. I know that many Members have strong feelings about this issue on both sides of the aisle. The provision that is in the manager's amendment is intended to be a strong and significant step towards better oversight which still respects the constitutional authorities of the President. It recognizes that both elected branches have a role in national security.

I fully expect that once we pass this bill we will then revisit this issue during conference between the House and the Senate. And I am happy to work with Members to seek improvements at that time. Through this process, we will be able to find a workable solution to a problem that has persisted over the past several years, if not longer.

Another provision that I think is absolutely critical establishes a statutory Inspector General for the intelligence community. This provision will eliminate waste, fraud, and abuse, and it will also help keep a close eye on the protection of the rights of Americans.

This year's bill is truly a product of many hands. The Inspector General provision, which I just spoke about, in large part is due to the efforts of Ms. ESHOO, the chair of the Intelligence Community Management Subcommittee. The vice chairman of the full committee, Mr. HASTINGS, has offered an amendment to include critical provisions on our shared interest in promoting diversity as a mission imperative. He has been working at this long and hard for many, many years. Our newest majority member, Mr. BOREN, has worked hard to develop a pilot program to improve language capability in African languages.

The chairman of the Technical and Tactical Subcommittee, Mr. RUPPERSBERGER, has worked hard on the classified annex to make sure our approach to acquisitions and our most technical programs make good sense. He has been a pivotal part to the committee's oversight process in these very important areas.

The bill includes several provisions offered by Ms. SCHAKOWSKY, the chairwoman of the Oversight and Investigations Subcommittee, which relate to

her longstanding interest in appropriately monitoring and managing contractors in the intelligence community.

Mr. HOLT, the chairman of the Select Intelligence Oversight Panel, advocated for a provision addressing the videotaping of interrogations and another on intelligence information on the health risks faced by Desert Storm veterans.

Mr. THOMPSON of California, another subcommittee chairman, has worked hard on this bill as well. He pushed successfully for the inclusion of a provision to study the benefits paid to the families of the men and women of the intelligence community who have made the ultimate sacrifice. I am proud to support that as well.

We also received important input from the committee's minority members. Mr. KLINE of Minnesota offered an excellent amendment, which we were pleased to accept, that requires the National Reconnaissance Organization to rewrite its charter to meet its current missions. Mr. CONAWAY's personal interest in auditable financial statements led to a provision in the bill that requires the intelligence community to focus on its internal financial management and to provide a system that achieves auditability.

Madam Chair, I believe that this bill will provide the resources and the tools that the intelligence community needs to do its important work in keeping our Nation safe. That includes collection and analysis of human intelligence, signals intelligence, and geospatial intelligence.

□ 1330

It includes funds to detect and disrupt terrorist plots, to provide for intelligence support to the warfighters in Iraq and Afghanistan, and also improves the recruitment and training of a diverse and capable workforce.

During my time on this committee, I've had the good fortune to be able to travel and to meet the brave men and women of the intelligence community, both uniformed and civilian, and I am continually impressed and in awe of the great work that they do and the great morale that they have. They are dedicated, professional and highly skilled patriots, and I'm proud to offer a bill that supports them and all that they do for our great Nation.

This past December, we lost seven of those brave men and women in the attack in Khost, Afghanistan. It is for them, and for those who carry on their mission, that I proudly submit this bill today.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, annual Intelligence authorization bills should be bipartisan legislation designed to address critical national security issues and deal in a deliberate and considered way with legislation affecting the intelligence community, the personnel within the intelligence community. Unfortunately, this bill does neither. I'm forced to rise in strong opposition.

When this bill was first reported almost 8 months ago, the bill failed to address critical national security issues such as Guantanamo detainees, attempts by this administration to convert intelligence and counterterrorism into matters of criminal law and meaningful reforms to the congressional notification process.

In the nearly 8 months since this bill was reported out of committee, our country has suffered two major terrorist attacks and a significant number of near misses. During that time, the majority took no time and no action to bring this bill to the floor.

In 8 months nothing was done to fix the flaws in our intelligence community that were apparent to every American in the wake of the first attack at Fort Hood and, later, the Christmas bombing attack on an American airliner.

In 8 months, nothing was done to clarify who is in charge of interrogation of high-value terrorist detainees, these people that are captured around the world who want to do harm to America.

In 8 months, nothing was done to provide a long-term renewal of our critical intelligence authorities under the USA PATRIOT Act.

In 8 months, nothing was done to, once and for all, stop hard-core, radical jihadist terrorists from being brought into the United States, despite the clear opposition that has arisen to this ill-considered idea from average Americans across the country.

In 8 months, nothing has been done to clarify how covert actions should be conducted or authorized when they could have deadly effects on American citizens. Nothing has been done.

Then, you go through and you take a look at the amendments that we wanted to propose that would have addressed these issues, and all of these were thrown out by the majority, an amendment that would direct the DNI to establish a panel to review the intelligence relating to weapons of mass destruction programs of Iran. Politically speaking, our intelligence community is now to the left of the United Nations as to our assessment of what Iran's capabilities are, to the left of the ill-fated National Intelligence Estimate that came out under the previous administration.

We've asked for an independent panel of experts to give us a red team review. Our colleagues on the other side of the aisle said, no, that's not necessary.

We asked for an amendment that would require the CIA to release publicly unclassified versions of documents relating to the use of enhanced interrogation techniques, this controversial background as to who knew what when, including some of the leading Members of this body. We asked for those documents to be released. The majority said no.

We asked for the prohibition of funds to bring Guantanamo detainees into the United States. The majority said, we won't even debate it. We won't consider it. We won't allow for an amendment that would do just that.

We asked for a report requiring the DNI to submit a report detailing steps taken to fix problems identified in the President's Fort Hood intelligence review prior to December 25. Why? Because the incident on November 5 had striking parallels to what happened on December 25, and we thought it was fair to ask the question and ask the Director of National Intelligence: With the information that you gained on November 5, what actions did you take that might have helped prevent what happened on Christmas Day? And the answer was, no, we don't think that that would be a worthwhile effort to ask the intelligence community those kinds of tough and difficult questions and be held accountable to this body.

And then we said we had another amendment that said, Don't we think it would be appropriate that we actually establish a process for the authorization and the notification of covert actions that may result in the death of a targeted U.S. citizen? It doesn't get into a debate as to whether that is appropriate, an appropriate course of action. It just says, don't we think that the intelligence community and the executive branch should have in place a detailed process of how these decisions are made, how they are authorized, and when Congress would be notified? And the answer from the majority was no. A process that would give us an idea as to how the administration would authorize and notify Congress when they took actions that might result in the death of a targeted U.S. citizen, a targeted U.S. citizen.

And these are just the amendments that were not considered, substantive, serious issues that the majority is unwilling to debate, to discuss and to address.

Later on, as we go through the day and as we take a look at the manager's amendment and the other amendments, we'll take a look at the striking contrast between what the majority is willing to debate and discuss and to act on, and what they are unwilling to debate and discuss. And it has a direct impact on the safety of each and every American.

Madam Chairman, I reserve the balance of my time.

Mr. REYES. Madam Chairman, now it's my privilege to yield 3 minutes to my good friend and chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON), who actually has jurisdiction over some of the issues that the ranking member mentioned just a couple of minutes ago.

Mr. SKELTON. Madam Chairman, first, let me thank the gentleman from Texas, Chairman SILVESTRE REYES, for

the hard work that he did on this bill. So I rise today in strong support of the Intelligence Authorization Act.

From my perspective as chairman of the Armed Services Committee, it's a good bill, one that will support the intelligence needs of our soldiers, sailors, airmen and marines. Every day, American men and women who are deployed into harm's way depend on the intelligence capabilities authorized by this bill to achieve their missions. I cannot state strongly enough about how those in uniform who are in harm's way depend upon the intelligence that they receive.

This legislation ensures continued delivery of quality intelligence products and capabilities through our warfighters. It will lead to important improvement in the future.

As I've said before, the relationship between the intelligence community and the Department of Defense is fundamental to the success on the battlefield. This bill strengthens the relationship by expanding the intelligence community's technical and human collection capabilities.

It adds significant resources to modernize signals intelligence capabilities, and other cutting-edge technologies that are the foundation for intelligence support for our warfighters in Afghanistan. The bill also adds resources for HUMINT collection against terrorists and other enduring and emerging global security issues in Asia, Africa, as well as in Latin America.

This measure will improve oversight of the intelligence community by creating a statutory and independent intelligence community-wide inspector general.

And, finally, this bill enhances cybersecurity, which is becoming very, very important, cybersecurity efforts by authorizing significant investments to support the President's comprehensive cybersecurity strategy.

I congratulate Chairman REYES on bringing this bill to the floor and urge my colleagues to join me in supporting this very, very important measure.

And I might add, Madam Chairman, that we, on the Armed Services Committee, have dealt with some, and have the jurisdiction of dealing with some, matters that my friend from Michigan mentioned a few moments ago. They are within our jurisdiction.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 4 minutes to a member of the committee, Mr. THORNBERRY from Texas, who will talk about the continued efforts by this administration in what appears to be a war on the intelligence community, a legal war on our intelligence community, the brave men and women in that community.

Mr. THORNBERRY. Madam Chairman, I appreciate the distinguished ranking member yielding to me.

In many ways, this bill is a tale of two bills. Part of this bill is the classified annex where specific dollar amounts are allocated to various programs. And the classified annex, I'm happy to report, is a bipartisan product. And I appreciate the chairman of this committee, Subcommittee Chairman RUPPERSBERGER, and others working with Republicans compromising from both sides, but having a bipartisan product that has the support, I believe, of the full Intelligence Committee and should have the support of the full House. Unfortunately, that is not the case with the other provisions of this bill, the policy provisions of this bill, which are deeply disturbing.

As the ranking member has indicated, a number of key issues, whether it's Guantanamo, to reading Miranda Rights, have not even been allowed to be debated and voted on on the floor of the House. Those issues have been shoved aside.

Instead, what we have in the underlying bill are 41 new reports, plus an additional 17 more reports that would be required of the intelligence community in the manager's amendment. But deeply buried within the blizzard of all those reporting requirements is something that is deeply disturbing, and that is a new criminal part of the statute that would apply only to the intelligence community when they try to elicit information from a terrorist that can prevent future terrorist attacks.

And I think it would be helpful for all our Members to just remember a bit of the history here. Last year the Obama administration released a number of classified memos detailing interrogation techniques, despite the appeal of five former CIA directors not to do it, because doing so would harm our efforts against a terrorist. They did it anyway.

Then, secondly, last year, the administration decided that they would re-investigate CIA personnel who were involved in interrogations, even though it had been thoroughly investigated and there was no basis found for any sort of prosecution. Instead, the Obama administration decided they wanted to appoint a special prosecutor to go after those people again.

Third, there's an effort to bring lawyers up on ethics charges because some people disagree with the legal opinion that they reached. And, of course, just recently we found that that effort has failed.

Fourth, last year, the Speaker, under pressure from questions about what she knew about these interrogations, alleged that the CIA lies all the time, despite the considerable evidence that she had been fully briefed about the interrogations. And the Speaker's charge was so indefensible that this bill got postponed for 7 months and couldn't even come to the floor, in order to protect her.

□ 1345

So you see that string of going after the intelligence community of making accusations against them. And then what we find in the manager's amendment is this provision that creates new crimes only for the intelligence community when they try to illicit information. It is rather remarkable.

Anywhere in America, if a prison guard tries to wake a prisoner up, it's okay; it's part of the prison routine. Under this provision, if a terrorist does not get a proper amount of sleep, the intelligence community can be prosecuted and sent to jail for 15 years.

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman an additional 2 minutes.

Mr. THORNBERRY. Anywhere in America there is a criminal investigation, it might be pointed out to a criminal suspect that it would be better to cooperate or the death penalty could be a potential punishment for his crime. It is against the law under this McDermott provision for an intelligence professional to in any way threaten physical harm or coercion against a terrorist in order to get information. In other words, what goes on every day all across America in the criminal justice system would be prohibited in this provision in the manager's amendment.

It is in many ways unthinkable. In many ways, it's topsy-turvy land where we forget who the good guys are, who the guys trying to keep us safe are, and who the bad guys are. It's all turned upside down.

We all remember the photos of abuses from Abu Ghraib in Iraq. They were deplorable. The people responsible were prosecuted under the criminal law, as they should have been. But to extrapolate from that, the source of restrictions here starting on page 33 of the manager's amendment is, I think, indefensible.

Intelligence is a serious business. The people who are involved in it risk their lives to keep us safe. And to threaten, as this law would, to put them in jail for 15 years if they don't give somebody, whatever the terrorist says is part of their individual religious beliefs, I think, is dangerous, irresponsible. And it tells the intelligence community that we talk so much but we're not going to back up our words; in fact, we're going to prosecute you. That's a mistake.

I am deeply disturbed by some of the trends in this bill, and I hope that the manager's amendment will not be adopted, and if it is, this bill should certainly be rejected.

Mr. REYES. It's now my pleasure to yield 1½ minutes to my good friend and former member of the House Intelligence Committee who still is a valued resource for us, Mr. BOSWELL from Iowa.

Mr. BOSWELL. Madam Chair, I would like to engage the chairman of the Intelligence Committee for the purposes of a colloquy.

Mr. REYES. Madam Chair, I am happy to oblige my good friend, Mr. BOSWELL.

Mr. BOSWELL. I would like to clarify the intent of section 312 of H.R. 2701

regarding the authorization of the Intelligence Officer Training Program.

As I understand it, that section will authorize the Director of National Intelligence to provide grants to institutions of higher learning to develop, among other things, innovative methods of teaching high-priority foreign language skills.

Is my understanding of this provision correct?

Mr. REYES. You are correct, Mr. BOSWELL.

Mr. BOSWELL. My understanding is that Drake University in Des Moines, Iowa, has a highly innovative foreign language skills program. Under that program, Drake students work with native speakers in groups of five or fewer three times a week. Such students may also take a ''strategies'' course, which has several goals, including helping students approach the culture they are studying through a nonethnocentric lens.

Former students of this program have gone on to teach in China, become Fulbright Scholars, provide translation services, perform nonprofit and missionary work in El Salvador, complete advanced degrees in languages, and excel in the corporate world more generally.

Is Drake University's language program the type of program that the intelligence community believes would be a good candidate to receive a grant from the ODNI under section 312 of H.R. 2701?

Mr. REYES. Having had the opportunity to visit Drake University with you, you are correct.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 30 seconds.

Mr. BOSWELL. Thank you, Chairman REYES, for that comment and that visit. That is correct. I appreciate that.

I want to thank you for the clarification.

Mr. HOEKSTRA. I would like to yield 4 minutes to my colleague from Michigan, a strong defender of the Intelligence Committee, Mr. ROGERS.

Mr. ROGERS of Michigan. I can't tell you how disappointed I am in this bill for all that is at stake in the country.

When there was a switch in debate about how we approach the war on terror, that's a legitimate argument, a legitimate debate to have, and we should do it under the light of day with all of the sets of consequences that come with any change of policy about how we go after terrorists overseas. And the notion that was brought out that, gee, if we just treat this like a law enforcement environment, if we treat it the way we would treat the average American citizen and extend the rights and the privileges to foreign-trained terrorists, the world will like us, the world will be a better place, we will have no more problems, they're going to go away, we will get them in the courtrooms of America, there is a fundamental flaw with doing this.

In order to fully function as a law enforcement effort, the administration has sent FBI agents overseas into the battlefield to read Miranda rights to tell foreign-trained terrorists who probably couldn't find, some of them, America on a map that you have the right to remain silent; if you can't afford a lawyer the United States will appoint one for you; we will pay for it.

The fact that if they get to the airport and stand in line with an explosive device next to you or your children or a family member or some other American citizen, we will catch them then, and we will put them in trial and read them their Miranda rights even though they were recruited overseas, trained overseas, in many cases surreptitiously moved to different parts of different countries in order to get every aspect of their training. And they're taught that they are on a combat mission. That is what they're taught, that your goal in this event is to go cause harm and casualties and chaos to Americans on American soil or to our allies on their soil. So they look at this as they have when they've declared war numerous times. They have declared war on the United States, and they're ready to kill Americans to prove their point.

So some notion that by the time they get to the airport or board the plane we've been successful because we've had the opportunity to read them the Miranda rights is fundamentally flawed, and that is a fight that we will lose. We're going to lose that fight. You can't hire enough TSA agents. You can't hire enough domestic FBI agents. You can't send enough FBI agents into the battlefield to read Miranda rights to stop their effort.

When you treat them like a criminal and read them their rights, you allow a defense attorney to start the negotiations about how much they will or will not cooperate. That starts. That happens. Clearly, the Christmas Day bomber enjoyed that same benefit.

And I'll tell you, that first 24 to 48 hours is critically important in the intelligence community because of a small thing. This guy isn't going to be able to give you all of the layout of al Qaeda and all of their financing and all of their logistical movements, but he could have given us incredibly valuable information—maybe the name of another airline that may have been targeted on that day that we didn't know about, maybe the name or the description of a bad guy who trained in how to use that explosive device or a place or a town or a person that they may have seen in their training cramp. To most people, that wouldn't mean a lot. To trained professionals in the intelligence business, it means the difference between stopping them and them being successful. That little, small piece of information can save lives.

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield my colleague 1 more minute.

Mr. ROGERS of Michigan. They made a fundamental shift, from proactive intelligence overseas to find them where they train, to where they finance, to where they recruit, to a law enforcement effort to bring them back to the United States. We're bringing foreign-trained terrorists to the United States and putting them in mainstream courtrooms. We're prosecuting CIA officers for following legal advice from the Department of Justice in interrogation. So we're treating CIA officers like criminals, and we're treating foreign-trained terrorists like Americans with all of the benefits and the privileges therein.

You almost couldn't make this up. You couldn't come to this conclusion. And with it, we've got consequences.

When you look at the series of events from the Fort Hood shootings to the Christmas Day bomber and the mistakes that were made and the lost opportunity for disruption, we all ought to sit down and work this out and get us back to where we're putting the interests of Americans first versus the interests of the rights of terrorism before the safety and security of the United States.

I strongly urge a rejection of this bill.

Mr. REYES. Madam Chair, I don't quibble with the opinions that my friends on the other side of the aisle have. It's just facts that don't support those opinions that I quibble with. They're not entitled to their own facts.

I now yield 1½ minutes to a new member of our committee, the gentleman from Oklahoma (Mr. BOREN), a valued member of our committee.

Mr. BOREN. Madam Chair, I rise today in support of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This bill makes an excellent product and much needed investment in many critical areas, including those that have been previously underresourced.

One of the most important investments is this bill's commitment to developing foreign language capabilities, specifically in African languages that have historically been underrepresented within the intelligence community. The bill creates a pilot program under the National Security Education Program, or the NSEP. It expands the David Boren Scholars by requiring the Director of National Intelligence to identify high-priority African languages for which language education programs do not currently exist. The NSEP would then develop intensive training programs for implementation in both the United States and in countries where these languages are spoken.

Let's not forget that 10 years ago we didn't anticipate the conflicts along the Afghanistan-Pakistan border and the need for speakers of the local languages and dialects. When the need arose, we didn't have the capabilities to meet immediate demands, and to this day, we are still playing catch-up.

Similarly, we cannot predict from where the next crisis will emerge, but by recognizing the current instability in the Horn of Africa, Sudan, and Congo, we can anticipate crises that will impact national security.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 15 seconds.

Mr. BOREN. We should be training the linguists and translators in the relevant languages now so that once again we are not reactive in our efforts; we're proactive in our actions.

I urge support for this bill.

Mr. HOEKSTRA. At this time, I'd like to yield 2 minutes to my colleague from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the ranking member for yielding.

This is a very unfortunate bill, and I think this side of the aisle has sufficiently laid out abundant reasons why it should be sent to the committee and fixed. The intelligence community is too important to our national security to allow a bill with as many concerns as this one to pass.

However, I am here also to discuss what I see as a fatal flaw in the way information is disseminated to Members of the House who are not committee members.

Nothing is more critical to the role each of us plays in representing our districts and this country than for us to have every relevant piece of information available to us prior to casting an important vote—certainly prior to casting a vote on one updating the authorizations for the way our government gathers intelligence. Yet many Members of this House have been denied access to key pieces of information simply by virtue of the fact that they do not sit on the Intelligence Committee.

I recognize that membership on any given committee in this Chamber means that one is given access to matters in a special capacity. I respect that. I would even say that dividing up responsibilities is critical in achieving everything in a body as large as this one, but not being a member of the committee should not translate into having access to nothing that falls under the jurisdiction of this committee. Certainly, there are some pieces of information that are so important, of such importance to national security, that every Member of this body, should they so desire, should have access.

Last summer, the story broke about photographs alleging detainee abuse at Guantanamo.

□ 1400

I formally requested, through the Intelligence Committee, access to these photos. I assumed it would be a simple request. In 2005, similar photos at Abu Ghraib were made readily available to every Member of this House by the same committee under the leadership of then-Chairman HOEKSTRA.

This time, after months of no response, I was informed that the committee did not retain the photos and could not or would not allow nonmembers of the Intelligence Committee access. At the same time as my request to view these photos, I requested to review the classified CIA Inspector General report titled ''Counterterrorism Detention and Interrogation Activities.''

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman an additional 30 seconds.

Mr. BURGESS. After months, I was denied my request, no reason given for the denial. I can hardly believe that on an issue as critical and crucial as this I would not be allowed access. I believe strongly that for me to vote on something as important as the Intelligence Authorization Act I should have access to every bit of information.

Finally, on the shooting at Fort Hood, I asked to have attendance at the briefing that was being given. But because a business meeting had to occur before I would be granted permission and none was scheduled, I simply could not attend.

Madam Chair, this bill has problems on many, many levels, but it is impossible for me to vote in the affirmative given the restrictions on activities of members of the minority from this committee.

Mr. REYES. Madam Chair, just so we are clear, it doesn't appear that some members of the other aisle realize how important the rules are. The rules of the House apply to everyone on a bipartisan basis. The information he sought was denied from our committee because it didn't fit the criteria and the rules of the House.

With that, I now yield 2 minutes to my friend from the Armed Services Committee, chairman of the Readiness Subcommittee, and a new member of our House Intelligence Committee this year, Mr. SMITH of Washington.

Mr. SMITH of Washington. I certainly think there are a lot of very good things in this bill. Our intelligence community is a critical piece of fighting terrorism. Their counterterrorism efforts are absolutely at the top of the list of what the Intel Committee does.

We are supporting all of our agents in the CIA and throughout the intelligence community, and we thank them for their brave efforts. We are aware that they are putting their lives on the line to prosecute this war every single day. This bill supports them across the board. It has the resources and support they need to do their job.

I could say a lot more about that, but I really want to take issue with some of the things that the minority has said, in particular with these alleged massive changes to our approach to counterterrorism. We have heard about Miranda all day long and what the Justice Department does.

It would surprise people listening to the debate to know this administration has not changed the policy on when or when not to give Miranda to people in the field. Under the Bush administration, the Justice Department went through the same set of issues. If you are looking at a domestic U.S. prosecution of that individual, then you give Miranda. If not, you don't.

There is no blanket order across the Justice Department right now telling the FBI to give Miranda to everybody it has captured throughout the world. It does not exist. It did not happen, despite what the minority has said. You have to make that decision.

In addition, we continue, under the Obama administration, to hold people right now, without Miranda, without trial, without those rights, terrorists from foreign places that we can't do anything else with but we understand they are a threat. That policy has not changed.

What we have attempted to do is clarify those policies for the members of the intelligence community in the field so they know what they are supposed to do and, yes, also to prevent things like Abu Ghraib and Guantanamo, which every single member of the Armed Forces and the intelligence community has told us was a crushing blow to our effort in the counterterrorism effort. To do that, to make those changes is necessary.

But to listen to the minority, you would think that we have given up prosecuting terrorists outside of civilian court.

We haven't. You would think that we would read Miranda to absolutely everybody. We don't. We are trying to make intelligent decisions.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 30 seconds.

Mr. SMITH of Washington. We need to do a better job of intelligence. We need to better coordinate that intelligence. That's what I think we learned from the Christmas Day attack. There is stuff in this bill to try to do this.

We need to do oversight better. We need to have a better idea from the intelligence community to do what they are going to tell us and when, and to make sure there is a record of it, which is in this bill, so that no one can later dispute what they were or were not told.

The minority has a critical role to play in making that happen. Instead they make these baseless charges that somehow we have given up in the fight on terror and we are not supporting the intelligence community. That is absolutely untrue. Majority and minority strongly support our intelligence community, and we are absolutely committed to prosecuting this war to the fullest extent possible.

Mr. HOEKSTRA. Madam Chair, how much time do we have remaining on each side?

The Acting CHAIR (Ms. JACKSON LEE of Texas). The gentleman from Michigan has 10½ minutes and the gentleman from Texas has 13½ minutes.

Mr. HOEKSTRA. I would like to reserve my time until we are more equal.

Mr. REYES. Madam Chair, I now yield 2 minutes to the chairman of the Terrorism-HUMINT, Analysis and Counterintelligence Subcommittee, my good friend from California (Mr. THOMPSON).

Mr. THOMPSON of California. Thank you, Mr. Chairman, for yielding.

I am pleased that this legislation supports critical U.S. intelligence capabilities at a level higher than we ever have in past years. This bill improves the intelligence community's ability to understand hard targets, those countries that pose the greatest strategic threat to U.S. interests.

But it also increases funds for intelligence collections that will support U.S. policy decisions in other important regions such as Africa, Latin America, and Asia. We must continue to focus our resources on our priority targets, but we can't neglect emerging threats. This bill does both.

The bill also includes an amendment that I introduced in committee in conjunction with our colleague, DAVID PRICE of North Carolina, to improve the effectiveness of interrogations and prevent a return to past abuses.

It calls on the Director of National Intelligence to evaluate scientific research on interrogations and assess how to improve our U.S. interrogators' training. It also requires the DNI to assess the ethics training provided to interrogators so they understand the boundaries within which they can operate.

Finally, the bill contains a provision that I sponsored that requires the newly created Inspector General of the intelligence community to study the intelligence community's electronic waste disposal procedures. This provision was designed to protect not just our environment, but also our security. The Inspector General must assess both the environmental impact of these practices and the steps taken to ensure that discarded devices do not contain sensitive information that our adversaries would be able to exploit.

Madam Chair, this legislation will strengthen the capabilities of our intelligence communities and makes our Nation safer.

I urge my colleagues to support this bill.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

I hope that as we have the general debate on this bill right now that we have at least one person who will come up on the other side and explain exactly what is in the McDermott amendment, what it means and what the implication will be to our men and women in the intelligence community. We hear over and over again how ''we support the intelligence community''—without a single hearing.

Perhaps with about 1 minute of debate on the manager's amendment that has been allotted to that McDermott amendment, we will fundamentally change the nature of the intelligence community, how they work and how they operate by creating new criminal statutes, not a minute of hearings in this committee, and all of a sudden it appears out of nowhere in a manager's amendment.

Would someone on the other side please explain the rationale for bringing that in this bill with having no hearing when it will have a fundamental impact on the intelligence community? What is the rationale, and why was the majority unwilling to have hearings on this issue? Why were they unwilling to debate this issue, and why did they bury it into a manager's amendment with 22 other amendments?

Mr. REYES. Madam Chair, I am now pleased to yield 2 minutes to the chair of the Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, and our former ranking member of the House Intelligence Committee, Ms. HARMAN of California.

Ms. HARMAN. I thank the gentleman for yielding to me and hope that what I am about to discuss is supported by the current ranking member.

I rise in strong support of the manager's amendment, which includes two provisions which I authored and which address problems continuing to impede our efforts to keep our country safe.

First, it requires the Inspector General of the intelligence community to report to Congress in 180 days on overclassification of intelligence. Stamping documents ''secret'' or ''top secret'' for the wrong reasons interferes with accurate, actionable, and timely information sharing within the Federal Government and with State and local law enforcement. Protecting sources and methods is the right reason to classify information, but protecting turf or personal embarrassment is not.

D.C. Police Chief Cathy Lanier says she hesitates to share information with the Federal Government for fear it will be immediately classified and rendered useless because she can't tell her officers in the field what to look for when on patrol. A variety of civil liberties and good government groups support our amendment, and I am glad it's in the manager's amendment.

Second, Madam Chair, the manager's amendment requires the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, to assess intelligence on harmful radiological materials, including highly disbursable substances like Cesium-137. It's not possible in this open setting to describe the threat posed by unsecured radiological materials, but a range of experts, including the Defense Science Board, have warned about the danger posed by medical equipment that uses this material.

These machines are in hospitals across the country, in every major town and city. They are not tamperproof. The Departments of Energy and Homeland Security are adding short-term hardening measures to these machines, and the Nuclear Regulatory Commission is investigating alternatives. They need more support.

My thanks to the Rules Committee and to Chairman REYES for including my provisions in the manager's amendment. I am very pleased that after 4 long years we will probably pass an intelligence authorization bill today. I urge an ''aye'' vote.

Mr. HOEKSTRA. I thank my colleague from California for coming down and explaining her amendments. These are issues that we have talked about in the past, and congratulations for having them included in the manager's amendment. I support those kinds of amendments, because they have been discussed and they have broad bipartisan support.

There are other parts of the manager's amendment which I am strongly opposed to because they haven't even had any dialogue, debate or hearings on that.

To discuss one of those, I yield 2 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, I agree with much of what has been said on the other side of the aisle about the good provisions in this bill. I am also disappointed, as the ranking member talked about, that a number of substantive issues were not even allowed to be discussed and voted on.

But in my mind all of that is dwarfed by the provisions in the last section of the manager's amendment beginning on page 32, and I would recommend every Republican and Democrat in this House read for him- or herself this language, because it is a devastating blow to the professionals in our intelligence community who we ask to keep us safe. This language delineates a number of specific acts that it says by law are cruel and degrading treatment. One of those acts is prolonged isolation.

As I mentioned earlier, any prison or county jail anywhere around the country sometimes has to put a prisoner into solitary confinement. But under this law, if an intelligence community professional does that, he is liable for up to 15 or more years in jail for prolonged isolation.

If he does anything that would blaspheme a terrorist's religious beliefs, or cause him to participate in action intended to violate his individual religious beliefs, he is guilty of violating a criminal statute and that intelligence professional whom we count on to keep us safe goes to jail—not the terrorists, but the guy or lady that we are counting on to keep us safe.

There is provision after provision, whether it's deprivation of sleep, even threatening to use force, the religious provisions, as I mentioned, or any act that is the equivalent of this laundry list—sensory deprivation—the terrorists who would be captured would be treated more gingerly than any criminal in any county jail or any prison across the country. This is wrong, and it's reason enough to reject the bill.

Mr. REYES. Madam Chair, I now yield 2 minutes to the chairwoman of the Subcommittee on Intelligence Community Management, a valued member of my committee, Ms. ESHOO from California.

□ 1415

Ms. ESHOO. I thank the chairwoman, and I thank our distinguished chairman for his wonderful and dedicated leadership of the House Intelligence Committee.

It's been far too long since we've had an Intelligence authorization bill enacted. Because Congress has the responsibility to set guidance for the intelligence community to strengthen our national security, which is really our highest obligation here in Congress, I am really pleased that this critical legislation is on the floor today.

This bill take some very important steps to increase congressional oversight of the intelligence community, which is very much needed. I would like to address two in particular that came out of the subcommittee that I am proud to chair.

First, the bill creates an independent intelligence community inspector general. So many of the issues in the intelligence community cut across multiple agencies, and today there is no one who can look at all sides of these issues. This inspector general will have the dual responsibility to report to the Congress, not just to the Director of National Intelligence, increasing our oversight.

Second, this bill allows the GAO to conduct audits and reviews of the intelligence community. We all know the value of the GAO's assessments firsthand. Their reputation for objective, thorough reviews is second to none. But today, the intelligence community refuses to allow GAO in the door, even when Congress has asked them to investigate. This is not going to stand because the bill corrects it.

The bill increases oversight of the security clearance process and takes steps to improve information sharing, both high priorities of my subcommittee. We have had numerous hearings on these topics and will continue to do so.

Finally, my colleagues, we all take this responsibility to oversee the intelligence community very seriously. We are the eyes and ears of the American people to examine the issues that are hidden behind the walls of classification, and as the voice of the American people to ask the questions which they cannot. This bill strengthens our ability to do just that, and I urge my colleagues to support it.

The Acting CHAIR. The gentlewoman's time has expired.

Mr. REYES. I yield the gentlelady 15 additional seconds.

Ms. ESHOO. Finally, I would like to say in response to really a terrible charge that was made by one of our colleagues on the other side of the aisle that this bill weakens the intelligence community, that it is an attack on the intelligence community: we can't let that stand. There isn't anything farther from the truth. This is singularly the largest Intel authorization with its base budget in the history of the United States of America. We are giving to the intelligence community the very tools that it requires, that it has requested, and are glad to do so.

Mr. HOEKSTRA. Madam Chair, I would like to yield 2 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. I, too, along with my colleague from Texas, and certainly the ranking member from Michigan, want to bring to the attention of this body just how dangerous the amendment is that says this, ''Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit or conspires to commit an act of cruel, inhumane, or degrading treatment.'' And it goes on to talk about infringing on their religious beliefs by any notion whatsoever that isn't defined in the bill.

Sleep—it talks about lack of sleep. As a matter of fact, the interrogators are probably getting a lot less sleep than actually the terrorists they are interrogating because they also process the information before and after the interrogations.

You have created a whole new direction to go after the very people who are interrogating people trying to kill Americans, and you are saying we are going to put you in jail if you push your limits. And by the way, torture is already against the law. Nobody, and I mean nobody, is pushing torture. What we're saying is, you cannot make this so unreasonable that they won't do it. And if you don't think that this will have an impact on an agent making the determination, should I or shouldn't I, you know what? I was hoping to turn around and find 300 screaming, cheering Americans saying thank you for your patriotism and your service, not 25 Justice Department lawyers with subpoenas.

You will absolutely freeze the intelligence community's ability to go out and get information that they need, and it is absolutely naive to believe that they're going to do it anyway. I'm sorry, that's not the way it works. These folks want to follow the law; they want to follow the Constitution. And guess what? At the end of the day, they're willing to risk their lives to protect their country and their fellow Americans, and this is the treatment that we give them.

This one provision alone will disrupt I can't tell you how many operations worldwide and is worthy of our rejection of this direction in the intelligence community.

Mr. REYES. Madam Chair, it is now my privilege to yield 2 minutes to the chairman of the Subcommittee on Technical and Tactical Intelligence, the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Madam Chair, first, I would like to focus on two of this bill's most important provisions as it relates to technical and tactical: first, cybersecurity, and, number two, space.

The bill makes significant investments in the variety of critical cybersecurity programs, a need highlighted by repeated attacks on the information technology systems of the Federal Government and private industry over the past year.

As cybersecurity evolves and intensifies, our intelligence community must be able to respond quickly and with the latest technologies available. The National Security Agency, which I'm proud to say is in my district, has already developed a number of technologies that are already helping to protect us against these threats; but we need to ensure that NSA and other intelligence agencies have the resources that they need to develop and deploy the defenses that will keep our networks running and information secure. This bill helps do that.

Second, this bill makes important investments in space. It supports the President's request to develop a new imagery capability. In addition, it supports the Senate proposal, which we must start funding to continue building upon our known capabilities.

These are critical investments, and we are prepared to see them through. We must keep major space acquisitions on budget and on schedule. We do not have unlimited resources and cannot afford to have these critical acquisitions spin out of control.

I am also pleased that the bill encourages the DNI and Director of the NRO to leverage commercial capabilities to the fullest extent possible. Commercial tools have significantly improved in recent years. Using these capabilities to complement government efforts will not only provide a cost-effective way of meeting our needs; it will support the revitalization of the long-struggling commercial space industry.

I also want to make just some response to my peers on the other side. The Intelligence Committee is a very important committee; national security is at stake. We must come together as citizens first. There are a lot of allegations—we understand there are some politics in whatever we do—but when it comes to national security intelligence, we have got to find a way to make sure we focus on the priorities. Those priorities are in this budget.

There are some things that we might not all agree with; but in the end, we vote on the bill that we feel is right for our Nation. And believe me, there is nothing that either side will do to help the terrorists; we will go after the terrorists with a vigor.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

There are a lot of things in this bill that are not addressed, that were not

allowed to be put in order as we went through the rules process. One of those things is how we are going to deal with the detainees from Guantanamo.

You know, at one time they were going to be moved into Kansas; the people in Kansas stood up and said no. They then were going to moved to Michigan, and the people in Michigan stood up and said no. They then were going to be moved to South Carolina, and the leadership in South Carolina said no. Now it is the people in Illinois that are fighting the valiant battle and saying, no, we don't want them in our State either.

There has been a fundamental problem in each case where the administration has proposed moving these individuals into a State; there has been absolutely no transparency. People in Michigan, people in Illinois, people in South Carolina and Kansas have all asked for the fundamental information: Who are these individuals? Why are they in Guantanamo? What did they do to deserve to be there? What has their behavior been while they have been in Guantanamo? In each case, for each of those States we've said, before the States make up their mind as to whether they are going to accept these individuals or not, share these individuals with the policymakers and the decision-makers in that State.

Mr. REYES. Madam Chair, it is probably a good point that the ranking member makes that there should be a debate on Guantanamo; unfortunately, this is not the right bill to have that debate on.

I now yield 2 minutes to the chairman of the Select Intelligence Oversight Panel, and a member of the House Intelligence Committee, a valued member, Mr. HOLT from New Jersey.

Mr. HOLT. Madam Chair, I thank the distinguished Chair of the House Permanent Select Committee for bringing this bill to the floor. As he said, it is not perfect, and there are some things that have developed since the committee sent this bill to the floor, but on balance, we need it and I support it.

I am pleased that the bill includes language I developed that mandates video recording of detainee interrogations by the Central Intelligence Agency. This provision's purpose is simple: to improve the intelligence operations of the CIA and enhance our national security by ensuring the video recording of each detainee interrogation. It requires the Director of the CIA to promulgate and to provide to Congress the guidelines under which such video recording shall be done. And it requires that the video recordings have to be maintained and so forth. I note that this provision is extremely similar to the one that was included in last year's National Defense Authorization Act and that now serves as the legal basis for video recording of detainee interrogations within the Department of Defense.

The benefits of video recording and electronically recording interrogations are evident, and law enforcement organizations across the United States routinely use the practice to both protect the person being interrogated and the officer conducting the interrogations and, importantly, to get better, more useful information. Clearly, the CIA itself valued this tool as well, otherwise it would not have made the recordings that it did of interrogations of ''high-value'' detainees that were captured in the wake of the 9/11 attacks. The amendment will allow the CIA Director to determine how to conduct the recordings in a way that protects the identity of interrogators and protects other material that must be kept secret.

Finally, the bill also advances some of my other priorities, including a sustained emphasis on improving foreign language capabilities, expanding GAO's ability to conduct investigations of intelligence community activities, and a long-overdue declassification review requirement for gulf war illness-related records at the CIA.

I urge my colleagues to join me in voting for this bill.

Mr. HOEKSTRA. I yield my colleague from Texas (Mr. THORNBERRY) 1½ minutes.

Mr. THORNBERRY. Madam Chair, our colleague on the Intelligence Committee from New Jersey talked about the importance of interrogations. It is absolutely true that much of the information that the United States has received since 9/11 which has prevented further successful terrorist attacks on our homeland has come from interrogations. That is why it is so important that we maintain that tool done by professionals in the right way, absolutely. But to tie their hands and allow those professionals conducting interrogations of terrorists even less latitude than the county sheriff or the FBI investigating a bank robbery have just seems to me to be madness. And yet the manager's amendment, which has traditionally been used for technical-type corrections, less controversial sorts of issues, the manager's amendment on this bill includes an amazing expansion of criminal liability only for those in the intelligence community.

It seems to me that before we start prosecuting members of the intelligence community for not giving terrorists the amount of sleep they ask for or for doing something that may violate whatever they describe as their religious beliefs, we ought to think twice about it.

It is important to say there is no reasonableness standard to say what is reasonably your intelligence belief or a reasonable amount of sleep; this is all at the discretion of the terrorist. We are jumping to their tune under this language. It is dangerous, and it should be rejected.

□ 1430

Mr. REYES. Madam Chair, may I inquire of the time remaining on both sides?

The Acting CHAIR. The gentleman from Texas has 3¼ minutes remaining, and the gentleman from Michigan has 3 minutes remaining.

Mr. REYES. Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I am going to be the last speaker, so we only have one speaker left.

I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 1½ minutes to the chairwoman of the Oversight and Investigations Subcommittee, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Chair, I am proud to support this legislation because it will provide the men and women of our intelligence community with the tools they need to protect the Nation while implementing vital provisions to promote accountability and oversight.

As the Chair of the Subcommittee on Oversight and Investigations, I have worked to limit the intelligence community's dangerous overreliance on private contractors. To that end, I have worked hard to include section 338 in this bill, which requires the Director of National Intelligence to provide a comprehensive report to Congress on the intelligence community's use of personal service contracts. It is my hope that this report will finally give us a clear picture of how much our national security has been doled out to the lowest bidder.

I want to talk for a minute about the issue of torture. I think it is so important to underscore that the manager's amendment includes language originally proposed by Mr. MCDERMOTT that reiterates existing law on torture and that provides statutory criminal penalties for individuals who knowingly commit an act of cruel, inhumane, or degrading treatment.

What I have been hearing from the Republicans is that somehow we are sacrificing our national security by not allowing the torture of our enemies. In fact, I think we are enhancing our national security by saying that we will eliminate provisions which allow for terrorists to be empowered and to recruit more people. If we stick to our values, we enhance our national security. These are already in law right now, and that is all this bill does is underscore the lawfulness of the new rules.

Mr. REYES. Madam Chair, I yield 1 minute to a valued member of our committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Madam Chair, I rise in support of the intelligence authorization bill. As a member of the committee, I am confident it provides our intelligence community with the tools it needs to keep our country safe. There are two aspects of the bill that I would like to highlight.

First, the bill includes the most substantial reform to the oversight relationship between Congress and the executive branch in a generation. The bill

requires that the President provides all notifications in writing and to maintain a record of briefings. It requires the President to inform all members of the Intelligence Committees when a Gang of Eight briefing is conducted, giving members who are not in the Gang of Eight the awareness they need to prevent abuse of the process. It requires the President to open up the briefing to the full committee after 180 days unless the Director of National Intelligence recertifies that the standards of the statute are still met.

Second, the bill makes critical investments in our overhead infrastructure and architecture. This is essential to our intelligence capability and wouldn't be possible without the work of some of the most brilliant minds in the country, like the scientists at the Jet Propulsion Laboratory.

We are not giving the administration a blank check. It is imperative that our major acquisitions stay on budget and on schedule. Resources are scarce, and we cannot allow a handful of programs to spin out of control. The committee will keep a close eye on those programs.

Mr. HOEKSTRA. Madam Chair, my colleague on the other side of the aisle, Chairman REYES, has said now is not the time to talk about Gitmo. Obviously, the majority has also said now is not the time to talk about getting an independent assessment of what is going on in Iran. Now is not the time to talk about the release of unclassified versions of documents related to the use of enhanced interrogation techniques. Now is not the time to talk about bringing the Gitmo folks here. Now is not the time to talk about the time lapse between Fort Hood and Christmas Day and what did and did not happen during that period of time. Now is not the time to talk about a process for the authorization and notification of covert actions that may result in the death of a targeted U.S. citizen.

So it is not time to talk about any of those or to debate any of those issues which are absolutely critical to the effectiveness of our intelligence community and to keeping America safe.

Interestingly enough, it is the day not to talk about but to bury into a manager's amendment 22 different amendments, including one that will fundamentally change the way our intelligence community has to do business. No hearings. No discussions. No debate. Buried in there is the McDermott amendment. We are now limited to, at most, 10 minutes per side to talk about 22 amendments in the manager's amendment, which will come up immediately following this general debate. Yet it is interesting that, in the discussion of general debate, not one person on the other side was willing to defend this amendment and the process by which it was included—meaning no discussions, no debate—or to defend the content of what is included in the manager's amendment.

Is this what the process in the House has now come down to, that we bury these critical amendments between 22 other amendments? If we split up the time equally, let's see. We have 22 amendments divided by 20 minutes. We will, maybe, have 1 minute of debate. We will have 1 minute of debate on this amendment. It will be interesting when our folks in the intelligence community see what our friends on the other side of the aisle have done to them today, our friends on the other side who talk about how they so strongly defend our intelligence community. When they go visit them in the field, I would guess that they are going to get a very cold reception.

The other thing that they are going to do is they are going to have questions, and they are going to expect the majority to explain how they did this with no hearings. They are going to have to explain exactly, Now, what does this amendment do? How does it impact us? What does it mean? How is it operational?

I assume you knew that before you voted on it on the floor of the House, and my answer is going to be, I don't think they do.

I yield back the balance of my time.

Mr. REYES. Madam Chair, I understand the frustration on the minority side. As an Army veteran, as a veteran of Federal law enforcement for 26½ years, I understand and value the United States Constitution. I understand and value that we have to live by the rules. I understand and value the fact that we are a global leader that is much respected.

The gentleman talks about one amendment, and that amendment simply says, Follow the rules. Follow the law. Follow the principles that have made this country great. I understand that.

Apparently, the minority does not understand that, and I feel for them because, in the final analysis, I have been with members of the intelligence community in faraway places around the world. I have been with them and their families at Bethesda when they were recuperating from the attack in Khost. I have been to the ceremony at the CIA. I understand what they go through. This is a good bill. It deserves everybody's support.

Mr. HOYER. Madam Chair, I rise in support of this Intelligence Authorization bill, which authorizes the tools America needs to detect and combat its greatest threats, including what President Obama called "a far-reaching network of violence and hatred."

In the past weeks, we've seen a great deal of evidence that policies adopted by President Obama and Democrats are working to keep Americans safer. In Pakistan, the government is cooperating for the first time in the arrest of top Taliban leaders, including second-in-command Abdul Ghani Baradar and Abdul Kabir, a member of the senior leadership. At home, Najibullah Zazi has just pled guilty in federal court for attempting to bomb New York City's subway, and the Christmas Day bomber is giving us timely intelligence.

This bill continues the policies that are working and strengthens America's intelligence collection. It significantly increases funding for human intelligence, a resource that is irreplaceable in disrupting terrorist networks. To ensure the broad reach of our intelligence community, it makes important investments in language training and scholarships, so that our personnel will have the resources to infiltrate networks and intercept communications around the world. It also strengthens our defenses against the emerging threats of cyberterrorism and cyberwarfare, which, if unchecked, could have a crippling effect on our military and economy. And this legislation makes an important contribution to America's nuclear non-proliferation efforts by requiring reports on the nuclear intentions and capabilities of Iran, Syria, and North Korea, as well as on the worldwide black market in materials that could contribute to nuclear weapons.

At the same time as it strengthens our intelligence capabilities, this authorization bill also ensures that they receive reasonable and responsible oversight to protect Americans' rights. It creates an independent inspector general with responsibility for the entire intelligence community; protects the Intelligence Committees' access, through the Government Accountability Office, to the information it needs to conduct proper oversight of intelligence activities; and requires that the CIA Inspector General audit each covert action at least once every three years. To prevent the abuse of detainees that weakens our moral case to the world without making Americans safer, this bill also prohibits private contractors from interrogating detainees in CIA custody. Finally, this bill, like the recently-passed Defense Authorization bill, prevents the release or transfer of Guantanamo detainees until the president provides a plan for dealing with those detainees and mitigating any risk their release or transfer might cause.

Madam Chair, the Founders spoke of providing "for the common defense" not only because we face common threats, but because the work of overcoming them must be common to all of us. That work is far too important to be subjected to fear-mongering or the demands of the political cycle. That doesn't obligate all of my colleagues to vote for this bill, though I hope they will; but it does oblige us to conduct this debate, today and in the days to come, with the respect and responsibility that our common defense from common danger demands.

Mr. VAN HOLLEN. Madam Chair, I stand in support of the 2010 Intelligence Authorization Act.

This measure continues congress' commitment to delivering to the men and women who serve in the country's intelligence community the resources they need to conduct the vital work of protecting American lives. This bill ensures that these resources are delivered in a manner that strengthens accountability.

In addition to authorizing funding for 16 U.S. intelligence agencies and intelligence-related activities of the government, the bill contains important provisions to expand independent government oversight of the intelligence community so that the American public can be confident that the essential work of intelligence gathering is done in a manner that comports with the highest moral standards.

To ensure that all relevant members of congress are kept abreast of all important intelligence developments, the bill repeals the

''Gang of Eight'' provision which has for years limited some congressional intelligence committee member access to intelligence information and activities. With the passage of this measure, the president will be required to brief all covered members of congress on the covert actions and programs of the government. This will ensure that all officials who have been elected to oversee intelligence matters are briefed and aware of events as they unfold.

To help combat waste, fraud and abuse, the bill creates a new Office of the Inspector General and invests the office with subpoena powers and important protections to ensure its independence.

Madam Chair, Congress has not sent an intelligence authorization bill to the president for his signature in more than 5 years. That means for five years, congress has not been a full partner in the development of this country's national security policy. We need to pass this bill, not only to fulfill our oversight responsibilities, but also for the sake of the brave men and women in and out of uniform who have dedicated themselves to the important work this bill helps to fund.

Mr. PRICE of North Carolina. Madam Chair, I rise today in strong support of this legislation. It has been five long years since an intelligence authorization bill was last signed into law, and each new revelation about the conduct of the previous administration testifies to the need for effective congressional oversight of the intelligence community.

This bill also provides an opportunity to move beyond questions of misconduct and abuse to address the longer-term challenges of improving our intelligence capabilities, making them responsive to cyber-security and other new threats, and ensuring that they are accountable to Congress and the American public.

I'd like to highlight two aspects of the bill on which I have worked in recent years (along with colleagues such as Ms. SCHAKOWSKY and Mr. HOLT), and which I believe are important steps toward improving the effectiveness of our intelligence operations.

First, the bill contains several provisions dealing with the use of private contractors by the intelligence community, which by some reports has come to consume nearly half of the annual intelligence budget.

It would require a comprehensive report on the number and cost of contractors employed by the intelligence community and the extent of their use for intelligence collection, analysis, and other covert activities including detention and interrogation.

It also explicitly prohibits the use of contractors for the interrogation of detainees, codifying a prohibition that the CIA itself has already adopted.

Both of these measures are based on my Transparency and Accountability in Intelligence Contracting Act (H.R. 963), and both were approved by the House in the last intelligence authorization bill but were not signed into law.

Secondly, the bill lays a foundation for making the practice of interrogation more effective, professional, and ethical.

I have worked closely with Subcommittee Chairman MIKE THOMPSON in crafting a section of this bill based on H.R. 591, my comprehensive interrogation and detention reform bill.

Our provision would require the DNI to report to Congress on:

The quality and value of existing scientific research on interrogation;

The state of interrogation training within the intelligence community, including its ethical component;

Efforts to enhance career paths for interrogation specialists; and

The effectiveness of existing processes for studying and implementing best practices.

These and other key provisions of this bill are only a start, but they represent an important first step toward improving the effectiveness and accountability of our intelligence community, and ensuring that the necessary measures we take to protect our country do not come at the cost of our fundamental values.

Finally, I feel compelled to add that my colleagues on the other side of the aisle who are claiming that this bill—and this Administration—somehow do not appreciate the threat our nation is facing have clearly neither read the text of this legislation nor given the issue much serious thought. Rather than holding up military commissions at Guantanamo Bay as a panacea for all of our ills, we should be confronting the threats we face squarely, soberly, and with vigilant attention to questions of effectiveness and ethicality—which is exactly what this bill does.

I thank Chairman REYES, Ranking Member HOEKSTRA, and the members of their committee for their leadership and their continued attention to these vital issues, and I urge my colleagues to support this legislation.

Mr. ETHERIDGE. Madam Chair, I rise today in support of H.R. 2701 the Fiscal Year 2010 Intelligence Authorization Act. This bill will make our nation safer by improving federal intelligence operations and supporting a national defense strategy that is both strong and smart.

I am proud to represent Fort Bragg and Pope Air Force Base. For many years I was the only member from North Carolina on the Homeland Security Committee. I am also a veteran of the United States Army. All these experiences make me particularly mindful of the importance of intelligence. Successful intelligence makes our men and women in the military safer. This is the least we can do for those who voluntarily put themselves in harm's way.

I am also aware of the cost of intelligence failures, where either oversight or intelligence falls short. H.R. 2701 is an important bill that both provides necessary investments in intelligence, and implements the democratic controls needed to be certain that those investments are well managed.

This bill will ensure that Congress fully understands own responses to terror. Complete review of the recent, failed attempt at an attack on Northwest Airlines flight 253 can make future attempts more likely to fail as well. Similarly, the mandated report on the anthrax attacks of nine years ago will publicize lessons learned about emerging threats, helping us to deal with similar threats more effectively in the future.

Madam Chair, I support this legislation, and I urge my colleagues to join me in passing H.R. 2701.

Mr. KUCINICH. Madam Chair, I rise in strong support of the dedicated public servants of our intelligence community. Their work to ensure our national security is to be commended. However, I must oppose the Intelligence Authorization Act of 2010.

This legislation contains provisions that implement vital measures of accountability, such as a provision to prohibit the use of funds for payment to any contractor to conduct interrogations of detainees currently in custody. I also support the provision in this legislation to establish an independent intelligence community-wide Inspector General. These provisions are an important step to ensure that mechanisms of accountability and oversight are in place. However, I remain concerned that some of the methods being employed by our intelligence community may amount to serious violations of international law and our Constitution.

Last month, The Washington Post and New York Times reported that the Joint Special Operations Command (JSOC) maintained lists of ''high value individuals'' targeted for assassination abroad, and that those lists contain U.S. citizens. What's more, the President may have authorized military operations with the express understanding that a U.S. citizen might be killed, or may be killed in the future.

Under such a policy, U.S. citizens are added to the list simply for being suspected of involvement in terrorism, in subversion of their basic constitutional rights to due process of law. Their right to a trial and to present a defense is summarily and anonymously stripped from them. History has demonstrated that the U.S. government has been mistaken when accusing someone of involvement in terrorism. Most recently, following the 2008 Supreme Court decision to afford detainees held indefinitely at Guantanamo Bay habeas corpus rights, the government was forced by federal judges to release thirty-three of thirty-nine detainees on the grounds of insufficient evidence to support accusations of their involvement in terrorism. U.S. citizens accused of involvement in terrorism are not even afforded the same rights that Guantanamo detainees are—if they are added to the targeted assassination list, their punishment is murder.

In response to these reports, I submitted a common-sense amendment that would have required the President to report to the congressional intelligence committees the identities of all U.S. citizens included on such lists, currently or in the future. My amendment was about accountability. If the Administration sees fit to revoke unilaterally the constitutional rights of U.S. citizens abroad based on suspicion of involvement in terrorism, devoid of any judicial review, it must at least be required to report to the congressional intelligence committees each time a U.S. citizen is added to a targeted assassination list.

Since the beginning of the War in Iraq more than eight years ago, I have expressed grave concern that intelligence is being fabricated or abused by the Executive Branch to justify the war in Iraq. More recently, The Nation reported that Blackwater was intimately involved in a targeted assassination program run by the JSOC and the Central Intelligence Agency (CIA) in Pakistan—a country with which we are not at war. I am gravely concerned about the use of private security contractors in intelligence work, particularly in programs that have virtually no transparency, accountability, or oversight. I remain concerned that we are continuing to conduct intelligence work in contravention of international law and in violation of the U.S. Constitution.

I will continue to work to ensure that all have equal protection under the law; and that

Congress conducts its constitutionally mandated oversight of the Executive Branch effectively.

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

The Acting CHAIR. All time for general debate has expired.

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

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

H.R. 2701

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2010''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Prohibition on earmarks.
Sec. 106. Restriction on conduct of intelligence activities.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Temporary appointment to fill vacancies in Presidentially appointed and Senate confirmed positions in the Office of the Director of National Intelligence.
Sec. 303. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.
Sec. 304. Provisions relating to the Defense Civilian Intelligence Personnel System.

Subtitle B—Education

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.
Sec. 312. Intelligence officer training program.
Sec. 313. Modifications to the Stokes educational scholarship program.
Sec. 314. Pilot program for intensive language instruction in African languages.

Subtitle C—Congressional Oversight of Covert Actions

Sec. 321. Reporting on covert actions.

Subtitle D—Reports and Other Congressional Oversight

Sec. 331. Report on financial intelligence on terrorist assets.
Sec. 332. Annual personnel level assessments for the intelligence community.
Sec. 333. Semiannual reports on nuclear weapons programs of Iran, Syria, and North Korea.
Sec. 334. Annual report on foreign language proficiency in the intelligence community.
Sec. 335. Government Accountability Office audits and investigations.
Sec. 336. Certification of compliance with oversight requirements.
Sec. 337. Reports on foreign industrial espionage.
Sec. 338. Report on intelligence community contractors.
Sec. 339. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.
Sec. 340. Report on intelligence resources dedicated to Iraq and Afghanistan.
Sec. 341. Report on international traffic in arms regulations.
Sec. 342. Report on nuclear trafficking.
Sec. 343. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.
Sec. 344. Study on electronic waste destruction practices of the intelligence community.
Sec. 345. Report on retirement benefits for former employees of Air America.
Sec. 346. Study on college tuition programs for employees of the intelligence community.
Sec. 347. National Intelligence Estimate on global supply chain vulnerabilities.
Sec. 348. Review of records relating to potential health risks among Desert Storm veterans.
Sec. 349. Review of pensions of employees affected by ''five and out'' program of the Federal Bureau of Investigation.
Sec. 350. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 351. Summary of intelligence on Uighur detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 352. Report on interrogation research and training.
Sec. 353. Report on plans to increase diversity within the intelligence community.
Sec. 354. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.
Sec. 355. Repeal of certain reporting requirements.
Sec. 356. Incorporation of reporting requirements.
Sec. 357. Conforming amendments.

Subtitle E—Other Matters

Sec. 361. Modification of availability of funds for different intelligence activities.
Sec. 362. Protection of certain national security information.
Sec. 363. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 364. Exemption of dissemination of terrorist identity information from Freedom of Information Act.
Sec. 365. Misuse of the intelligence community and Office of the Director of National Intelligence name, initials, or seal.
Sec. 366. Security clearances: reports; ombudsman; reciprocity.
Sec. 367. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 368. Intelligence community financial improvement and audit readiness.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.
Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 403. Additional duties of the Director of Science and Technology.
Sec. 404. Plan to implement recommendations of the data center energy efficiency reports.
Sec. 405. Title of Chief Information Officer of the Intelligence Community.
Sec. 406. Inspector General of the Intelligence Community.

Subtitle B—Central Intelligence Agency

Sec. 411. Review of covert action programs by Inspector General of the Central Intelligence Agency.
Sec. 412. Prohibition on the use of private contractors for interrogations involving persons in the custody of the Central Intelligence Agency.
Sec. 413. Appeals from decisions of Central Intelligence Agency contracting officers.
Sec. 414. Deputy Director of the Central Intelligence Agency.
Sec. 415. Protection against reprisals.
Sec. 416. Requirement for video recording of interrogations of persons in the custody of the Central Intelligence Agency.

Subtitle C—Other Elements

Sec. 421. Homeland Security intelligence elements.
Sec. 422. Clarification of inclusion of Drug Enforcement Administration as an element of the intelligence community.
Sec. 423. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 424. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 425. Associate Director of the National Security Agency for Compliance and Training.
Sec. 426. General Counsel of the National Security Agency.
Sec. 427. Inspector General of the National Security Agency.
Sec. 428. Charter for the National Reconnaissance Office.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 502. Expansion and clarification of the duties of the program manager for the information sharing environment.
Sec. 503. Classification review of executive branch materials in the possession of the congressional intelligence committees.
Sec. 504. Prohibition on use of funds to provide Miranda warnings to certain persons outside of the United States.

Subtitle B—Technical Amendments

Sec. 511. Technical amendments to the Central Intelligence Agency Act of 1949.
Sec. 512. Technical amendment to mandatory retirement provision of Central Intelligence Agency Retirement Act.
Sec. 513. Technical amendments to the Executive Schedule.
Sec. 514. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
Sec. 515. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

Sec. 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 517. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 518. Technical amendments to the National Security Act of 1947.
Sec. 519. Technical amendments to title 10, United States Code.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

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

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

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

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

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

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress.

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

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2010 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2010 the sum of $672,812,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2011.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 853 full-time or full-time equivalent personnel as of September 30, 2010. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2010 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2011.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2010, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—Nothing in the classified Schedule of Authorizations, a report of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress, a joint statement of the managers accompanying a conference report on such bill, or the classified annex to this Act, shall be construed to authorize or require the expenditure of funds for a congressional earmark.

(b) CONGRESSIONAL EARMARK DEFINED.—In this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, or Resident Commissioner of the House of Representatives or a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SEC. 106. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2010 the sum of $290,900,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

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

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

SEC. 302. TEMPORARY APPOINTMENT TO FILL VACANCIES IN PRESIDENTIALLY APPOINTED AND SENATE CONFIRMED POSITIONS IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

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

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following new subsection:

''(e) TEMPORARY APPOINTMENT TO FILL VACANCIES.—Notwithstanding section 3345 of title 5, United States Code, if an officer of the Office of the Director of National Intelligence, other than the Director of National Intelligence, whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is unable to perform the functions and duties of the office—

''(1) if during the 365-day period immediately preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, the person serving as the first assistant to the office of such officer served as such first assistant for not less than 90 days, such first assistant shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code;

''(2) notwithstanding paragraph (1), the President may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346; or

''(3) notwithstanding paragraph (1), the Director of National Intelligence shall recommend to the President, and the President may direct, a person to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346, if—

''(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, such person served in a position in an element of the intelligence community for not less than 90 days;

''(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule; and

''(C) in the case of a person who is employed by an element of the intelligence community—

''(i) the Director of National Intelligence shall consult with the head of such element; and

''(ii) if the head of such element objects to the recommendation, the Director of National Intelligence may make the recommendation to the President over the objection of the head of such element after informing the President of such objection.''.

SEC. 303. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

''DETAIL OF OTHER PERSONNEL

''SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element, for a period not to exceed two years.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note) is amended by inserting after the item relating to section 113 the following new item:

''Sec. 113A. Detail of other personnel.''.

SEC. 304. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered position'' means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term ''DCIPS pay system'', as used with respect to a covered position, means the provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ''Defense Civilian Intelligence Personnel System'' means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term ''appropriate pay system'', as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,

excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual holding a covered position, including after June 16, 2009.

Subtitle B—Education

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

''PROGRAM ON RECRUITMENT AND TRAINING OF INTELLIGENCE ANALYSTS

''SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

''(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

''(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

''(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

''(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

''(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

''(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used to—

''(1) provide a monthly stipend for each month that a student is pursuing a course of study;

''(2) pay the full tuition of a student or former student for the completion of such course of study;

''(3) pay for books and materials that the student or former student requires or required to complete such course of study;

''(4) pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

''(5) for such other purposes the Director considers appropriate to carry out such program.''.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 303 of this Act, is further amended by inserting after the item relating to section 1021 the following new item:

''Sec. 1022. Program on recruitment and training of intelligence analysts.''.

(2) REPEAL OF PILOT PROGRAM.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 441g note) is repealed.

SEC. 312. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

''INTELLIGENCE OFFICER TRAINING PROGRAM

''SEC. 1023. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out a grant program in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

''(2) In carrying out paragraph (1), the Director of National Intelligence shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

''(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director of National Intelligence may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

''(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

''(A) Curriculum or program development.

''(B) Faculty development.

''(C) Laboratory equipment or improvements.

''(D) Faculty research.

''(3) An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(4) An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

''(A) a description of the benefits to students who participate in the course of study funded by such grant;

''(B) a description of the results and accomplishments related to such course of study; and

''(C) any other information that the Director may require.

''(c) REGULATIONS.—The Director of National Intelligence shall prescribe such regulations as may be necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(2) DIRECTOR.—The term 'Director' means the Director of National Intelligence.''.

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g–2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 311 of this Act, is further amended by—

(1) striking the item relating to section 1003; and

(2) inserting after the item relating to section 1022 the following new item:

''Sec. 1023. Intelligence officer training program.''.

SEC. 313. MODIFICATIONS TO THE STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by striking ''undergraduate'' and inserting ''undergraduate and graduate''; and

(B) by striking ''the baccalaureate'' and inserting ''a baccalaureate or graduate''; and

(2) in subsection (e)(2), by striking ''undergraduate'' and inserting ''undergraduate and graduate''.

(b) TERMINATION.—Section 16(d)(1)(C) of such Act is amended by striking ''terminated either by'' and all that follows and inserting the following: ''terminated by—

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

''(ii) the person voluntarily; or

''(iii) by the Agency for the failure of the person to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency specifies in the agreement under this paragraph; and''.

(c) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Section 16(e) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

(d) OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.—

(1) AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441g et seq.), as amended by section 312 of this Act, is further amended by adding at the end the following new section:

''STOKES SCHOLARSHIP PROGRAM

''SEC. 1024. The head of an element of the intelligence community may establish an undergraduate and graduate training program with respect to civilian employees of such element in the same manner and under the same conditions as the Secretary of Defense is authorized to establish such a program under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 312 of this Act, is further amended by inserting after the item relating to section 1023 the following new item:

''Sec. 1024. Stokes scholarship program.''.

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under such Act, as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established in accordance with subsection (a) shall terminate on the date that is 5 years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Congressional Oversight of Covert Actions

SEC. 321. REPORTING ON COVERT ACTIONS.

(a) GENERAL CONGRESSIONAL OVERSIGHT.—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by adding at the end the following new paragraph:

''(3) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees all information necessary to assess the lawfulness, effectiveness, cost, benefit, intelligence gain, budgetary authority, and risk of an intelligence activity, including—

''(A) the legal authority under which the intelligence activity is being or was conducted;

''(B) any legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views;

''(C) any specific operational concerns arising from the intelligence activity, including the risk of disclosing intelligence sources or methods;

''(D) the likelihood that the intelligence activity will exceed the planned or authorized expenditure of funds or other resources; and

''(E) the likelihood that the intelligence activity will fail.''.

(b) PROCEDURES.—Section 501(c) of such Act (50 U.S.C. 413(c)) is amended by striking ''such procedures'' and inserting ''such written procedures''.

(c) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting ''(including any information or material relating to the legal authority under which an intelligence activity is being or was conducted, and any information or material relating to legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views)'' after ''concerning intelligence activities''.

(d) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting ''(including any information or material relating to the legal authority under which a covert action is being or was conducted, and any information or material relating to legal issues upon which guidance was sought in carrying out or planning the covert action, including dissenting legal views)'' after ''concerning covert actions'';

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

''(2) If, pursuant to the procedures established by each of the congressional intelligence committees under section 501(c), one of the congressional intelligence committees determines that not all members of that committee are required to have access to a finding under this subsection, the President may limit access to such finding or such notice as provided in such procedures.''; and

(B) in paragraph (4), by striking ''is limited to the Members of Congress specified in paragraph (2)'' and inserting ''is not provided to all members of one of the congressional intelligence committees in accordance with paragraph (2)'';

(3) in subsection (d)—

(A) by striking ''(d) The President'' and inserting ''(d)(1) The President'';

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking ''specified in'' and inserting ''informed in accordance with''; and

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

''(2) For purposes of this subsection, an activity shall constitute a 'significant undertaking' if the activity—

''(A) involves the potential for loss of life;

''(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

''(C) results in the expenditure of significant funds or other resources;

''(D) requires notification under section 504;

''(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

''(F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.''; and

(4) by adding at the end the following new subsections:

''(g)(1) A Member of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) may submit to the Director of National Intelligence an objection to any part of such finding or such notice. Not later than 48 hours after such an objection is submitted to the Director of National Intelligence, the Director shall report such objection in writing to the President and such Member of Congress.

''(2) In any case where access to a finding reported under subsection (c) or notice provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide such members with general information on the content of the finding or notice.

''(3) The President shall—

''(A) maintain a record of the Members of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) and the date on which each Member of Congress receives such finding or notice; and

''(B) not later than 30 days after the date on which such finding is reported or such notice is provided, provide such record to—

''(i) in the case of a finding reported or notice provided to a Member of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives; and

''(ii) in the case of a finding reported or notice provided to a Member of the Senate, the Select Committee on Intelligence of the Senate.

''(h) Any requirement under section 501, 502, or this section to provide information to the congressional intelligence committees shall be construed to require the submission of such information to all members of such committees, unless

such information is specifically authorized not to be submitted to all members of one of such committees in accordance with subsection (c)(2).''.

Subtitle D—Reports and Other Congressional Oversight

SEC. 331. REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.

Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(2) in subsection (a)—

(A) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(B) in the matter preceding paragraph (1)—

(i) by striking ''semiannual basis'' and inserting ''annual basis''; and

(ii) by striking ''preceding six-month period'' and inserting ''preceding one-year period'';

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''; and

(B) in paragraph (2), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''.

SEC. 332. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 507 the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE INTELLIGENCE COMMUNITY

''SEC. 508. (a) ASSESSMENT.—The Director of National Intelligence shall, in consultation with the head of each element of the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels of such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President in accordance with section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) shall include, for the element of the intelligence community concerned, the following information:

''(1) The budget submission for personnel costs of such element for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the preceding five fiscal years.

''(4) The number of personnel positions requested for such element for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element during the preceding five fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by such element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors to be funded by such element during the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, of such element during the preceding five fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) The number of intelligence collectors and analysts employed or contracted by such element.

''(12) A list of all contractors that have been the subject of an investigation completed by the inspector general of such element during the preceding fiscal year, or are or have been the subject of an investigation by such inspector general during the current fiscal year.

''(13) A statement by the Director of National Intelligence of whether, based on current and projected funding, such element will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

SEC. 333. SEMIANNUAL REPORTS ON NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 332, is further amended by adding at the end the following new section:

''SEMIANNUAL REPORTS ON THE NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA

''SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not less frequently than every 180 days, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea, with regard to the nuclear weapons programs of each such country.

''(b) CONTENT.—Each report submitted under subsection (a) shall include, with respect to the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea—

''(1) an assessment of nuclear weapons programs of each country;

''(2) an evaluation of the sources upon which the intelligence used to prepare the assessment referred to in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each source;

''(3) a summary of any intelligence related to any program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each country; and

''(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (1).

''(c) NATIONAL INTELLIGENCE ESTIMATE.—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, or the Democratic People's Republic of Korea in lieu of a report required by subsection (a) for that country.

''(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the congressional intelligence committees;

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

''(3) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.''.

(b) APPLICABILITY DATE.—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 334. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 333 of this Act, is further amended by adding at the end the following new section:

''REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

''SEC. 510. Each year on the date provided in section 507, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

''(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

''(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

''(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

''(A) military personnel; and

''(B) civilian personnel;

''(4) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

''(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

''(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

''(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

''(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

''(9) for each foreign language and, as appropriate, dialect of a foreign language—

''(A) the number of positions of such element that require proficiency in the foreign language or dialect;

''(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

''(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

''(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

''(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

''(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

''(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

''(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

''(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

''(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

''(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

''(11) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

''(12) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.''.

SEC. 335. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS AND INVESTIGATIONS.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 334 of this Act, is further amended by adding at the end the following new section:

''GOVERNMENT ACCOUNTABILITY OFFICE ANALYSES, EVALUATIONS, AND INVESTIGATIONS

''SEC. 511. (a) IN GENERAL.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees.

''(b) EXCEPTION.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in subsection (a) by personnel designated in such subsection if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

''(B) The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in subsection (a) may seek access to while conducting an analysis, evaluation, or investigation.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(3) The Director shall notify the Comptroller General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such report.

''(4) The Comptroller General shall submit to the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3) that the Comptroller General considers appropriate.''.

SEC. 336. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 335 of this Act, is further amended by adding at the end the following new section:

''CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

''SEC. 512. The head of each element of the intelligence community shall semiannually submit to the congressional intelligence committees—

''(1) a certification that, to the best of the knowledge of the head of such element—

''(A) the head of such element of the intelligence community is in full compliance with the requirements of this title; and

''(B) any information required to be submitted by such head of such element under this Act before the date of the submission of such certification has been properly submitted; or

''(2) if such head of such element is unable to submit a certification under paragraph (1), a statement—

''(A) of the reasons such head of such element is not able to submit such a certification;

''(B) describing any information required to be submitted by such head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

''(C) that the head of such element will submit such information as soon as possible after the submission of such statement.''.

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 512 of the National Security Act of 1947, as added by subsection (a) of this section, shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 337. REPORTS ON FOREIGN INDUSTRIAL ESPIONAGE.

(a) IN GENERAL.—Section 809(b) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. app. 2170b(b)) is amended—

(1) in the heading, by striking ''ANNUAL'' and inserting ''BIANNUAL'';

(2) by striking paragraph (1) and inserting the following new paragraph:

''(1) SUBMISSION TO CONGRESS.—The President shall biannually submit to the congressional intelligence committees, the Committees on Armed Services of the House of Representatives and the Senate, and congressional leadership a report updating the information referred to in subsection (a)(1)(D).'';

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(b) INITIAL REPORT.—The first report required under section 809(b)(1) of such Act, as amended by subsection (a)(2) of this section, shall be submitted not later than February 1, 2010.

SEC. 338. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into Federal Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for Federal Government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is performing substantially similar functions to a Federal Government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and Federal Government employees performing substantially similar functions;

(G) an analysis of the attrition of Federal Government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to Federal Government employment;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2008 and 2009;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 339. REPORT ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and the Senate a report describing the Director's long-term vision for transforming the intelligence capabilities of the Bureau and the progress of the internal reforms of the Bureau intended to achieve that vision. Such report shall include—

(1) the direction, strategy, and goals for transforming the intelligence capabilities of the Bureau;

(2) a description of what the fully functional intelligence and national security functions of the Bureau should entail;

(3) a candid assessment of the effect of internal reforms at the Bureau and whether such reforms have moved the Bureau towards achieving the goals of the Director for the intelligence and national security functions of the Bureau; and

(4) an assessment of how well the Bureau performs tasks that are critical to the effective functioning of the Bureau as an intelligence agency, including—

(A) identifying new intelligence targets within the scope of the national security functions of the Bureau, outside the parameters of an existing case file or ongoing investigation;

(B) collecting intelligence domestically, including collection through human and technical sources;

(C) recruiting human sources;

(D) training Special Agents to spot, assess, recruit, and handle human sources;

(E) working collaboratively with other Federal departments and agencies to jointly collect intelligence on domestic counterterrorism and counterintelligence targets;

(F) producing a common intelligence picture of domestic threats to the national security of the United States;

(G) producing high quality and timely intelligence analysis;

(H) integrating intelligence analysts into its intelligence collection operations; and

(I) sharing intelligence information with intelligence community partners.

SEC. 340. REPORT ON INTELLIGENCE RESOURCES DEDICATED TO IRAQ AND AFGHANISTAN.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on intelligence collection and analysis resources (1) dedicated to Iraq and Afghanistan during fiscal years 2008 and 2009, and

(2) planned to be dedicated during fiscal year 2010. Such report shall include detailed information on fiscal, human, technical, and other intelligence collection and analysis resources.

SEC. 341. REPORT ON INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

(a) REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the threat to national security presented by the efforts of foreign countries to acquire, through espionage, diversion, or other means, sensitive equipment and technology, and the degree to which United States export controls (including the International Traffic in Arms Regulations) are adequate to defeat such efforts.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS DEFINED.—The term ''International Traffic in Arms Regulations'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 342. REPORT ON NUCLEAR TRAFFICKING.

(a) REPORT.—Not later than February 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the illicit trade of nuclear and radiological material and equipment.

(b) CONTENTS.—The report submitted under subsection (a) shall include, for a period of time including at least the preceding three years—

(1) details of all known or suspected cases of the illicit sale, transfer, brokering, or transport of—

(A) nuclear or radiological material;

(B) equipment useful for the production of nuclear or radiological material; or

(C) nuclear explosive devices;

(2) an assessment of the countries that represent the greatest risk of nuclear trafficking activities; and

(3) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (2).

(c) FORM.—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

SEC. 343. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel of the intelligence community who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 344. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 345. REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The history of Air America and the associated companies prior to 1977, including a description of—

(A) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(B) the workforce of Air America and the associated companies;

(C) the missions performed by Air America, the associated companies, and their employees for the United States; and

(D) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(2) A description of—

(A) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(B) the contributions made by such employees for such benefits;

(C) the retirement benefits actually paid such employees;

(D) the entitlement of such employees to the payment of future retirement benefits; and

(E) the likelihood that such employees will receive any future retirement benefits.

(3) An assessment of the difference between—

(A) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(B) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(4) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(5) If legislative action is considered advisable under paragraph (4), a proposal for such action and an assessment of its costs.

(6) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport, during the period when such an entity was owned and controlled by the United States Government.

SEC. 346. STUDY ON COLLEGE TUITION PROGRAMS FOR EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasability of—

(1) providing matching funds for contributions to college savings programs made by employees of elements of the intelligence community; and

(2) establishing a program to pay the college tuition of each child of an employee of an element of the intelligence community that has died in the performance of the official duties of such employee.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report containing the results of the study conducted under subsection (a).

(c) COLLEGE SAVINGS PROGRAM DEFINED.—In this section, the term ''college savings program'' means—

(1) a qualified tuition program, as defined in section 529 of the Internal Revenue Code of 1986;

(2) a Coverdell education savings account, as defined in section 530 of the Internal Revenue Code of 1986; and

(3) any other appropriate program providing tax incentives for saving funds to pay for college tuition, as determined by the Director of National Intelligence.

SEC. 347. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL SUPPLY CHAIN VULNERABILITIES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate or National Intelligence Assessment on the global supply chain to determine whether such supply chain poses a risk to defense and intelligence systems due to counterfeit components that may be defective or deliberately manipulated by a foreign government or a criminal organization.

(b) REVIEW OF MITIGATION.—

(1) NCIX REVIEW.—The National Counterintelligence Executive shall conduct a review of the adequacy of the mechanisms to identify and mitigate vulnerabilities in the global supply chain that pose a risk to defense and intelligence systems due to counterfeit components that may be defective or deliberately manipulated by a foreign government or a criminal organization.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the National Counterintelligence Executive shall submit to Congress a report containing the results of the review conducted under paragraph (1).

SEC. 348. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) REVIEW.—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans Illnesses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 349. REVIEW OF PENSIONS OF EMPLOYEES AFFECTED BY "FIVE AND OUT" PROGRAM OF THE FEDERAL BUREAU OF INVESTIGATION.

None of the funds authorized to be appropriated by this Act may be used to implement the program of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after such supervisor serves in a management position for seven years (commonly known as the ''seven and out'' program) until the Director of the Federal Bureau of Investigation submits to the congressional intelligence committees a certification that the Director has completed a review of issues related to the pensions of former employees of the Bureau affected by a previous program of mandatory reassignment after serving in a management position for five years (commonly known as the ''five and out'' program) and the effect of such program on the Bureau and the results of such review.

SEC. 350. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 351. SUMMARY OF INTELLIGENCE ON UIGHUR DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to threats posed by Uighur detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 352. REPORT ON INTERROGATION RESEARCH AND TRAINING.

(a) REQUIREMENT FOR REPORT.—Not later than December 31, 2009, the Director of National Intelligence, in coordination with the heads of the relevant elements of the intelligence community, shall submit to the congressional intelligence committees and the Committees on Appropriations of the House of Representatives and the Senate a report on the state of research, analysis, and training in interrogation and debriefing practices.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of—

(A) the quality and value of scientific and technical research in interrogation and debriefing practices that has been conducted independently or in affiliation with the Federal Government and the identification of areas in which additional research could potentially improve interrogation practices;

(B) the state of interrogation and debriefing training in the intelligence community, including the character and adequacy of the ethical component of such training, and the identification of any gaps in training;

(C) the adequacy of efforts to enhance career path options for intelligence community personnel that serve as interrogators and debriefers, including efforts to recruit and retain career personnel; and

(D) the effectiveness of existing processes for studying and implementing lessons learned and best practices of interrogation and debriefing; and

(2) any recommendations that the Director considers appropriate for improving the performance of the intelligence community with respect to the issues described in subparagraphs (A) through (D) of paragraph (1).

SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

SEC. 354. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 60 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate committees of Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 355. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1) The Director'' and inserting ''The Director'' ; and

(2) by striking paragraph (2).

(c) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

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

(d) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

SEC. 356. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 357. CONFORMING AMENDMENTS.

(a) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (G);

(ii) by redesignating subparagraphs (B), (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), (G), and (H), respectively; and

(iii) by adding at the end the following new subparagraphs:

''(I) The annual report on financial intelligence on terrorist assets required by section 118.

''(J) The annual report on foreign language proficiency in the intelligence community required by section 510.''; and

(B) in paragraph (2), by striking subparagraph (D); and

(2) in subsection (b), by striking paragraph (6).

(b) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 313 of this Act, is further amended by—

(1) striking the item relating to section 109; and

(2) inserting after the item relating to section 507 the following new items:

''Sec. 508. Annual personnel level assessment for the intelligence community.

''Sec. 509. Semiannual reports on the nuclear weapons programs of Iran, Syria, and North Korea.

''Sec. 510. Report on foreign language proficiency in the intelligence community.

''Sec. 511. Government Accountability Office analyses, evaluations, and investigations.

''Sec. 512. Certification of compliance with oversight requirements.''.

Subtitle E—Other Matters

SEC. 361. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 362. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert

agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 363. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 364. EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.

Section 119 of the National Security Act of 1947 (50 U.S.C. Section 404o) is amended by adding at the end the following new subsection:

''(k) EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.—(1) Terrorist identity information disseminated for terrorist screening purposes or other authorized counterterrorism purposes shall be exempt from disclosure under section 552 of title 5, United States Code.

''(2) In this section:

''(A) AUTHORIZED COUNTERTERRORISM PURPOSE.—The term 'authorized counterterrorism purpose' includes disclosure to and appropriate use by an element of the Federal Government of terrorist identifiers of persons reasonably suspected to be terrorists or supporters of terrorists.

''(B) TERRORIST IDENTITY INFORMATION.—The term 'terrorist identity information' means—

''(i) information from a database maintained by any element of the Federal Government that would reveal whether an individual has or has not been determined to be a known or suspected terrorist or has or has not been determined to be within the networks of contacts and support of a known or suspected terrorist; and

''(ii) information related to a determination as to whether or not an individual is or should be included in the Terrorist Screening Database or other screening databases based on a determination that the individual is a known or suspected terrorist.

''(C) TERRORIST IDENTIFIERS.—The term 'terrorist identifiers'—

''(i) includes—

''(I) names and aliases;

''(II) dates or places of birth;

''(III) unique identifying numbers or information;

''(IV) physical identifiers or biometrics; and

''(V) any other identifying information provided for watchlisting purposes; and

''(ii) does not include derogatory information or information that would reveal or compromise intelligence or law enforcement sources or methods.''.

SEC. 365. MISUSE OF THE INTELLIGENCE COMMUNITY AND OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

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

''MISUSE OF THE INTELLIGENCE COMMUNITY NAME, INITIALS, OR SEAL

''SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words 'intelligence community', the initials 'IC', the seal of the intelligence community, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence, except that employees of the intelligence community may use the intelligence community name, initials, and seal in accordance with regulations promulgated by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(b) OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.), as amended by subsection (a) of this section, is further amended by adding at the end the following new section:

''MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

''SEC. 1104. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words 'Office of the Director of National Intelligence', the initials 'ODNI', the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(c) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 357 of this Act, is further amended by adding at the end the following new items:

''Sec. 1103. Misuse of the intelligence community name, initials, or seal.

''Sec. 1104. Misuse of the Office of the Director of National Intelligence name, initials, or seal.''.

SEC. 366. SECURITY CLEARANCES: REPORTS; OMBUDSMAN; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 336 of this Act, is further amended by adding at the end the following new section:

''REPORTS ON SECURITY CLEARANCES

''SEC. 513. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of how the executive branch determines whether a security clearance is required for a particular position in the Federal Government.

''(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

''(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

''(A) the number of Federal Government employees who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year;

''(B) the number of contractors to the Federal Government who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year; and

''(C) for each element of the intelligence community—

''(i) the amount of time it took to process the fastest 80 percent of security clearance determinations for such level;

''(ii) the amount of time it took to process the fastest 90 percent of security clearance determinations for such level;

''(iii) the number of open security clearance investigations for such level that have remained open for—

''(I) 4 months or less;

''(II) between 4 months and 8 months;

''(III) between 8 months and 12 months; and

''(IV) more than a year;

''(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

''(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

''(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

''(vii) for security clearance determinations completed or ongoing during the preceding fiscal year that have taken longer than one year to complete—

''(I) the number of security clearance determinations for positions as employees of the Federal Government that required more than one year to complete;

''(II) the number of security clearance determinations for contractors that required more than one year to complete;

''(III) the agencies that investigated and adjudicated such determinations; and

''(IV) the cause of significant delays in such determinations.

''(2) For purposes of paragraph (1), the Director of National Intelligence may consider—

''(A) security clearances at the level of confidential and secret as one security clearance level; and

''(B) security clearances at the level of top secret or higher as one security clearance level.''.

(B) INITIAL AUDIT.—The first audit required to be conducted under section 513(a)(1) of the National Security Act of 1947 (as added by paragraph (1)) shall be completed not later than February 1, 2010.

(C) CLERICAL AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 365 of this Act, is further amended by inserting after the item relating to section 512 the following new item:

''Sec. 513. Reports on security clearances.''.

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) Federal Government wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) Federal Government wide investigation standards and metrics for investigation quality; and

(E) the feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 303 of this Act, is further amended by inserting after section 103G the following new section:

''OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES

''SEC. 103H. (a) APPOINTMENT.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances.

''(b) PROVISION OF INFORMATION.—The head of an element of the intelligence community shall provide a person applying for a security clearance through or in coordination with such element with contact information for the ombudsman appointed under subsection (a).

''(c) REPORT.—Not later than November 1 of each year, the ombudsman appointed under subsection (a) shall submit to the congressional intelligence committees a report containing—

''(1) the number of persons applying for a security clearance who have contacted the ombudsman during the preceding 12 months; and

''(2) a summary of the concerns, complaints, and questions received by the ombudsman from persons applying for security clearances.''.

(2) APPOINTMENT DATE.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances under section 103H(a) of the National Security Act of 1947, as added by paragraph (1), not later than 120 days after the date of the enactment of this Act.

(3) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by subsection (a)(1)(C) of this section, is further amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Ombudsman for intelligence community security clearances.''.

(c) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances in the intelligence community.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

SEC. 367. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Director of National Intelligence may not use any of the amounts authorized to be appropriated in this Act for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to Congress a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition for each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense, or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 368. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is no longer excusable to allow poor business systems, a deficiency of resources, or a lack of commitment from senior leadership of the intelligence community to foster waste or nonaccountability to the United States taxpayer;

(2) the Director of National Intelligence has not made compliance with financial management and audit readiness standards a top priority; and

(3) the Director of National Intelligence should require each element of the intelligence community to develop and implement a specific plan to become compliant with the law.

(b) REVIEW; PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and timeline to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3), as amended by section 302(1) of this Act, is further amended—

(1) in subsection (f) (as so redesignated)—

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

(B) by striking ''Commencing as of October 1, 2008, the'' and inserting ''(1) Except as provided in paragraph (2), the'';

(C) in paragraph (1), as designated by paragraph (2) of this section, by inserting ''the headquarters of'' before ''the Office'';

(D) in paragraph (1) (as so designated), by striking ''any other element'' and inserting ''the headquarters of any other element''; and

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

''(2) The President may waive the limitation in paragraph (1) if the President determines that—

''(A) a waiver is in the interests of national security; or

''(B) the costs of a headquarters of the Office of the Director of National Intelligence that is separate from the headquarters of the other elements of the intelligence community outweighs the potential benefits of the separation.''; and

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

''(g) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region (as defined in section 8301 of title 40, United States Code).''.

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

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

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

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

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

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking ''; and'' and inserting ''.''; and

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

''(5) assist the Director of National Intelligence in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community;

''(6) submit to the congressional intelligence committees an annual report on the science and technology strategy of the Director that shows resources mapped to the goals of the intelligence community; and''; and

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) by inserting ''and prioritize'' after ''coordinate''; and

(ii) by striking ''; and'' and inserting ''.''; ''

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community; and''.

SEC. 404. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the

recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 405. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

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

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

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

(3) in subsection (c) in the matter preceding paragraph (1), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

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

SEC. 406. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 366 of this Act, is further amended by inserting after section 103H (as added by such section 366) the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) be an independent and objective office appropriately accountable to Congress and to initiate and conduct investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security;

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing; and

''(D) on the basis of expertise in investigations.

''(3) The Inspector General shall report directly to the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General not later than 30 days before the date on which the Inspector General is removed from office.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), the Inspector General of the Intelligence Community shall—

''(1) provide policy direction for, and plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) keep the Director of National Intelligence and Congress fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and report the progress made in implementing corrective action;

''(3) take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, comply with generally accepted Federal Government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(B) The Director of National Intelligence may not prohibit an investigation, inspection, or audit under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the Inspector General may seek access to while conducting such investigation, inspection, or audit.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(3) The Director shall notify the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General shall submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The Director or, on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative action against an employee, or employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or termination of an existing contractual relationship.

''(3) The Inspector General shall, in accordance with subsection (g), receive and investigate complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General may require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(6) The Inspector General may obtain services as authorized under section 3109 of title 5,

United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

''(7) The Inspector may, to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(g) COORDINATION AMONG THE INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—(1)(A) If a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, review, or audit by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, review, or audit to avoid unnecessary duplication of the activities of the inspectors general.

''(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). If a dispute between an inspector general within an agency or department of the United States Government and the Inspector General of the Intelligence Community has not been resolved with the assistance of the Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected agency or department for resolution.

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(2) The inspector general conducting an investigation, inspection, review, or audit referred to in paragraph (1) shall submit the results of such investigation, inspection, review, or audit to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, review, or audit who did not conduct such investigation, inspection, review, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations and with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) The Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee selected, appointed, or employed has a security clearance appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall recommend policies to the Director of National Intelligence to create within the intelligence community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) The Inspector General may, in consultation with the Director, request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with the inspector general of that element pursuant to subsection (g), conduct an inspection, review, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) Not later than January 31 and July 31 of each year, the Inspector General of the Intelligence Community shall prepare and submit to the Director of National Intelligence a report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the preceding six-month period. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include the following:

''(i) A list of the titles or subjects of each investigation, inspection, review, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies described in clause (ii).

''(iv) A statement of whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Any recommendations that the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall submit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(D) Each report submitted under subparagraphs (A) and (C) shall be submitted in unclassified form, but may include a classified annex.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall submit to the congressional intelligence committees each report under subparagraph (A) within 7 days of the receipt of such report, together with such comments as the Director considers appropriate. The Director shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3) The Inspector General shall immediately notify and submit a report to the congressional intelligence committees on an investigation, inspection, review, or audit if—

''(A) the Inspector General is unable to resolve any significant differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) the investigation, inspection, review, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of such investigation, inspection, review, or audit.

''(4)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor of the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall submit to

the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a submittal from the Inspector General under subparagraph (B), the Director shall, not later than 7 days after such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not submit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (ii) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) Nothing in this paragraph shall be construed to limit the protections afforded an employee of or contractor to the Central Intelligence Agency under section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)).

''(H) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section.

''(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 366 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

''Sec. 103I. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

(d) APPLICABILITY DATE; TRANSITION.—

(1) APPLICABILITY.—The amendment made by subsection (b) shall apply on the earlier of—

(A) the date of the appointment by the President and confirmation by the Senate of an individual to serve as Inspector General of the Intelligence Community; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the Intelligence Community by the individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act.

(2) TRANSITION.—The individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act shall perform the duties of the Inspector General of the Intelligence Community until the individual appointed to the position of Inspector General of the Intelligence Community assumes the duties of such position.

Subtitle B—Central Intelligence Agency

SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b), as amended by section 321 of this Act, is further amended—

(1) by redesignating subsection (e) as subsection (i) and transferring such subsection to the end; and

(2) by inserting after subsection (d) the following new subsection:

''(e) INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every 3 years. Such audits shall be conducted subject to the provisions of paragraphs (3) and (4) of subsection (b) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

''(2) TERMINATED, SUSPENDED PROGRAMS.—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspended prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

''(3) REPORT.—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.''.

(b) CONFORMING AMENDMENTS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking ''503(e)'' and inserting ''503(i)'';

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking ''503(e)'' and inserting ''503(i)''; and

(3) in section 504(c) (50 U.S.C. 414(c)), by striking ''503(e)'' and inserting ''503(i)''.

SEC. 412. PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 24. (a) PROHIBITION.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency shall not expend or obligate funds for payment to any contractor to conduct the interrogation of a detainee or prisoner in the custody of the Central Intelligence Agency.

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Director of the Central Intelligence Agency may request, and the Director of National Intelligence may grant, a written waiver of the requirement under subsection (a) if the Director of the Central Intelligence Agency determines that—

''(A) no employee of the Federal Government is—

''(i) capable of performing such interrogation; and

''(ii) available to perform such interrogation; and

''(B) such interrogation is in the national interest of the United States and requires the use of a contractor.

''(2) CLARIFICATION OF APPLICABILITY OF CERTAIN LAWS.—Any contractor conducting an interrogation pursuant to a waiver under paragraph (1) shall be subject to all laws on the conduct of interrogations that would apply if an employee of the Federal Government were conducting the interrogation.''.

SEC. 413. APPEALS FROM DECISIONS OF CENTRAL INTELLIGENCE AGENCY CONTRACTING OFFICERS.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by inserting before the sentence beginning with ''In exercising'' the following new sentence: ''Notwithstanding any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that agency may be filed with whichever of the Armed Services Board or the Civilian Board is specified by the contracting officer as the Board to which such an appeal may be made and the Board so specified shall have jurisdiction to decide that appeal.''.

SEC. 414. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 104A the following new section:

''DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 104B. (a) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

''(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

''(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

''(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking ''Deputy Directors of Central Intelligence (2)'' and inserting ''Deputy Director of the Central Intelligence Agency''.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note) is amended by inserting after the item relating to section 104A the following new item:

''Sec. 104B. Deputy Director of the Central Intelligence Agency.''.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 415. PROTECTION AGAINST REPRISALS.

Section 17(e)(3)(B) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)(B)) is amended by inserting ''or providing such information'' after ''making such complaint''.

SEC. 416. REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), as amended by section 412 of this Act, is further amended by adding at the end the following new section:

''REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 25. (a) IN GENERAL.—Except as provided in subsection (b), the Director of the Central Intelligence Agency shall establish guidelines to ensure that each interrogation of a person who is in the custody of the Central Intelligence Agency is recorded in video form and that the video recording of such interrogation is maintained—

''(1) for not less than 10 years from the date on which such recording is made; and

''(2) until such time as such recording is no longer relevant to an ongoing or anticipated legal proceeding or investigation or required to be maintained under any other provision of law.

''(b) EXCEPTION.—The requirement to record an interrogation in video form under subsection (a) shall not apply with respect to an interrogation incident to arrest conducted by Agency personnel designated by the Director under section 15(a) that are assigned to the headquarters of the Central Intelligence Agency and acting in the official capacity of such personnel.

''(c) INTERROGATION DEFINED.—In this section, the term 'interrogation' means the systematic process of attempting to obtain information from an uncooperative detainee.''.

(b) SUBMISSION OF GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees the guidelines developed under section 25(a) of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section. Such guidelines shall be submitted in unclassified form, but may contain a classified annex.

Subtitle C—Other Elements

SEC. 421. HOMELAND SECURITY INTELLIGENCE ELEMENTS.

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

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

(2) in subparagraph (K), by striking ''The elements'' and all that follows through ''the Coast Guard'' and inserting ''The Office of Intelligence and Analysis of the Department of Homeland Security''.

SEC. 422. CLARIFICATION OF INCLUSION OF DRUG ENFORCEMENT ADMINISTRATION AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)(H)), as amended by section 421 of this Act, is further amended by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''.

SEC. 423. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

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

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

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

(3) in subsection (f), as redesignated by paragraph (2) of this subsection, by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section—

(A) in paragraph (1), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 424. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) CONFORMING AMENDMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) through (I) as subparagraphs (A) through (G), respectively; and

(3) by moving subparagraph (G), as redesignated by paragraph (2) of this subsection, two ems to the left.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) and the provisions of subsection (b) shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

SEC. 425. ASSOCIATE DIRECTOR OF THE NATIONAL SECURITY AGENCY FOR COMPLIANCE AND TRAINING.

The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 424 of this Act, is further amended by inserting after section 2 (as added by such section 424) the following new section:

''SEC. 3. (a) There is an Associate Director of the National Security Agency for Compliance and Training, who shall be appointed by the Director of the National Security Agency.

''(b) The Associate Director of the National Security Agency for Compliance and Training shall ensure that—

''(1) all programs and activities of the National Security Agency are conducted in a manner consistent with all applicable laws, regulations, and policies; and

''(2) the training of relevant personnel is sufficient to ensure that such programs and activities are conducted in such a manner.''.

SEC. 426. GENERAL COUNSEL OF THE NATIONAL SECURITY AGENCY.

(a) GENERAL COUNSEL.—The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 425 of this Act, is further amended by inserting after section 3 (as added by such section 425), the following new section:

''SEC. 4. (a) There is a General Counsel of the National Security Agency, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) The General Counsel of the National Security Agency shall serve as the chief legal officer of the National Security Agency.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date on which the Director of the National Security Agency is appointed by the President and confirmed by the Senate in accordance with section 2 of the National Security Agency Act of 1959, as added by section 424 of this Act.

SEC. 427. INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.

Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''the National Security Agency;'' after ''the Federal Emergency Management Agency,''; and

(2) in paragraph (2), by inserting ''the National Security Agency,'' after ''the National Aeronautics and Space Administration,''.

SEC. 428. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) a revised charter for the National Reconnaissance Office (in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) NRO participation in the development and generation of requirements and acquisition.

(3) The scope of NRO capabilities.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other elements of the intelligence community and the defense community.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2442) is amended by striking ''September 1, 2004'' and inserting ''February 1, 2011''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—

(A) IN GENERAL.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 116 Stat. 2438) (referred to in this section as the ''Commission'') shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) TECHNICAL AMENDMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking ''The Deputy Director of Central Intelligence for Community Management.'' and inserting ''The Principal Deputy Director of National Intelligence.''.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking ''including—'' and inserting ''including advanced research and development programs and activities. Such review shall include—''.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make $2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2437).

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

SEC. 502. EXPANSION AND CLARIFICATION OF THE DUTIES OF THE PROGRAM MANAGER FOR THE INFORMATION SHARING ENVIRONMENT.

Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''terrorism and homeland security information'' and inserting ''national security information'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

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

''(4) NATIONAL SECURITY INFORMATION.—The term 'national security information' includes homeland security information and terrorism information.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''terrorism information'' and inserting ''national security information''; and

(B) in paragraph (2) in the first sentence of the matter preceding subparagraph (A), by striking ''terrorism information'' and inserting ''national security information''; and

(3) in subsection (f)(1)—

(A) in the second sentence, by inserting ''in the Executive Office of the President and shall serve'' after ''The individual designated as the program manager shall serve''; and

(B) in the third sentence, by striking ''homeland security information, terrorism information, and weapons of mass destruction information'' and inserting ''national security information''.

SEC. 503. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence shall, in accordance with procedures established by each of the congressional intelligence committees, conduct a classification review of materials in the possession of each of those committees that—

(1) are not less than 25 years old; and

(2) were created, or provided to that committee, by the executive branch.

SEC. 504. PROHIBITION ON USE OF FUNDS TO PROVIDE MIRANDA WARNINGS TO CERTAIN PERSONS OUTSIDE OF THE UNITED STATES.

None of the funds authorized to be appropriated by this Act may be used to provide the warnings of constitutional rights described in Miranda v. Arizona, 384 U.S. 436 (U.S. 1966), to a person located outside of the United States who is not a United States person and is—

(1) suspected of terrorism, associated with terrorists, or believed to have knowledge of terrorists; or

(2) a detainee in the custody of the Armed Forces of the United States.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in section 5(a)(1), by striking ''authorized under paragraphs (2) and (3)'' and all that follows through ''(50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a)''; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking ''advise'' and inserting ''advice''; and

(B) in clause (ii)—

(i) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(ii) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service'';

(iii) in subclause (III), by striking ''Deputy Director for Intelligence'' and inserting ''Director of Intelligence'';

(iv) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director of Support''; and

(v) in subclause (V), by striking ''Deputy Director for Science and Technology'' and inserting ''Director of Science and Technology''.

SEC. 512. TECHNICAL AMENDMENT TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to read as follows:

''(A) Upon reaching age 65, in the case of a participant in the system who is at the Senior Intelligence Service rank of level 4 or above; and''.

SEC. 513. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

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

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

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

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

SEC. 514. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and

(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking ''section 112.;'' and inserting ''section 112;''; and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking '''United States''' and all that follows through ''and 'State''' and inserting '''United States', 'person', 'weapon of mass destruction', and 'State''';

(5) in section 304(b), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)''; and

(6) in section 502(a), by striking ''a annual'' and inserting ''an annual''.

SEC. 515. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

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

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

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

SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended—

(1) in section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice'';

(2) in section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1)—

(i) by striking ''shall,'' and inserting ''shall''; and

(ii) by inserting ''of'' before ''an institutional culture'';

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

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

(3) in section 2006 (28 U.S.C. 509 note)—

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

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

SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

Section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

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

(2) in subsection (a)—

(A) in the heading, by striking ''FOREIGN'';

(B) by striking ''foreign'' each place it appears; and

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

(3) in subsection (b), by striking ''The Director'' and inserting ''The Director of National Intelligence''; and

(4) in subsection (c)—

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

(B) by striking ''section 114a'' and inserting ''section 221''.

SEC. 518. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is further amended—

(1) section 3(4)(L), by striking ''other'' the second place it appears;

(2) in section 102A—

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

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program'';

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

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking ''or personnel'' in the matter preceding clause (i); and

(II) in subparagraph (B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

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

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION'';

(3) in section 103(b), by striking '', the National Security Act of 1947 (50 U.S.C. 401 et seq.),'';

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

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

(6) in section 701(b)(1), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''; and

(8) in the table of contents in the first section—

(A) by striking the item relating to section 1002; and

(B) by inserting after the item relating to section 1001 the following new item:

''Sec. 1002. Framework for cross-disciplinary education and training.''.

SEC. 519. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS'' and inserting ''ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA''; and

(2) by striking ''Associate Director of the Central Intelligence Agency for Military Affairs'' and inserting ''Associate Director of Military Affairs, Central Intelligence Agency, or any successor position''.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–419. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. REYES

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–419.

Mr. REYES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. REYES:

Page 9, line 21, strike ''$672,812,000'' and insert ''$643,252,000''.

Page 23, line 14, strike ''a grant program'' and insert ''grant programs''.

Page 23, line 15, strike ''subsection (b)'' and insert ''subsections (b) and (c)''.

Page 24, after line 10, insert the following:

''(c) GRANT PROGRAM FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—(1) The Director of National Intelligence may provide grants to historically black colleges and universities to provide programs of study in educational disciplines identified under subsection (a)(2) or described in paragraph (2).

''(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

''(A) Foreign languages, including Middle Eastern and South Asian dialects.

''(B) Computer science.

''(C) Analytical courses.

''(D) Cryptography.

''(E) Study abroad programs.''.

Page 24, line 11, strike ''(3) An'' and insert ''(d) APPLICATION.—An''.

Page 24, line 15, strike ''(4) An'' and insert ''(e) REPORTS.—An''.

Page 25, line 1, strike ''(c)'' and insert ''(f)''.

Page 25, line 4, strike ''(d)'' and insert ''(g)''.

Page 25, line 10, strike the quotation mark and the second period.

Page 25, after line 10, insert the following:

''(3) ANALYTICAL COURSES.—The term 'analytical courses' mean programs of study involving—

''(A) analytic methodologies, including advanced statistical, polling, econometric, mathematical, or geospatial modeling methodologies;

''(B) analysis of counterterrorism, crime, and counternarcotics;

''(C) economic analysis that includes analyzing and interpreting economic trends and developments;

''(D) medical and health analysis, including the assessment and analysis of global health issues, trends, and disease outbreaks;

''(E) political analysis, including political, social, cultural, and historical analysis to interpret foreign political systems and developments; or

''(F) psychology, psychiatry, or sociology courses that assess the psychological and social factors that influence world events.

''(4) COMPUTER SCIENCE.—The term 'computer science' means a program of study in computer systems, computer science, computer engineering, or hardware and software analysis, integration, and maintenance.

''(5) CRYPTOGRAPHY.—The term 'cryptography' means a program of study on the conversion of data into a scrambled code that can be deciphered and sent across a public or private network, and the applications of such conversion of data.

''(6) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically black college and university' means an institution of higher education that is a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(7) STUDY ABROAD PROGRAM.—The term 'study abroad program' means a program of study that—

''(A) takes places outside the geographical boundaries of the United States;

''(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally underrepresented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin American, and the Middle East; and

''(C) is a credit or noncredit program.''.

Page 30, strike lines 10 through 12.

Page 30, line 13, strike ''(C)'' and insert ''(B)''.

Page 30, line 16, strike ''(D)'' and insert ''(C)''.

Page 30, line 19, strike ''(E)'' and insert ''(D)''.

Page 31, line 1, strike ''any information'' and all that follows through ''dissenting legal views'' and insert ''the legal authority under which the intelligence activity is being or was conducted''.

Page 31, line 11, strike ''any information'' and all that follows through ''legal views'' and insert ''the legal authority under which the covert action is being or was conducted''.

Page 31, strike line 18 and all that follows through line 8 on page 32 and insert the following:

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''in writing'' after ''be reported'';

(B) in paragraph (2), by striking ''If the President'' and inserting ''Subject to paragraph (5), if the President''; and

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

''(5)(A) The President may only limit access to a finding in accordance with this subsection or a notification in accordance with subsection (d)(1) if the President submits to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.

''(B) Not later than 180 days after a certification is submitted in accordance with subparagraph (A) or this subparagraph, the Director of National Intelligence shall—

''(i) provide access to the finding or notification that is the subject of such certification to all members of the congressional intelligence committees; or

''(ii) submit to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.'';

Page 32, strike lines 12 through 15 and insert the following:

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by inserting ''in writing'' after ''notified''; and

Page 33, line 13, insert ''or to the limiting of access to such finding or such notice'' after ''notice''.

Page 33, line 13, strike ''48 hours'' and insert ''seven days''.

Page 33, line 22, strike ''on the content of'' and insert ''regarding''.

Page 34, strike lines 14 through 20.

Strike section 334 (Page 41, line 8 and all that follow through line 25 on page 44) and insert the following new section:

SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Not later than one year after the date of the enactment of this Act, and annually thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and,

as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.

Page 45, beginning on line 18, strike ''one of the congressional intelligence committees'' and insert ''a committee of Congress with jurisdiction over such program or activity''.

Page 46, beginning on line 8, strike ''the congressional intelligence committees'' and insert ''each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph''.

Page 46, line 13, strike ''report'' and insert ''statement''.

Page 46, line 16, strike ''report'' and insert ''statement''.

Page 46, beginning on line 17, strike ''the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3)'' and insert ''each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement''.

Page 46, line 21, strike the closing quotation mark and the final period.

Page 46, after line 21, insert the following:

''(c) CONFIDENTIALITY.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

''(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

''(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.''.

Page 48, line 15, strike ''BIANNUAL'' and insert ''BIENNIAL''.

Page 48, line 19, strike ''biannually'' and insert ''biennially''.

Page 62, line 14, strike ''**NATIONAL INTELLIGENCE ESTIMATE**'' and insert ''**REPORT**''.

Page 62, beginning on line 18, strike ''National Intelligence Estimate or National Intelligence Assessment'' and insert ''report''.

Page 62, strike line 20 and insert the following: ''supply chain and global provision of services to determine whether such supply chain and such services pose''.

Page 62, line 21, strike ''counterfeit''.

Page 62, line 22, strike ''defective'' and insert ''counterfeit, defective,''.

Page 62, line 23, insert ''or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization'' after ''organization''.

Page 63, beginning on line 5, strike ''counterfeit''.

Page 63, line 6, strike ''defective'' and insert ''counterfeit, defective,''.

Page 63, line 8, insert ''or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization'' after ''organization''.

Page 63, at the end of line 8 insert the following: ''Such review shall include an examination of the threat posed by State-controlled and State-invested enterprises and the extent to which the actions and activities of such enterprises may be controlled, coerced, or influenced by a foreign government.''.

Strike section 353 (Page 67, line 20 and all that follows through line 25 on page 68).

Page 69, beginning on line 5, strike ''Federal Bureau of Investigation'' and insert ''Federal Bureau of Investigation, in consultation with the Secretary of State,''.

Insert after section 354 (Page 69, after line 15) the following new sections:

SEC. 355. REPORT ON QUESTIONING AND DETENTION OF SUSPECTED TERRORISTS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Attorney General, shall submit to Congress a report containing—

(1) a description of the strategy of the Federal Government for balancing the intelligence collection needs of the United States with the interest of the United States in prosecuting terrorist suspects; and

(2) a description of the policy of the Federal Government with respect to the questioning, detention, trial, transfer, release, or other disposition of suspected terrorists.

SEC. 356. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

SEC. 357. REPORT ON INTELLIGENCE CAPABILITIES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the intelligence capabilities of State and local law enforcement agencies. Such report shall include—

(1) an assessment of the ability of State and local law enforcement agencies to analyze and fuse intelligence community products with locally gathered information;

(2) a description of existing procedures of the intelligence community to share with State and local law enforcement agencies the tactics, techniques, and procedures for intelligence collection, data management, and analysis learned from global counterinsurgency and counterterror operations;

(3) a description of current intelligence analysis training provided by elements of the intelligence community to State and local law enforcement agencies;

(4) an assessment of the need for a formal intelligence training center to teach State and local law enforcement agencies methods of intelligence collection and analysis; and

(5) an assessment of the efficiently of colocating such an intelligence training center

with an existing intelligence community or military intelligence training center.

SEC. 358. INSPECTOR GENERAL REPORT ON OVER-CLASSIFICATION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to Congress a report containing an analysis of the problem of over-classification of intelligence and ways to address such over-classification, including an analysis of the importance of protecting sources and methods while providing law enforcement and the public with as much access to information as possible.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 359. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 360. REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

SEC. 361. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

SEC. 362. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 363. PLAN TO SECURE NETWORKS OF THE INTELLIGENCE COMMUNITY.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the intelligence community. Such plan shall include strategies for—

(1) securing the networks of the intelligence community from unauthorized remote access, intrusion, or insider tampering;

(2) recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce and include—

(A) an assessment of the capabilities of such workforce;

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce; and

(D) an assessment of the impact of the establishment of the Department of Defense Cyber Command on personnel and authorities of the intelligence community;

(3) making the intelligence community workforce and the public aware of cybersecurity best practices and principles;

(4) coordinating the intelligence community response to a cybersecurity incident;

(5) collaborating with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks;

(6) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the intelligence community; and

(7) reviewing procurement laws and classification issues to determine how to allow for greater information sharing on specific cyber threats and attacks between private industry and the intelligence community.

(b) UPDATES.—Not later than 90 days after the date on which the plan referred to in subsection (a) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in subsection (c), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(c) CERTIFICATION.—The President may submit to Congress a certification that the objectives of the plan referred to in subsection (a) have been achieved.

SEC. 364. REPORT ON MISSILE ARSENAL OF IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf.

SEC. 365. STUDY ON BEST PRACTICES OF FOREIGN GOVERNMENTS IN COMBATING VIOLENT DOMESTIC EXTREMISM.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the best practices of foreign governments (including the intelligence services of such governments) to combat violent domestic extremism.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 366. REPORT ON INFORMATION SHARING PRACTICES OF JOINT TERRORISM TASK FORCE.

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the best practices or impediments to information sharing in the Federal Bureau of Investigation-New York Police Department Joint Terrorism Task Force, including ways in which the combining of Federal, State, and local law enforcement resources can result in the effective utilization of such resources.

SEC. 367. REPORT ON TECHNOLOGY TO ENABLE INFORMATION SHARING.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with elements of the intelligence community.

SEC. 368. REPORT ON THREATS TO ENERGY SECURITY OF THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report in unclassified form describing the future threats to describing the future threats to the national security of the United States from continued and increased dependence of the United States on oil sources from foreign nations.

Page 70, strike lines 1 through 7.

Page 74, line 16, strike ''includes'' and insert ''means''.

Page 75, line 24, strike the closing quotation mark and the final period.

Page 75, after line 24, insert the following:

''(D) TERRORIST SCREENING PURPOSE.—The term 'terrorist screening purpose' means—

''(i) the collection, analysis, dissemination, and use of terrorist identity information to determine threats to the national security of the United States from a terrorist or terrorism; and

''(ii) the use of such information for risk assessment, inspection, and credentialing.''.

Page 86, line 11, strike ''the congressional defense committees'' and insert ''Congress''.

Page 87, line 17, strike ''the''.

At the end of subtitle E of title III (Page 88, after line 18), add the following new section:

SEC. 369. SENSE OF CONGRESS ON MONITORING OF NORTHERN BORDER OF THE UNITED STATES.

(a) FINDING.—Congress finds that suspected terrorists have attempted to enter the United States through the international land and maritime border of the United States and Canada.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should devote sufficient resources, including technological and human resources, to identifying and thwarting potential threats at the international land and maritime border of the United States and Canada; and

(2) the intelligence community should work closely with the Government of Canada to identify and apprehend suspected terrorists before such terrorists enter the United States.

Page 96, line 14, insert after the period the following: ''Nothing in this paragraph shall prohibit a personnel action with respect to the Inspector General otherwise authorized by law, other than transfer or removal.''.

At the end of subtitle A of title IV (Page 116, after line 6), add the following new section:

SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the Federal Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Strike section 411 (Page 116, line 9 and all that follows through line 2 on page 118) and insert the following new section:

SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(4)—

(A) by striking ''(4) If'' and inserting ''(4)(A) If''; and

(B) by adding at the end the following new subparagraph:

''(B) The Director may waive the requirement to submit the statement required under subparagraph (A) within seven days of prohibiting an audit, inspection, or investigation under paragraph (3) if such audit, inspection, or investigation is related to a covert action program. If the Director waives such requirement in accordance with this subparagraph, the Director shall submit the statement required under subparagraph (A) as soon as practicable, along with an explanation of the reasons for delaying the submission of such statement.'';

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (E) and (F) as subsections (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) a list of the covert actions for which the Inspector General has not completed an audit within the preceding three-year period;''; and

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

''(h) COVERT ACTION DEFINED.—In this section, the term 'covert action' has the meaning given the term in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).''.

Strike section 426 (Page 128, line 21 and all that follows through line 15 on page 129).

Strike section 427 (Page 129, lines 16 through 25).

Strike section 502 (Page 133, line 1 and all that follow through line 10 on page 134).

At the end of subtitle A of title V (Page 135, after line 12), add the following new section:

SEC. 505. CYBERSECURITY TASK FORCE.

(a) ESTABLISHMENT.—There is established a cybersecurity task force (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of the following members:

(A) One member appointed by the Attorney General.

(B) One member appointed by the Director of the National Security Agency.

(C) One member appointed by the Director of National Intelligence.

(D) One member appointed by the White House Cybersecurity Coordinator.

(E) One member appointed by the head of any other agency or department that is designated by the Attorney General to appoint a member to the Task Force.

(2) CHAIR.—The member of the Task Force appointed pursuant to paragraph (1)(A) shall serve as the Chair of the Task Force.

(c) STUDY.—The Task Force shall conduct a study of existing tools and provisions of law used by the intelligence community and law enforcement agencies to protect the cybersecurity of the United States.

(d) REPORT.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Task Force shall submit to Congress a report containing guidelines or legislative recommendations to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Task Force shall submit to Congress an update of the report required under paragraph (1).

(e) TERMINATION.—The Task Force shall terminate on the date that is 60 days after the date on which the last update of a report required under subsection (d)(2) is submitted.

SEC. 506. CRUEL, INHUMAN, AND DEGRADING TREATMENT IN INTERROGATIONS PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the ''Cruel, Inhuman, and Degrading Interrogations Prohibition Act of 2010''.

(b) FINDINGS.—The Congress finds the following:

(1) The United States is a world power and an exemplar of the merits of due process and the rule of law.

(2) The use of torture and cruel, inhuman, and degrading treatment harms our servicemen and women because it removes their assurance that they are operating under a legally acceptable standard, brings discredit upon the US and its forces, and may place US and allied personnel in enemy hands at a greater risk of abuse by their captors.

(3) The use of torture and cruel, inhuman, and degrading treatment gives propaganda and recruitment tools to those who wish to do harm to the people of the United States.

(4) Torture and cruel, inhuman, and degrading treatment do not produce consistently reliable information or intelligence, and are not acceptable practices because their use runs counter to our identity and values as a nation.

(5) The moral standards that reflect the values of the United States governing appropriate tactics for interrogations do not change according to the dangers that we face as a nation.

(6) Every effort must be made to ensure that the United States is a nation governed by the rule of law in every circumstance.

(7) Executive Order 13491 requires those interrogating persons detained as a result of armed conflicts to follow the standards set out in Army Field Manual FM 2–22.3.

(8) The Congress should act in affirmation of its principles and the Executive Order 13491 by enacting standards for interrogations and providing criminal liability for those who do not adhere to the enacted standards.

(9) The courageous men and women who serve honorably as intelligence personnel and as members of our nation's Armed Forces deserve the full support of the United States Congress. The Congress shows true support, in part, by providing clear legislation relating to standards for interrogation techniques.

(c) CRUEL, INHUMAN, OR DEGRADING TREATMENT PROHIBITED.—Part I of title 18, United States Code, is amended by inserting after chapter 26 the following:

''CHAPTER 26A—CRUEL, INHUMAN, OR DEGRADING TREATMENT

''531. Cruel, inhuman, or degrading treatment.
''532. Definitions.
''533. Application.
''534. Exclusive remedies.

''§ 531. Cruel, inhuman, or degrading treatment

''Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhuman, or degrading treatment—

''(1) if death results from that act to the individual under interrogation, shall be fined under this title or imprisoned for any term of years or for life;

''(2) if that act involves an act of medical malfeasance (as defined in section 1371), shall be fined under this title or imprisoned for not more than 20 years, or both; and

''(3) in any other case, shall be fined under this title or imprisoned for not more than 15 years, or both.

''§ 532. Definitions

''In this chapter:

''(1) The term 'act of cruel, inhuman, or degrading treatment' means the cruel, unusual, and inhuman treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution

of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984, and includes but is not limited to the following:

''(A) Any of the following acts, knowingly committed against an individual:

''(i) Forcing the individual to be naked, perform sexual acts, or pose in a sexual manner.

''(ii) Beatings, electric shock, burns, or other forms of inflicting physical pain.

''(iii) Waterboarding.

''(iv) Using military working dogs.

''(v) Inducing hypothermia or heat injury.

''(vi) Depriving the individual of necessary food, water, sleep, or medical care.

''(vii) Conducting mock executions of the individual.

''(B) Any of the following acts, when committed with the intent to cause mental or physical harm to an individual:

''(i) Using force or the threat of force to compel an individual to maintain a stress position.

''(ii) Exploiting phobias of the individual.

''(iii) Using force or the threat of force to coerce an individual to desecrate the individual's religious articles, or to blaspheme his or her religious beliefs, or to otherwise participate in acts intended to violate the individual's religious beliefs.

''(iv) Making threats against any individual that, if carried out, would result in death or serious bodily injury (as defined in section 1365(4)) to that individual.

''(v) Exposure to excessive cold, heat, or cramped confinement.

''(vi) Sensory deprivation or overload, including the following:

''(I) Prolonged isolation.

''(II) Placing hoods or sacks over the head of the individual.

''(III) Applying duct tape over the eyes of the individual.

''(C) Any act that causes pain or suffering to an individual equivalent to the acts described in subparagraph (B) or (C).

''(2) The term 'covered interrogation' means an interrogation, including an interrogation conducted outside the United States, conducted—

''(A) in the course of the official duties of an officer or employee of the Federal government; and

''(B) under color of Federal law or authority of Federal law.

''(3) The term 'intelligence community' has the meaning given such term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(4) The term 'interrogation' means the questioning of an individual for the purpose of gathering information for intelligence purposes.

''(5) The term 'US national' means any national of the United States as defined in section 101 of the Immigration and Nationality Act.

''(6) The term 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

''(7) The term 'waterboarding' includes any act in which an individual is immobilized on the individual's back with the individual's head inclined downwards, while water is poured over the individual's face and breathing passages.

''§ 533. Application

''Section 531 applies to any alleged offender who is—

''(1) a US national; or

''(2) any officer, employee, or contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor) of the Federal Government—

''(A) who is not a US national; and

''(B) while acting in that capacity.

''§ 534. Exclusive remedies

''Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.''.

(d) MEDICAL MALFEASANCE.—Part I of title 18, United States Code, is amended by inserting after chapter 65 the following:

''CHAPTER 66—MEDICAL MALFEASANCE

''1371. Medical malfeasance.

''1372. Definitions.

''§ 1371. Medical malfeasance

''Any medical professional who, in the course of or in anticipation of a covered interrogation (as defined in section 532(2)), knowingly commits, attempts to commit, or conspires to commit an act of medical malfeasance with the intent to enable an act of cruel, inhuman, and degrading treatment shall be fined under this title or imprisoned not more than 5 years, or both.

''§ 1372. Definitions

''In this chapter:

''(1) The term 'medical professional' means any individual who—

''(A) has received professional training, education, or knowledge in a health-related field (including psychology) and who provides services in that field; and

''(B) is a contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor), officer, or employee of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

''(2) The term 'covered interrogee' means an individual who is interrogated in a covered interrogation (as defined in section 532(2) of this title).

''(3) The term 'act of medical malfeasance'—

''(A) means the use by a medical professional of his or her training, education, or knowledge in a health-related field to cause a significant adverse effect on the physical or mental health of a covered interrogee; and

''(B) includes but is not limited to any of the following contraventions of the principles of medical ethics with respect to a covered interrogee:

''(i) To be involved in any professional relationship with a covered interrogee, the purpose of which is not solely to evaluate, protect, or improve the physical and mental health of that covered interrogee.

''(ii) To fail to protect the physical or mental health of a covered interrogee in the same way as a medical professional would protect the physical or mental health of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva, August 12, 1949 (6 UST 3316).

''(iii) To fail to treat any disease or condition of the covered interrogee in the same way as a medical professional would treat a disease or condition of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

''(iv) To certify, or to participate in the certification of, the fitness of a covered interrogee for any form of treatment or punishment that may have a significant adverse effect on the physical or mental health of the covered interrogee.

''(v) To participate in any way in the infliction of any treatment or punishment referred to in clause (iv).

''(vi) To participate in any procedure for restraining a covered interrogee unless such a procedure is determined, in accordance with purely medical criteria, as being necessary for the protection of the physical or mental health of the covered interrogee or of others, and presents no additional hazard to the covered interrogee's physical or mental health.''.

(e) CLERICAL AMENDMENTS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended—

(1) by inserting, after the item relating to ''Criminal street gangs'' the following:

''26A. Cruel, inhuman, or degrading treatment ..... 531''; and

(2) by inserting, after the item relating to ''Malicious mischief'' the following:

''66. Medical malfeasance ..... 1371''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. I yield myself such time as I may consume.

Madam Chair, the manager's amendment includes a number of revisions to H.R. 2701 along with a number of technical changes. I would like to highlight several of these key provisions.

The manager's amendment makes significant changes to the underlying bill's reforms to the process for notifying Congress on sensitive covert actions.

As my colleagues know, the National Security Act requires that the President inform Congress through the intelligence committees about all significant intelligence activities including covert actions.

In very limited circumstances, it allows the President to limit briefings on certain highly sensitive covert actions to the Gang of Eight—the leadership of the Intelligence Committees and the leadership of both Houses.

Over the past several months, we have carefully considered the administration's objections to the reforms that the committee included in the underlying bill. The manager's amendment is a product of that work.

The bill, as amended, would require the President to maintain a record of all Gang of Eight briefings. It also requires that the full committee be notified every time that a Gang of Eight briefing is conducted and be provided with general information regarding that briefing.

In the event the President decides that a briefing must be limited to the Gang of Eight, the manager's amendment also requires that he submit a certification stating that extraordinary circumstances require the briefing to be limited.

In the case of a limited briefing, the DNI will have to reissue that certification every 180 days or open the briefing to all members of the committee.

This reform is a substantial improvement over the language we included in previous authorization bills and which some of my colleagues still support. This earlier language would have actually expanded the President's authority to conduct restricted briefings, going so far as to include all intelligence activities, not just covert actions. It would also result in more restricted briefings and not fewer.

I am interested in passing laws that reform the notification process, not, as some would say, in sending political messages.

The manager's amendment also includes a number of provisions proposed by my colleagues. These include an amendment by Mr. BISHOP, which would require the DNI and the Attorney General to provide Congress with a strategy on balancing intelligence collection needs with the interests of the United States in prosecuting terrorist suspects.

The questioning and prosecution of terrorist suspects has been the subject of some controversy in recent weeks, and I believe that Congress could benefit from understanding how the administration plans to handle such cases in the future.

A second provision included in the manager's amendment was proposed by Mr. MARSHALL of Georgia. It requires the DNI to study the best practices of other foreign governments to combat violent domestic extremism.

A number of our allies, including the United Kingdom and the Netherlands, have established programs to stop individuals from turning to terrorism. This is a growing problem here in the United States, and we could benefit from learning how our friends and allies have dealt with this problem.

Madam Chair, I urge the passage of the manager's amendment.

At this point, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 10 minutes.

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

Since the other side doesn't want to talk about this amendment, I find myself having to come back and, once again, bring up the McDermott amendment. I would just appreciate, since there have been no hearings on this and it has slipped into this in the dead of night, just some answers to questions that maybe someone on the majority side can answer.

Remember, we are in a community now where the people at the front lines realize, when they have been asked by Congress and the President to do something, that, 3 or 4 years later, they may be prosecuted for those very activities by following the requests of this Congress.

We are talking about enhanced interrogation techniques. The record indicates that even people as high as the Speaker of this House knew about it. Yet this House is supporting those efforts to perhaps go back and prosecute this. Now we open up a whole new set of legal risk for our people in the intelligence community. I wish this thing just said, ''Follow the rules,'' but it doesn't. It's 11 pages of legalese, creating all types of new and ambiguous rules for our people in the intelligence community.

Would someone please answer the question: Why did we never have any hearings on this? Why no discussion? Why no debate? Why does this amendment define a criminal offense that only intelligence community personnel would be guilty of? This only applies to intelligence community personnel. Answer the question.

The amendment would make it a crime for depriving the individual of necessary food, water, sleep, or medical care. How does the bill define ''necessary''? How will we explain that to the people in the intelligence community?

The amendment would make it a crime to require someone to participate in acts intended to violate the individual's religious beliefs. Is there any objective standard to define that term or is it a subjective standard? Is there any requirement of reasonableness?

The amendment would make it a crime to exploit phobias of the individual. Phobias? Could you explain why this would be a criminal offense for a member of the intelligence community but not a criminal offense for a prosecutor who threatens a detainee with increased jail time if he does not cooperate?

These are just some simple questions—questions that I would think people in the intelligence community would ask the next time someone from this body comes and visits with them and tells them how much we support them and how great of a job we think they're doing. I would think they would hold this amendment up and say, Sir, Madam, did you vote for this? Did you understand what it meant when you voted for it? Could you explain it to me? Somebody please answer these questions.

□ 1445

We sure didn't have the opportunity to ask this in committee, to get any briefings on this, to have any hearings, for someone to explain this to us. But, no, if the other side has its way, soon this will be law.

Madam Chair, I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 2 minutes to the gentleman from Rhode Island, and a valued member of our committee, Mr. LANGEVIN.

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

Mr. LANGEVIN. I thank the gentleman for yielding and for his leadership on the Intelligence Committee.

Madam Chair, I rise in strong support of H.R. 2701.

This bill before us today funds critical intelligence activities that are vital to our national security. Of particular interest to me, it provides the resources for the foundational capabilities of a comprehensive cybersecurity strategy.

As the recent cyberattacks against Google and U.S. networks have demonstrated, our information infrastructure is far more vulnerable than many realize. It is absolutely imperative that the United States strengthen its cyberdefenses to ensure government and commercial functions are protected and to improve our ability to attribute attacks and hold aggressors accountable. The intelligence community has begun this work, and the President has committed to developing a broad strategy to secure U.S. information networks. I applaud those efforts.

In order to further foster cyberreadiness of our intelligence agencies, I offered an amendment requiring the administration to submit to Congress a plan for securing intelligence networks and determining whether we have the workforce we need to secure this vital part of cyberspace as well as the ability to recruit and retain the best and brightest in this field. I'm truly grateful this provision has been included in the manager's amendment that we're debating today.

Another issue of great importance is congressional oversight of our intelligence community. I'm pleased that this bill modifies the Gang of Eight notification process currently used to brief Congress on intelligence activities. During the last administration, we saw the danger of giving the executive branch too much leeway to engage in activities outside of congressional review. Reforming the mechanism governing congressional notification will restore Congress's ability to conduct oversight on our intelligence activities.

So with that I just want to thank Chairman REYES for his leadership in crafting this bill as well as his general leadership of the Intelligence Committee itself and particularly the attention he's paid to the issue of cybersecurity. I support the bill and I urge my colleagues to do the same.

Mr. HOEKSTRA. Madam Chair, I yield 2 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, just to further again tell you how dangerous the amendment is on making it a criminal act for CIA officers to try to conduct interrogations, again I just want to read—this goes after specifically any intelligence officer or employee of the intelligence community. So saying we're just restating law simply isn't true. And then it goes on to say ''interrogation knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhumane, or degrading treatment.'' ''Degrading,'' of course, is undefined.

But think of this: It goes on to explain at a further portion in their language ''if you seek to blaspheme his or

her religious beliefs.'' Now, we know that al Qaeda through their training always says when you're caught by the United States, allege abuse. It shuts the system down. Guess what we just did. Does that mean a Jewish FBI official is no longer able to go in and conduct an interview? I don't know. Does it mean that if an uncovered woman goes in to conduct an interview, we've blasphemed their beliefs and their religion? I don't know. But we've certainly made it easier to make the allegation, haven't we? We have made it almost impossible for them to do what we have to have them do, and that's extract information that's going to save lives. I mean you could go on to any sector of any religion that has become radicalized and understand it's impossible to meet that standard. Impossible. We are hugely restricting and handcuffing our intelligence community from doing what they need to do, and that's to get information, without torture, that keeps Americans safe and alive.

And, again, al Qaeda, Madam Chair, uses the technique, and we know this through a whole series of sources, to allege abuse. They use it in their media campaign, and they know it makes us chase our tail for weeks on end. This only enhances, this only strengthens their cause and al Qaeda's operational tactic to slow us down in the obtaining of that information.

I can't tell you how serious this amendment is with no debate and no discussion. It's dangerous. I urge rejection on this alone.

Mr. REYES. Madam Chair, it is now my privilege to yield 1 minute to the gentlewoman from California (Ms. RICHARDSON), who is a member of the Homeland Security Subcommittee on Emerging Threats.

Ms. RICHARDSON. Madam Chair, I rise to engage the chairman of the Intelligence Committee for purposes of a colloquy.

Mr. REYES. I am happy to oblige.

Ms. RICHARDSON. Mr. Chairman, as a member of the Homeland Security Committee and subcommittee Chair, I'm concerned that the members of the Homeland Security Committee have not consistently and were not adequately briefed by the administration on the events surrounding the failed Christmas Day terrorist attack. The Homeland Security Committee has an important role in congressional oversight over agencies within its jurisdiction.

Mr. Chairman, do you agree with me and Chairman THOMPSON that the Homeland Security Committee should be briefed in a timely manner on national security matters that play a central role in homeland security?

Mr. REYES. I believe that the Homeland Security Committees have an important role to play in congressional oversight of national security matters and that the committee should be briefed on national security matters that fall within its jurisdiction.

Ms. RICHARDSON. I thank the chairman for that response.

Mr. HOEKSTRA. Madam Chair, I yield 1 minute to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, a few moments ago, a Member stated that the McDermott language only restates what's in current law. I would be very interested for any Member who can come to the floor and tell me where in current law it says any officer or employee of the intelligence community who forces an individual to be naked goes to jail for 15 years. Sometimes there's a good reason to ask someone to take their clothes off—to make sure they don't have bombs strapped around their waist. And yet an intelligence officer who does that under the McDermott language is liable for 15 years in jail.

The McDermott language says an officer or employee in the intelligence community who deprives an individual of necessary sleep goes to jail for 15 years.

Now, I cannot believe the many good Members on both sides of the aisle who are concerned about prosecuting terrorists, about keeping the country safe, have thought through the implications of this language. And to have it included in a manager's amendment along with 20 other amendments is just amazing to me.

I strongly encourage every Member of the House to read this language and be careful before you vote on it.

Mr. REYES. Madam Chair, I yield myself 2 minutes.

The manager's amendment includes language originally proposed by Mr. MCDERMOTT that reiterates existing law on torture and provides statutory criminal penalties for individuals who knowingly commit an act of cruel, inhumane, or degrading treatment. Torture is a reprehensible and counterproductive practice. The U.S., as we all know, has no business engaging in that. The language in the manager's amendment simply reasserts existing law.

Executive Order 13491 prohibits interrogators from engaging in any of the activities highlighted in the manager's amendment language. This Executive Order limits interrogations to the interrogation techniques that are authorized by the Army Field Manual. It also spells out the terms of Common Article 3 and relevant provisions of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment as the minimum standard for the United States to follow.

The language in the manager's amendment restates existing criminal law prohibitions like those in the Detainee Treatment Act and clearly establishes that the United States will adhere to the rule of law. It provides a specific criminal penalty for those who knowingly cause the death of a detainee. It is already a crime for an interrogator to knowingly murder a detainee. This provision merely adds a concrete statutory penalty to that conduct.

This language does not, does not, give terrorists greater rights than ordinary criminals.

We cannot afford another Abu Ghraib, and the language in the manager's amendment simply reasserts these important provisions already codified in law, plain and simple.

Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

I wish it were plain and simple. It's 11 pages, 11 pages dropped in in the middle of the night. No debate, no discussion, just inserted.

If it's already a crime, why are you putting it in here?

We haven't answered all the questions that we asked before. I notice that the sponsor of the amendment, who was here for an extended period of time, I'm not sure if he wanted to speak on the amendment or not but obviously wasn't given the opportunity to speak on the amendment if he wanted to. It's too bad because I think there's legitimate need for discussion and debate because I don't think it's at all clear that this is just a restatement of current law.

Answer the questions. The amendment would make it a crime to exploit phobias of the individual. Why is this a criminal offense for a member of the intelligence community but for no one else, not a criminal offense for a prosecutor? Why didn't we ever talk about this in committee? Why didn't we ever debate it?

Madam Chair, I reserve the balance of my time

Mr. REYES. Madam Chair, I now yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the Chair for yielding.

I rise to commend Chairman REYES for including in the manager's amendment my amendment to develop a competitive grant program that will encourage the U.S. intelligence community to partner with Historically Black Colleges and Universities to recruit, train, and retain an ethnically and culturally diverse intelligence workforce.

We face a diverse and growing array of threats around the globe. As the means used by our enemies become more advanced, so must our defenses. Cultural, language, and educational barriers affect the quality of intelligence we can gather, and it's critical that our intelligence community have the human assets to overcome these barriers.

The area of Georgia that I represent is home to several HBCUs with specific expertise in languages and computer sciences. Engaging these centers of academic excellence, as this amendment does, will produce more sophisticated intelligence officers, who will in turn make our country more secure.

I want to thank Chairman REYES for his work on this important legislation,

and I urge my colleagues to support passage of this bill.

Mr. HOEKSTRA. Madam Chair, I yield 1½ minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, it's not that you're giving terrorists better rights than Americans. It's the fact that you're extending to foreign terrorists, foreign nationals, foreign-trained individuals coming here to commit acts of violence and kill civilians the same rights as Americans. That's wrong. They are enemy combatants.

You say, well, we can't have Abu Ghraib. You're right; we can't. Torture is illegal. It was illegal then, and guess what? It was investigated and they have been prosecuted, rightly so. They abused people. Wrong. They go to jail. That's what happens in this system.

What you're doing now is interjecting mass confusion into the people who are going to try to conduct debriefings all over the world, and they're going to go to dangerous places, and guess what? You've engaged one of the worst parts of the al Qaeda playbook that says, remember, when Americans are shooting at themselves and chasing their tail, they are not shooting at us. Allege abuse. You've just put 11 confusing pages right into the hands of our enemy to say, make it really hard on the folks who are risking their lives to save Americans so that we can continue to do what we do, and that's plan, train, recruit, and we will send people to America to kill American civilians.

This is a dangerous, dangerous, dangerous step that you take. No debate. No discussion. Lots of confusion. Don't do this to the men and women who risk their lives every day to protect the United States of America.

□ 1500

Mr. REYES. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. REYES. Thank you, Madam Chair.

I rise to inform my colleagues on the other side that the men and women protecting this country are clear about their duties. They are focused on keeping us safe. They are not concerned about the political spin here. They are not concerned about the rhetoric that they hear. But they do appreciate actions more than rhetoric.

I know because I have been around the world visiting them. I have been to talk to various groups in the intelligence community. They know that we appreciate the work that they do each and every day to keep us safe. And they are not going to be fooled, like the American people are not going to be fooled, by the rhetoric that comes up, the spin that they try to put on the manager's amendment, and in particular the reiteration of something that is fundamentally American, and that is we have a Constitution. We have rules that we all have to live by. We understand the law. And we have to have respect for that law. It does not undermine any of that.

It is a good manager's amendment. I urge the adoption of the manager's amendment.

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

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. HOEKSTRA. Thank you.

Madam Chair, my colleague on the other side of the aisle is exactly right. The people in the intelligence community are watching exactly what we are doing. And actions do speak louder than words. The actions that they have seen, their colleagues were asked by this Congress, including, the record shows, the leadership of this House and the former administration, to do things on their behalf to keep America safe, and they see their colleagues now potentially being prosecuted because the rules changed under this administration.

As they see the rules changed for them and perhaps their colleagues being prosecuted, they see a global justice initiative coming out of the FBI where we are reading Miranda rights to our enemies on the battlefield in Afghanistan. They see the actions and they see the actions are very, very different.

They see that we are moving KSM from Gitmo to trial in New York City. Thankfully, the people in New York City are saying no way, we are not doing it. And at the same time that KSM is being promised a trial in civilian courts in the United States, they are seeing 11 pages of new vulnerabilities being placed on them after no hearings and no debate.

Yes, our men and women in the field are seeing a real difference. They are seeing a real difference in actions by this Congress and by this administration. They see that they have become kind of a target of this administration, that this is now not about keeping America safe, it is about putting them into a legal framework, an ugly legal net.

Madam Chair, I rise in strong opposition to this bloated Manager's Amendment. Its flaws powerfully demonstrate how the Intelligence Committee is failing to do its work and has in fact become counterproductive to the work of the intelligence community.

This amendment is everything that is wrong with intelligence policy in 2010. It is politicized, it fails to recognize or act on the serious threats that we continue to face as a nation, and it puts off the tough decisions indefinitely. Where it does take a substantive action, instead of taking meaningful steps to fix the problem it blames the men and women of the intelligence community for failing to follow a politically correct policy, even though that policy was ratified by Members of Congress at the highest levels. I think we have heard this story before.

The Managers Amendment contains the text of 22 Democratic amendments, and no Republican amendments. The Committee minority was not consulted on a single one of these amendments—in fact, one of them continues to reverse a bipartisan agreement on notification reform from last year.

Instead of taking meaningful steps to address critical national security problems such as the threat posed by bringing Guantanamo detainees to the United States, the flaws revealed in our intelligence sharing by the Fort Hood and Christmas attacks, and the issues posed by American citizens who join terrorist groups abroad, it would require 16 new reports, to bring the total for the bill to at least 57 new reports. And instead of supporting the men and women of our intelligence community, it would create a new criminal offense that not only would duplicate an existing law—it would apply only to our intelligence personnel. How's that for gratitude?

Instead of trying to provide proper procedures are in place to govern the conduct of covert action activities that could impact American citizens, the Majority believes it is more important to order yet another duplicative report on foreign language proficiency when the Committee is already briefed regularly and repeatedly on the efforts that are ongoing in this area.

Instead of trying to fix the intelligence sharing problems that were laid bare at the Fort Hood shooting and shown to be critical during the Christmas bombing attack, the Majority has instead chosen to put its head in the sand and order up a report on events in Argentina between the mid-1970s and the mid-1980s.

Instead of resolving the serious problems in coordinating the interrogation of the high-value detainees that became apparent when Miranda rights were read to a foreign radical jihadist, the Majority has chosen to require the intelligence community to write up not one, but two new reports and a "Task Force" on cybersecurity even though the Committee is in the middle of a series of comprehensive briefings and hearings on the subject and has conducted repeated oversight.

Madam Chair, I can't think of a single terrorist plot that has ever been disrupted by a report to Congress.

In addition to these more fundamental issues, I need to note for the record some specific serious problems with this amendment.

First, the amendment does even further damage to the bipartisan agreement that had been reached on reform of congressional notification. Instead of providing a mechanism that respects the separation of powers and the various equities of the President and the Congress, this amendment has ceded the decision of which Members of Congress will be briefed on sensitive covert actions entirely to the President, apparently to avoid the White House's veto threat on the bill. That is ironic for a majority who has claimed so long and so loud—despite clear records and the recollection of others to the contrary—that it was never briefed on intelligence policies that they explicitly helped to ratify on a bipartisan basis.

Second, the amendment does even further damage to years of carefully developed practice and procedure for how the congressional intelligence committees conduct oversight by attempting to cede its responsibility to the GAO. The original bill was flawed because it would have provided the GAO with virtually unfettered authority to insert itself into intelligence community matters without applying

the same rules that govern the congressional intelligence committees or limiting the dissemination of any work product to protect sources and methods.

It was so bad that even the Obama administration objected that the bill ''would fundamentally shift the longstanding relationship and information flow between the IC and intelligence committee members and staff.'' This Managers Amendment makes these problems even worse by allowing the Comptroller General to unilaterally develop procedures for handling of highly sensitive material with no requirement that it follow House or Committee rules, and in fact would allow committees other than the intelligence committees to request GAO review of the intelligence community.

This is contrary to the Rules of the House and the recommendations of the 9/11 Commission. How many times do we have to learn the simple lesson that intelligence oversight is most effective when it is conducted by the intelligence committees—at least when those committees do more than just require new reports.

Third, buried deep within the 22 amendments contained in this Managers Amendment is an extraordinary provision that would create a new criminal offense that would only apply to the men and women of the intelligence community. Title 18 of the U.S. Code, section 2340A, already gives effect to the Convention Against Torture and makes torture a criminal offense in the United States. Torture is already against the law.

Apparently, that's not enough for the Majority—it has to have a special offense that would apply only to the men and women of the Intelligence Community—just as Attorney General Holder has appointed a special prosecutor to investigate them. There is no legal reason to do this—it apparently exists only to make a political statement. The intelligence operatives on the front lines deserve our thanks and our support for doing hard things in hard places, like the men and women who made the ultimate sacrifice this year in Khost, Afghanistan. They do not deserve to be singled out for special criminal offenses. I believe that this is wrong.

Madam Chair, I strongly oppose this amendment.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I'd like to extend my sincere thanks to Chairman REYES for accepting this amendment and taking an important step toward strengthening our Nation's cyber infrastructure against attack. Madam Chair, the protection of our country's cyber infrastructure is one of today's most pressing—and challenging—national security issues. Computers and Internet device technology have become pervasive in every type of crime and federal agencies are experiencing an increase in cyber-intrusions into our most secure and sensitive government computer networks. This growing threat is extraordinarily difficult to address. The technology used to perpetrate these crimes evolves constantly and rapidly, and it can be exceedingly difficult to track down the perpetrators. It is our duty to ensure that our Intelligence Community and our Nation's law enforcement agencies have every tool necessary in their arsenal to combat cyber criminals and cyber terrorists who seek to access or steal protected information.

To be successful in preventing security breaches, Madam Chair, the agencies tasked with protecting the country from cyber attacks must constantly revise and improve their primary functions of data collection, analysis, and dissemination to keep pace with expanding threats. Experts in the field have pointed to several areas of the law which may need to be reviewed and updated to ensure their effectiveness and to best protect American individuals, businesses, and our national security.

Our proposal would establish the Cybercrime Task Force to analyze the current tools available to the Intelligence Community and law enforcement and provide legislative recommendations on ways to strengthen those resources, reduce our national exposure, and prevent and deter cyber attacks, cyber terrorism, cyber espionage, and cybercrimes.

The goals of the task force include improving attribution to specific criminals, understanding the nontraditional targets of attackers, and strengthening federal computer crime statutes to deter would-be perpetrators.

First, crucial to better deterrence—and the possibility of implementing sanctions—is improving the IC's ability to designate concrete attribution for cyber attacks. Attacks committed with the aid of computer or Internet device technology are often cleared with negative clearance. In order words, the IC is not able to detect and identify hostile foreign actors because of missing data at Internet service providers. The task force shall provide evidence-based recommendations on mandatory data retention requirements that balance the privacy of an individual's data, the technical and financial limitations of companies and Internet service providers, and the need to ensure effective cybercrime investigation.

The task force shall incorporate in their recommendations suggestions to minimize barriers to entry into the service provider industry and to lessen any negative impact on innovation or new start-ups in the industry.

Second, Madam Chair, in light of the rapidly evolving nature of the crimes, we must better understand the likely, but nontraditional, targets to which perpetrators may seek unauthorized access. Cyber attacks are increasingly the preferred method of foreign intelligence services collection of data against the U.S., raising a host of novel training, counterintelligence and investigative issues. To improve these operations in the IC's understanding of the extent to which computer and Internet device technology pervades traditional crimes, the task force shall compile a list of nontraditional targets (i.e., economic or industrial bases) in the U.S. that the IC has not traditionally dealt with as a target for foreign intelligence services.

Finally, Madam Chair, an increasing number of ''terrestrial'' (i.e., physical) crimes are being committed with the aid of a computer or Internet services. The task force shall survey the current federal crime statute for computer fraud and abuse to determine whether it is sufficient in light of the advanced nature of the crimes being committed and to enhance the ability of our law enforcement agencies to identify, detect and apprehend suspects as well as enhance investigative and prosecutorial efforts.

The task force shall survey the current federal crime statute for computer fraud and abuse (as provided in 18 U.S.C. 1030) to determine whether it is sufficient in light of the advanced nature of the crimes being committed. It shall determine the adequacy of the laws for which cybercrime and cyber espionage constitute a predicate offense and provide recommendations for updating those statutes when warranted. The task force shall establish and disseminate guidelines for States to revise their State-level statutes equivalent to 18 U.S.C. 1030 to help ensure they keep pace with Federal changes.

An increase in the prevalence of crimes facilitated through computer fraud and abuse raises novel investigative, prosecutorial and training issues because of the complex and unique attributes of computer and Internet technology. To improve law enforcement's understanding of the extent to which computer technology pervades traditional crimes, the task force shall compile a list of which crimes are most often committed with the aid of computers or Internet devices, determine whether the relevant prosecutorial tools are up to date, and provide specific legislative recommendations on how to update the statute to improve prosecution efforts while simultaneously providing for individual privacy and data security.

The task force shall also advise whether a need exists to outlaw, or more clearly prohibit, certain behavior (i.e., unauthorized access) regardless of intent or resulting damage, whether monetary or to a computer system. The recommendations should take into account the increasing prevalence of individuals using preprogrammed hacking tools to commit a crime without necessarily understanding the full implications or potential consequences of the technology.

The task force shall analyze existing Federal and State data breach notification requirements and advise whether and how current law should be amended to strengthen requirements and improve compliance, including notification of relevant law enforcement authorities as well as any individuals whose personally identifiable information may be at risk from the breach. Currently, forty-three States have enacted breach notification requirements, and they vary widely, resulting in low compliance levels. The task force shall analyze discrepancies among existing State-level statutes, determine barriers to compliance, and provide recommendations for overcoming such barriers (i.e., through Federal legislation, tying a company's obligations to specific jurisdiction and their requirements, or through some other means).

Finally, the task force shall determine whether and how current victim restitution statutes should be amended in order for victims of cyber attacks to be made whole. Currently States have varying forms of recourse for victims of cyber attacks, particularly when a person is hurt because a company's data was breached. The task force shall recommend whether a Federal law is needed to address this and if so, how it should be structured.

Madam Chair, I urge my colleagues to ensure that we stay a step ahead of hackers and cyber terrorists seeking to cause us harm and to pass this important amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HOEKSTRA. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–419.

Mr. HOEKSTRA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Insert after section 354 the following new section:

SEC. 355. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995-2001'', dated August 25, 2008.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chair, I would like to yield myself as much time as I may consume.

Madam Chair, this is a very straightforward amendment. I thank the Rules Committee for making it in order. It basically says that for not later than 30 days after the enactment of this act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru.''

Many of you may remember that this was a very tragic incident where, with the assistance of our intelligence community, two of my constituents were tragically killed in Peru, shot down by the Peruvian Air Force. We need an unclassified version of this report being made available to the public, and more importantly, to the families, the families of those who were killed.

You know, it wasn't that long ago, it was within the last month that there was a discussion about an accountability review. Almost 9 years after that tragic shoot-down, there was an Accountability Board that had been convened. And its results have been made or were reported to our committee. Roughly 4 weeks ago I asked the Director of the CIA whether the families of those killed would be briefed on what was found in the Accountability Board and the accountabilities that were put in order. To date I am yet waiting for an answer.

This has been unfair to these families, it has been unfair to the American public that when we have had such a tragic failing in the intelligence community, which included, from my perspective, an attempted coverup by the previous administration or by the intelligence community as to exactly what happened, how it happened, and how these Americans were killed, that we have been so closed in sharing that information with the American public and the families.

I reserve the balance of my time.

Mr. REYES. I would like to claim the time in opposition, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. REYES. I yield such time as she may consume to my friend from California (Ms. HARMAN).

Ms. HARMAN. I thank the chairman for yielding, and surely hope that we will accept his amendment. I recall during my years as ranking member on the committee when we were, in quotes, ''briefed'' on this incident. I am very disappointed about the way it was handled. I personally think the gentleman from Michigan is correct, and I applaud what he is doing.

As we debate this bill, we must thank again the thousands of patriotic and courageous women and men who are serving in our intelligence community around the world. As I so often say, a grateful Nation salutes them for their efforts to keep us safe. Our Nation also remembers and honors those who lost their lives, most recently at Forward Operating Base Chapman in Afghanistan.

Madam Chair, in addition to this excellent amendment, I applaud the underlying bill's provisions to reform the way Congress is notified of sensitive covert programs, briefings that for too long were limited to the so-called ''Gang of Eight.'' During my years as ranking member, it was clear that effective oversight required providing the entire committee with information previously limited to its leadership. And so this bill rightly provides for full committee notice of Gang of Eight briefings, a contemporaneous record of those briefings, something we sorely lacked, and it entitles the full committee to receive the same briefings as the Gang of Eight within 180 days.

These changes go a long way toward correcting the frustration felt on both sides of the aisle during my tenure on the committee. We should not have been put in the position of on the one hand upholding our oath of secrecy, while on the other hand being starved for information to conduct necessary oversight.

Just last week, pursuant to a FOIA request, memoranda describing some of our briefings were declassified. The documents, which are available to the public, show repeated pushback from Intelligence Committee members, surely including me, about the failure to brief us or to provide documents or other timely information.

Madam Chair, last time I checked, Congress was an independent branch of government. We must assert our prerogative to monitor and rectify problems that surface in the programs we oversee. In the intelligence world, some of these problems affect our core values as well as our Constitution. Security and liberty are not a zero sum game. It is our sworn duty to protect both. The language in the underlying bill and this amendment offered by Mr. HOEKSTRA go a long way to rectify long-existing problems.

I urge support for the bill and support for this amendment.

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

The Acting CHAIR. The gentleman from Michigan has the right to close.

Mr. REYES. Madam Chairwoman, I am prepared to accept the amendment, and want the record to reflect that Ms. SCHAKOWSKY from Illinois is very much in agreement with Mr. HOEKSTRA.

I yield back the balance of my time.

Mr. HOEKSTRA. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. HOEKSTRA. Thank you, Madam Chair.

I would like to thank my colleagues on the other side of the aisle and the chairman for accepting the amendment, my colleague from California for the kind words that she had to say. We worked on this program for a number of years together. And it has taken us such a long period of time to get the answers that help understand but do not explain what happened.

This amendment is intended to get more information to the American people, more information to the families. I do hope that over the coming days that the Director of the CIA, that the people in the intelligence community decide to give the families full access to the Accountability Board.

I appreciate the support of the chairwoman of the subcommittee, Ms. SCHAKOWSKY from Illinois. This is a case where we have worked uniquely in a bipartisan way to address failings within the intelligence community, to try to right those wrongs, and to try to move us forward in a constructive and positive way. I thank my colleagues who have enabled that process to work and to work effectively.

Madam Chair, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–419.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

Insert after section 352 the following new section:

SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress finds the following:

(1) To most effectively carry out the mission of the intelligence community to collect and analyze intelligence, the intelligence community needs personnel that look and speak like the citizens of the many nations in which the United States needs to collect such intelligence.

(2) One of the great strengths of the United States is the diversity of the people of the United States, diversity that can positively contribute to the operational capabilities and effectiveness of the intelligence community.

(3) In the past, the intelligence community has not properly focused on hiring a diverse workforce and the capabilities of the intelligence community have suffered due to that lack of focus.

(4) The intelligence community must be deliberate and work hard to hire a diverse workforce to improve the operational capabilities and effectiveness of the intelligence community.

(b) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(c) CONTENT.—The report required by subsection (b) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, I would like to correct some things, because I have been here all day listening to our colleagues complain about the process. This is the beginning of the process. And it is an important one, one that has not been undertaken in 4 years, such that we have not had an authorization bill for all that time.

Now, I am sure that my colleagues know that when this measure is completed, and on the other side in the other body, that we will have a conference. And many of the discussions that are being heard here today are likely to be addressed in that conference report.

Now, I have stated time and again that the intelligence community is not diverse enough to do its job of obtaining and analyzing foreign countries' secrets. Diversity is a mission imperative. We need people who blend in, speak the language, and understand the cultures and the countries that we are targeting.

The intelligence community is our Nation's first line of defense against the increasing dangers and threats we face around the world. From the scourge of terrorism, to the proliferation of weapons of mass destruction, to hostile governments, intelligence work is often unseen, and mostly thankless.

Now, I keep hearing all this talk about Mirandizing people on the battlefield. I have a lot of difficulty understanding when that happened. I have been on the committee for 10 years, and I don't know that that is a methodology that is being employed with any regularity.

I have had the honor and privilege of meeting many of our intelligence professionals during my oversight travel as a member of the Intelligence Committee to more than 50 countries. I cannot overstate how much all of us, Democrats and Republicans, every Member of this House and every President that I have known, are appreciative and humbled by their service. And yes, I will stand and say that when this authorization measure passes that I do support the men and women in the 16 elements of the intelligence services and appreciate them very much.

I am proud to support this measure for several reasons. It substantially increases funding for human intelligence collection and counterintelligence activities, tools that have been underresourced in the past years.

□ 1515

The bill continues the essential funding to support the critical efforts of U.S. warfighters in Iraq, Afghanistan and Pakistan, and provides additional funding to address significantly emerging issues in Africa, Latin America and elsewhere. And I would urge my colleagues to footnote that.

There is no place that I think that we should focus as much attention as we have with Iran as Yemen. It is going to be critical for us to pay attention to that area of the world.

This bill also adds funds and authorities for language programs. Chairman REYES and I and countless other members on this committee have fought this issue repeatedly for us to make progress in languages; and, I might add, we have been successful. If you see the new people entering the service, if you visit our operational activities, you begin to see more and more people that are in the service.

I do have something to quarrel about, and that is, the gays in the military provision that allows, among other things, that we're putting people out of the service who are Farsi and Arabic speakers because they're gay, and I think that's ridiculous in the environment that we're operating in.

But we still don't have enough women. We still don't have enough Arabs. We still don't have enough North Koreans, and I could go on and on.

While the intelligence community has made some progress in hiring people with diverse backgrounds, education and experience, including, indeed, more women and minorities, this progress has been at a glacial speed. The intelligence community has been historically slow to recognize the wealth and abundance of talent and skills that reside in first-, second-, and even third-generation Americans. We still don't have an intelligence workforce that looks like our country. We aren't even close.

The bottom line is that we, until we have every segment of society participating in the intelligence community, our capabilities will not rise to the level needed to defeat terrorism.

I'd like to yield the balance of my time to the distinguished chairperson of the Intelligence Committee, and to thank the Members of the Democrat and Republican staff on the House Intelligence Select Committee.

Mr. REYES. I just want to thank the vice chair of our Intelligence Committee for his hard work. I know he's worked ever since he's been on the committee on this very important issue that keeps, I think, the face of the intelligence community reflecting the face of this Nation.

Mr. HOEKSTRA. Madam Chairman, I'd like to claim the time in opposition, although I will not be opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. I would like to recognize my colleague from Texas (Mr. THORNBERRY) for 1 minute.

Mr. THORNBERRY. The gentleman from Florida (Mr. HASTINGS) has been a forceful and eloquent advocate for greater diversity in the intelligence community. And he's exactly right: we will be more effective when we have greater diversity in the intelligence community. We're more effective human collectors when we look like those from whom we are collecting. We will be more effective when we have a greater range of language talents including dialects. All of that is absolutely true.

My point, in addition, however, is that it's not just getting them into the intelligence community. It's how we treat them once they're hired. And some of the recent actions over the last year, whether it's a special prosecutor to go after, again, interrogators after they have already been investigated, or whether it's releasing classified

memos, even though five CIA directors recommend not having it done, that cuts against the ability to keep these qualified people in government service after we have them hired. And I can think of nothing worse than to threaten these people with 15 years of prison if they stray across the line in an interrogation as far as encouraging our intelligence professionals to stay with the government.

Mr. HOEKSTRA. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, I will not oppose the amendment. I support the amendment. I think the report on highlighting the progress that we have made or that we may not have made toward our objectives of increasing the diversity within the intelligence community is something that is needed and something that my colleague has been championing for all the years that we have served on the committee together. I support the amendment and urge my colleagues to support it as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–419.

Mr. ROGERS of Michigan. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROGERS of Michigan:

Strike section 349 (page 64, lines 8 through 24) and insert the following new section:

SEC. 349. FEDERAL BUREAU OF INVESTIGATION FIELD OFFICE SUPERVISORY TERM LIMIT POLICY.

None of the funds authorized to be appropriated by this Act may be used to implement the field office supervisory term limit policy of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Madam Chairman, it's with a heavy heart I rise with this amendment. This has been a bipartisan issue for, I hate to say it, going on 5 years where the Director of the FBI implemented a new policy, and the policy was designed to try to get a different talent pool of individuals to come to Washington, D.C. to be supervisors in their new bureaucracy of the intelligence community, if you will. They were having a difficult time doing it.

So what they ended up doing is they forced supervisors in the field. These are FBI experts in a whole variety of fields—it could be white- collar crime, it could be organized crime, it could be foreign counterintelligence, could be counterterrorism efforts—and arbitrarily said, after 5 years you're done. You either have to step down, you have to come to Washington, D.C. and apply to be an ASAC or other job, or you have to move on. You can either leave the Bureau, you can step down and go back to the ranks of what we used to call a brick agent in the FBI.

Five years ago we said, you know this is really unfair to a lot of agents. You're going to lose agents. Unfortunately, they implemented it, we lost agents, senior agents, talented agents. And from both sides of this aisle we heard stories after stories where we represented about good, quality, talented, seasoned FBI agents being forced to make decisions based on their families. Some were just not in a position to come back to Washington, D.C., so their reward for all that honorable service is get out.

Well, the Director cut a deal with this Congress, not this particular session, but a Congress a few years ago, 5 years ago: I will fix this problem for the agents who this harmed. We are still waiting today.

This is called the up-and-out policy of the FBI. It is wrong, Mr. Director. It is absolutely unconscionable that this continues to be a problem, after they've given the Congress of the United States your word it would be fixed. I just implore the Director to fix this problem.

The only way for us to join together to get this fixed for the men and women who have risked their lives, who moved their families, who make the difficult choices to be an agent of the FBI, is to offer this amendment and say, no more. We're not playing anymore. Fix this problem. It's wrong to treat the men and women of the FBI with this blatant disregard for what has been harmful to them and their families, in some cases, their pensions as well. It's wrong.

I know it has been bipartisan in the past, and I hope that it continues to be a bipartisan effort. And, Madam Chairman, I can't strongly enough say that I support it. But also, I have a letter here from the FBI, the Federal Bureau of Investigation Agents Association, representing literally tens of thousands of former and current agents all across the country who have stood up and said this is the right thing. They support this amendment unconditionally.

Let us stand with those men and women who are doing so much to keep us safe today. This is the one thing that we can do and send a message to this Director. For all the good and all the bad that happened since 9/11 and he's been part of a lot of good things, this could be a horrible black mark on what could otherwise be a great career there if you don't take care of the people who have been taking care of America.

I reserve the balance of my time.

The Acting CHAIR. Does any Member seek time?

Mr. ROGERS of Michigan. Seeing there's no further speakers, I would just urge the body's quick support and, again, hopefully we can stand with the men and women who have stood with us in difficult times across the country. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–419.

Ms. ESHOO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. ESHOO:

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

SEC. 305. CONFLICT OF INTEREST REGULATIONS AND PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT FOR INTELLIGENCE COMMUNITY EMPLOYEES.

(a) CONFLICT OF INTEREST REGULATIONS.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

''(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.''.

(b) OUTSIDE EMPLOYMENT.—

(1) PROHIBITION.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT OF OFFICERS AND EMPLOYEES OF THE INTELLIGENCE COMMUNITY

''SEC. 120. An officer or employee of an element of the intelligence community may not personally own or effectively control an entity that markets or sells for profit the use of knowledge or skills that such officer or employee acquires or makes use of while carrying out the official duties of such officer or employee as an officer or employee of an element of the intelligence community.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50

U.S.C. 401 note) is further amended by inserting after the item relating to section 119B the following new item:

''Sec. 120. Prohibition on certain outside employment of officers and employees of the intelligence community.''.

Page 71, strike line 11 and insert ''section 510.''.

Page 71, after line 11 insert the following:

''(K) The annual report on outside employment required by section 102A(s)(2).''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Madam Chairman, I rise to offer an important amendment to the Intelligence Authorization Act.

Madam Chairman, many of the provisions that I supported and authored are already in the legislation that was reported out of the committee. Today I'm offering this amendment to address a problem that arose after our consideration of the bill last year.

Earlier this month we discovered that intelligence community employees have been starting businesses to sell private companies the very skills they use in their employment for the government. For example, a number of CIA employees launched a company to sell deception detection services to hedge funds and ran this company while they were Federal employees. I'm very troubled by this. I questioned the Director of National Intelligence about this at HPSCI's worldwide threats hearing, and he said he would look into it. While waiting for a formal answer, I discovered, to my great surprise, that this activity had already been approved by their agencies. Clearly, we need to tighten up that process.

All Federal agencies are required to have conflict of interest guidelines that set limits on employees' outside employment. Now, these guidelines are developed jointly by the agency and by the Office of Government Ethics. But the DNI has not issued intelligence community-wide policy guidance on conflicts of interest for outside employment.

So this amendment does two things. First, it requires the DNI to establish an intelligence community-wide conflict of interest regulation working in connection with, and in conjunction with, the Office of Government Ethics to establish a community-wide process for checking outside employment for conflicts of interest, and also to submit an annual report to the intelligence committees on outside employment activities that were approved in the last year.

Second, it would prohibit employees from owning companies that sell skills that are related to their government service.

I think that government employees, and especially those in the intelligence community, should adhere to the highest ethical standards. The American people have to have confidence that government employees are working in the best interest of the Nation and not in just a personal self-interest.

I want to thank my colleagues from the HPSCI, Representatives TIERNEY, BOREN, SCHAKOWSKY, THOMPSON, HOLT, ROGERS and MYRICK, for cosponsoring this amendment. And I urge the adoption of it.

Madam Chairman, how much time do I have left?

The Acting CHAIR. 2½ minutes is remaining.

Ms. ESHOO. I yield to the gentleman from Michigan (Mr. ROGERS) 1½ minutes.

Mr. ROGERS of Michigan. Madam Chairman, I want to thank my good friend, Ms. ESHOO from California. You know, sometimes you can get ahead of a problem. We don't often do that in Congress. I think this is a great way to get ahead of a problem.

Given the fact that these individuals who have, who are doing great things for their country, we're thankful for it, takes sometimes a piece of intellectual property that really belongs to the people of the United States, and some of it is very sensitive, very compartmentalized. It's information that is shared with very few. So it is an incredible responsibility. And for us not to have a policy on how we make sure that those people don't use that information for personal gain on the outside of that community, especially the intelligence community, I think is wrong. And I think this is a good measure that puts some really basic protections, not only for them, but for the intelligence community and the people of America.

And I want to commend the gentlelady for her work and effort on this. And I wholeheartedly support this effort.

□ 1530

Ms. ESHOO. I want to thank the gentleman for his support. This is a bipartisan amendment.

I just want to add, Madam Chair, this is in no way a ban across the entire Federal Government and Federal workers. There are some that teach at universities at night; there are others that make really very low salaries—GS–1s in the $17,000 range—that do have some outside employment.

This goes directly to the skill set that the American people train these CIA officers and others in the intelligence community to do their work relative to national security. That shouldn't be sold off in bits and parts by moonlighting.

So I think that we've done that respectfully, and I think that we've done it thoughtfully. And I'd like to thank the chairman again for this, Mr. ROGERS, and Members that have supported it. I think it's a good amendment.

I yield back the balance of my time.

The Acting CHAIR. Who seeks time in opposition?

With no one seeking time in opposition, the question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–419.

Mr. CONAWAY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY:

Page 87, strike line 21 and all that follows through page 88, line 9, and insert the following:

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is imperative that intelligence community-wide auditability be achieved as soon as possible;

(2) the Business Transformation Office of the Office of the Director of National Intelligence has made substantial progress and must be of sufficient standing within the Office of the Director of National Intelligence to move the plan for core financial system requirements to reach intelligence community-wide auditability forward;

(3) as of the date of the enactment of this Act, the National Reconnaissance Office is the only element of the intelligence community to have received a clean audit; and

(4) the National Reconnaissance Office should be commended for the long hours and hard work invested by the Office to achieve a clean audit.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Thank you, Madam Chair.

This amendment is a pretty simple, straightforward one. It's about good governance. It's about protecting the assets of the American taxpayer as utilized by the intelligence community.

This bill came out of committee 8 months ago. We've now learned some things in the last 8 months that we didn't know then, and this amendment would simply substitute a new paragraph A for the old paragraph A. This paragraph would simply say it's an important initiative for the intelligence community to work to get audited financial statements across all of the entities. This takes a lot of work, a lot of effort to make that happen.

I'd like to call the Chair's attention to the National Reconnaissance organization, who is the only entity within the intelligence community that has, in fact, achieved an unqualified audit opinion on their financial statements. Under Dr. Scott Large's leadership, that hard work was done. And then more directly, Karen Landry, the Chief Financial Officer for the NRO, and Sandra Van Booven, the Director of Financial Management, led an incredible team to do an awful lot of hard work to make that happen. I don't discount

how hard that is. From my professional experience, I know it's hard. But they're to be commended as the agency that has achieved clean audited financial statements.

As important as that is, it's an ongoing effort, and I hope that General Bruce Carlson, who is now the leader at NRO, will continue to lead the efforts needed to make that happen.

This is a top-down function. It has to have the initiative of the leadership. The Office of Director of Intelligence has to make this a priority. And this amendment would seek to recognize that priority and continue to draw attention to it from our body so that the executive branch body, in fact, knows that we believe that it's important to get this done. So it's a pretty straightforward amendment, Madam Chair.

I recognize the hard work of some of the folks over at NRO is kind of a pat on the back for having done it correctly, shown us how it can be done, an incredible amount of hard work done by the team led by Ms. Landry and Ms. Van Booven.

So, with that, I encourage my colleagues on the floor today to support this good governance amendment that would further the hard efforts being done across the community to achieve unqualified audit opinions on their financial statements and all of the internal controls and systems that go behind that.

One final comment. There are some tough decisions ahead for Director Blair and others to make this happen, and I encourage them to make those decisions sooner than later. And I encourage my colleagues to support the amendment.

I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CONAWAY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ARCURI

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–419.

Mr. ARCURI. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ARCURI:

Insert after section 354 the following new section:

SEC. 355. CYBERSECURITY OVERSIGHT.

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal justification for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate agency or department;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such agency or department; and

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of the relevant department or agency of the United States, in conjunction with the appropriate inspector general.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President, in accordance with the schedule set out in paragraph (2), a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal justification referred to in subsection (a)(2)(A); and

(II) the assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C), if any; and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Congress and the President according to the following schedule:

(A) An initial report shall be submitted not later than 180 days after the date of the enactment of this Act.

(B) A second report shall be submitted not later than one year after the date of the enactment of this Act.

(C) Additional reports shall be submitted periodically following the submission of the reports referred to in subparagraphs (A) and (B) as necessary, as determined by the head of the relevant department or agency of the United States in conjunction with the inspector general of that department or agency.

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber threat information, including—

(1) a description of how cyber threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber threat information is distributed;

(3) an assessment of the effectiveness of such information sharing and distribution; and

(4) any other matters identified by the Inspectors General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) SUNSET.—The requirements and authorities of this section shall terminate on December 31, 2012.

(f) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term ''cybersecurity program'' means a class or collection of similar cybersecurity operations of an agency or department of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the agency or department of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the agency or department of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term ''National Cyber Investigative Joint Task Force'' means the multi-agency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the Nation Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from New York.

Mr. ARCURI. I yield myself such time as I may consume.

The threat of cyberattack on our computer and Internet infrastructure as well as the threat of cyberwarfare cannot be overstated. The need for congressional action to assure adequate funding is in place to guarantee that our country is prepared for any contingency that may arrive in this relatively new area of warfare is critical. I believe, as a nation, our investment in cybersecurity will be the Manhattan Project of our generation.

H.R. 2701 authorizes the funding to make this investment a reality. Cyberthreats and attacks are real, and they threaten our financial and defense networks every day. Nearly every aspect of everyday life in our global society is dependent on the security of our cybernetworks. We rely on these systems to carry virtually all of our business transactions, control our electric grid, emergency communication systems, and even traffic lights.

The most troubling cyberthreat may be the very real prospect of state-sponsored cyberattacks against sensitive national security information. We must take steps to protect our cyberinfrastructure, but to do that in such a way that we do not infringe on individuals' rights to privacy.

We have a number of organizations in government that work on cybersecurity, and we in Congress need to ensure that these organizations are sharing this information with each other in an effective, reliable, and safe manner. This must be one of our top priorities.

Over the next few years, the administration and the intelligence community will begin new and unprecedented cybersecurity programs to combat these threats with cutting-edge technologies. These new programs will present new legal and privacy challenges.

To ensure that Congress can properly oversee these programs, my amendment requires the President to submit detailed notifications to Congress on current and newly created cybersecurity programs so that Congress may perform the oversight that the Constitution requires.

My amendment sets a preliminary framework for the administration and congressional oversight to ensure that the government's national security programs are consistent with legal authorities and preserve individuals' reasonable expectations of privacy. It requires the President to notify Congress of new and existing cybersecurity programs and provide Congress with the program's legal justification, a general description of its operation, and describe how it impacts privacy and sensitive data and to detail any plan for any independent audit or review of the program. This amendment is a reasonable and responsible continuation of this effort.

Earlier this month, the House approved a Cybersecurity Enhancement Act to expand programs to strengthen our Nation's cybersecurity and to require a cybersecurity workforce assessment to give us a clearer picture of our cybercapabilities in both the Federal Government and private sector to combat future attacks.

Given the increasing number and sophistication of cyberattacks that are being aimed at our networks and the degree to which we must expand our cybercapabilities, we must also ensure that we maintain our oversight abilities. My amendment is similar to the oversight provisions included in the Senate legislation, and I ask that all Members support these important safeguards.

I reserve the balance of my time.

Mr. THORNBERRY. I seek to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. I yield myself such time as I may consume.

Madam Chair, I don't think anyone in this House can deny the importance of cybersecurity. Certainly the Intelligence Committee is devoting a great deal of time and effort to understanding the threat to our potential responses and how we go about it. I am perhaps, however, a lonely voice expressing caution about the number of reports that accumulate on top of one another year after year after year and weigh down our intelligence community.

I mentioned earlier that there are 41 new reports of one kind or another that are in the underlying bill. The manager's amendment, which we've debated, has at least 17 more reports on top of that. And I believe, if you look at all of the 20, 21 provisions of the manager's amendment, there are at least two reports on cybersecurity plus a task force.

Now, the issue is important, but surely the goodness—we have some responsibility in Congress to pay attention to the cost in terms of dollars, the cost in terms of manpower to do all of these reports that get added on top of the intelligence community but often never go away, that just stack on top of each other year after year.

So I appreciate the gentleman's interest in cybersecurity. I share that, by the way. I think the gentleman's right on the importance of it. But I would just encourage him and all Members, before you come demanding another report of one sort or another, maybe it would be good to inquire as to what it would take to actually complete that report, how much money that costs the taxpayers. If we do, I think we are going to be a little more hesitant to stack report upon report upon report.

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

Mr. ARCURI. Madam Chair, I thank the gentleman for his comments, and I think he's right. I think, clearly, the fact that a report is requested simply for the sake of requesting a report is redundant and is taxing on our intelligence community. But I think when we look at what happened during 9/11 and the fact that some of the intelligence branches of government were not sharing information, I think we need to learn something from that.

In my district, I have an Air Force research lab that really focuses a great deal on cybersecurity, and I want to make sure the information that they're developing and the technologies that they're developing are being shared with other branches of the military and the intelligence community. And I think it's very important that we allow congressional oversight and that we ensure that in our role as Congressmen, that we are making sure that they are doing that, that they are sharing the information the way they should.

So I certainly appreciate your point, but I think this is one of the places where it's critically important that we ensure that the information sharing is being done.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. BURTON OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–419.

Mr. BURTON of Indiana. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. BURTON of Indiana:

Page 135, after line 12, insert the following new section:

SEC. 505. SENSE OF CONGRESS HONORING THE CONTRIBUTIONS OF THE CENTRAL INTELLIGENCE AGENCY.

It is the sense of Congress to—

(1) honor the Central Intelligence Agency for its contributions to the security of the United States and its allies;

(2) recognize the Central Intelligence Agency's unique role in combating terrorism;

(3) praise the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al-Qaeda;

(4) thank the Central Intelligence Agency for its crucial support of United States military operations in Afghanistan and Iraq;

(5) commend the men and women who gave their lives defending the United States in the service of the Central Intelligence Agency, especially noting those individuals who remain unnamed; and

(6) urge the Central Intelligence Agency to continue its dedicated work in the field of intelligence-gathering in order to protect the people of the United States.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. First of all, Madam Chair, I want to thank the

Rules Committee for making this amendment in order. It is a very straightforward amendment, and it's one that I think is very, very important because the CIA has been under such intense criticism over the last several months—maybe the last few years—that it's time to let them know and the people of this country know that we really appreciate what they're doing to secure the safety of this country.

What the bill does is:

It honors the Central Intelligence Agency for its contributions to the security of the United States and our allies;

It recognizes the Central Intelligence Agency's unique role in combating terrorism;

It praises the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al Qaeda;

It thanks the Central Intelligence Agency for its crucial support of U.S. military operations in Afghanistan and Iraq;

It commends the men and women who gave their lives defending the U.S.—named and unnamed; and, finally,

It urges the Central Intelligence Agency to continue its dedicated work in the field of intelligence gathering in order to protect the people of the United States.

I believe that all of us would agree with everything that is in this amendment. But I'd like to add just a couple of things that I've been watching during this debate that really concerns me.

□ 1545

There is language in here that is going to, I think, have an adverse impact on the Central Intelligence Agency's agents who are out in the field and doing their job and are trying to protect us against the terrorists. You know, some of the things that they say may be abrasive or objectionable to some of the people they are interrogating. The way this language reads, it could be interpreted to mean that they are guilty of not following the intent of the law in dealing with the terrorists.

Also, there are prison sentences for people who are involved in terrorist or torturous activities such as ''waterboarding.'' I would like to point out to my colleagues, many of whom don't know this, waterboarding has been a technique that has been used in the training of U.S. Navy SEALs and our Special Forces people over the years.

Now, let me say that one more time. Waterboarding and other techniques have been used in the training of our Navy SEALs so they would know how to deal with an enemy if they were captured, and it's been used by Special Forces military personnel in their training. So it has never been considered torture by our own military personnel.

Now, we have three Navy SEALs right now that are being court-martialed, and they are being court-martialed because they captured an al Qaeda terrorist in Fallujah in Iraq. And this al Qaeda terrorist took four American contractors, tortured them, dragged them through the streets, burned their bodies and hung them from a bridge.

He also cut off the head of a leading person that was over there gathering news and information for the news media. This guy is really an out-and-out horrible terrorist. Now, when he was captured he was turned over to the Iraqi military for 2 days, and he came back and he said that he had been hit in the stomach and they split his lip, and because of that these three Navy SEALs are being prosecuted. They are being prosecuted in a court martial.

What kind of a message does that send to our Navy SEALs, to the people in the field who are capturing and fighting these al Qaeda and Taliban terrorists? What kind of a message does that send? We are trying to send the same kind of message to the CIA operatives who are out there trying to get information that will protect this country and protect the American people around the world against these people who want to destroy us and want to destroy our way of life.

It really bothers me, and I do appreciate the House approving this amendment that I have introduced. Obviously it's something that I think is very important. But, in addition to that, I don't believe we ought to be sending a message to the CIA or the Navy SEALs or our Special Forces men and women in the field that we are not going to back them up when they go out and get a terrorist or extract information from them that is vital in securing the safety of the people of this country.

One of the al Qaeda terrorists they are going to bring to New York. The main al Qaeda terrorist that was involved in the 9/11 attack, after he was waterboarded about 80 times, and he wouldn't give up information, he finally did. He said that there was an attempt going to be made to fly a plane into a building in Los Angeles. Had he not choked up and given that information, we might have lost another 2,000 or 3,000 people like we did on 9/11.

It just seems silly to me and crazy to me that we are not going to allow our intelligence-gathering operatives to do their job. We ought to be supporting them completely day and night in anything they do to protect this Nation.

[From the National Review Online, Feb. 25, 2010]

WHILE YOU ARE DISTRACTED BY THE SUMMIT, OBAMA DEMOCRATS ARE TARGETING THE CIA

(By Andy McCarthy)

The Obama Democrats have outdone themselves.

While the country and the Congress have their eyes on today's dog-and-pony show on socialized medicine, House Democrats last night stashed a new provision in the intelligence bill which is to be voted on today. It is an attack on the CIA: the enactment of a criminal statute that would ban ''cruel, inhuman and degrading treatment.''

The provision is impossibly vague—who knows what ''degrading'' means? Proponents will say that they have itemized conduct that would trigger the statute (I'll get to that in a second), but it is not true. The proposal says the conduct reached by the statute ''includes *but is not limited to*'' the itemized conduct. (My italics.) That means any interrogation tactic that a prosecutor subjectively believes is ''degrading'' (e.g., subjecting a Muslim detainee to interrogation by a female CIA officer) could be the basis for indicting a CIA interrogator.

The act goes on to make it a crime to use tactics that have been shown to be effective in obtaining life saving information and that are far removed from torture.

''Waterboarding'' is specified. In one sense, I'm glad they've done this because it proves a point I've been making all along. Waterboarding, as it was practiced by the CIA, is not torture and was never illegal under U.S. law. The reason the Democrats are reduced to doing this is: what they've been saying is not true—waterboarding was not a crime and it was fully supported by congressional leaders of both parties, who were told about it while it was being done. On that score, it is interesting to note that while Democrats secretly tucked this provision into an important bill, hoping no one would notice until it was too late, they failed to include in the bill a proposed Republican amendment that would have required full and complete disclosure of records describing the briefings members of Congress received about the Bush CIA's enhanced interrogation program. Those briefings, of course, would establish that Speaker Pelosi and others knew all about the program and lodged no objections. Naturally, members of Congress are not targeted by this criminal statute—only the CIA.

More to the point, this shows how politicized law-enforcement has become under the Obama Democrats. They could have criminalized waterboarding at any time since Jan. 20, 2009. But they waited until now. Why? Because if they had tried to do it before now, it would have been a tacit admission that waterboarding was not illegal when the Bush CIA was using it. That would have harmed the politicized witch-hunt against John Yoo and Jay Bybee, a key component of which was the assumption that waterboarding and the other tactics they authorizied were illegal. Only now, when that witch-hunt has collapsed, have the Democrats moved to criminalize these tactics. It is transparently partisan.

In any event, waterboarding is not defined in the bill. As Marc Thiessen has repeatedly demonstrated, there is a world of difference between the tactic as administered by the CIA and the types of water-torture methods that have been used throughout history. The waterboarding method used by the CIA involved neither severe pain nor prolonged mental harm. But it was highly unpleasant and led especially hard cases like Khalid Sheikh Mohammed (i.e., well-trained, committed, America-hating terrorists) to give us information that saved American lives. The method was used sparingly—on only three individuals, and not in the last seven years. The American people broadly support the availability of this non-torture tactic in a dire emergency. Yet Democrats not only want to make it unavailable; they want to subject to 15 years' imprisonment any interrogator who uses it.

What's more, the proposed bill is directed at ''any officer or employee of the intelligence community'' conducting a ''covered interrogation.'' The definition of ''covered

interrogation'' is sweeping—including any interrogation done outside the U.S., in the course of a person's official duties on behalf of the government. Thus, if the CIA used waterboarding in training its officers or military officers outside the U.S., this would theoretically be indictable conduct under the statute.

Waterboarding is not all. The Democrats' bill would prohibit—with a penalty of 15 years' imprisonment—the following tactics, among others:

—''Exploiting the phobias of the individual''

—Stress positions and the threatened use of force to maintain stress positions

—''Depriving the individual of necessary food, water, sleep, or medical care''

—Forced nudity

—Using military working dogs (i.e., *any* use of them—not having them attack or menace the individual; just the mere presence of the dog if it might unnerve the detainee and, of course, ''exploit his phobias'')

—Coercing the individual to blaspheme or violate his religious beliefs (I wonder if Democrats understand the breadth of seemingly innocuous matters that jihadists take to be violations of their religious beliefs)

—Exposure to ''excessive'' cold, heat or ''cramped confinement'' (*excessive* and *cramped* are not defined)

—''Prolonged isolation''

—''Placing hoods or sacks over the head of the individual''

Naturally, all of these tactics are interspersed with such acts as forcing the performance of sexual acts, beatings, electric shock, burns, inducing hypothermia or heat injury—as if all these acts were functionally equivalent.

In true Alinskyite fashion, Democrats begin this attack on the CIA by saluting ''the courageous men and women who serve honorably as intelligence personnel and as members of our nation's Armed Forces'' who ''deserve the full support of the United States Congress.'' Then, Democrats self-servingly tell us that Congress ''shows true support'' by providing ''clear legislation relating to standards for interrogation techniques.'' I'm sure the intelligence community will be duly grateful.

Democrats also offer ''findings'' that the tactics they aim to prohibit cause terrorism by fueling recruitment (we are never supposed to discuss the Islamist ideology that actually causes terrorist recruitment, only the terrible things America does to provide pretexts for those spurred by that ideology). These ''findings'' repeat the canards that these tactics don't work; that they place our captured forces in greater danger (the truth is our forces captured by terrorists will be abused and probably killed no matter what we do, while our enemies captured in a conventional war will be bound to adhere to their Geneva Convention commitments—and will have the incentive to do so because they will want us to do the same); and that ''their use runs counter to our identity and values as a nation.''

Unmentioned by the Obama Democrats is that officers of the executive branch have a solemn moral duty to honor their commitment to protect the American people from attack by America's enemies. If there are non-torture tactics that can get a Khalid Sheikh Mohammed to give us information that saves American lives, how is the use of them inconsistent with our values?

Here is the fact: Democrats are saying they would prefer to see tens of thousands of Americans die than to see a KSM subjected to sleep-deprivation or to have his ''phobias exploited.'' I doubt that this reflects the values of most Americans.

Mr. REYES. Madam Chair, I rise to claim time in opposition to the Burton amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

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

Madam Chair, I want to tell the gentleman I appreciate him wanting to honor the personnel of the Central Intelligence Agency. As I have said many times on the floor, I have had the privilege of visiting with members of the CIA and members of their families, members of the CIA throughout the world under probably the most difficult of circumstances. I understand the hardships that they face.

Most recently, I was with family members and survivors of the Khost bombing, which illustrates the danger they put themselves in willingly to protect our country. I would also remind the gentleman that we should not mix and compare apples to oranges. There is a big difference between a training exercise that simulates waterboarding and waterboarding an individual for 183 times. That's a huge difference.

The other thing I would point out is that when the last administration decided to take us down that road, that enhanced interrogation techniques would be authorized and approved. There has been a great amount of disagreement in terms of the legal authorization of these techniques, considered torture by most anybody's standards. I would also remind us that the CIA did not have any expertise in waterboarding. They had to actually go out and contract DOD personnel to be able to acquire that technique. It puts them in a tough situation.

I will tell you what I hear from the men and women of the Central Intelligence Agency. They understand the difference between politics and bad policy. They understand the difference between doing the kinds of things that they are expected to do to keep our country safe and responding to the kind of political spin that, unfortunately, we hear about their work.

But, the one thing that comes across when I hear from them is they appreciate the support that they receive from the Congress. They appreciate the fact that regardless of what side of the aisle we sit on, we respect the work that they do.

We, despite all of the arguments that are proffered here in this great Chamber, in the final analysis they know that they have a job to do. They know that they have a duty to perform. They know that they are committed professionals and that they expect and deserve the support of every member of this Chamber. That's why I appreciate the gentleman's sponsoring this amendment.

That's why I think we ought to accept it. I accept it. I think we ought to leave it at that and leave the politics and leave the rhetoric and remind ourselves that the message we need to send them is that we support their work. The message we should send them is that we honor them for their service to this great country.

The message that we deliver to the families of those victims of the Khost bombing is that we will support them. We will have our differences politically, we will articulate those differences, but we will never stop supporting the great work that the men and women of the Central Intelligence Agency do for all of us.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–419.

Mr. HOLT. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HOLT:

At the end of subtitle A of title V, add the following new section:

SEC. 505. REVIEW OF INTELLIGENCE TO DETERMINE IF FOREIGN CONNECTION TO ANTHRAX ATTACKS EXISTS.

(a) REVIEW.—The Inspector General of the Intelligence Community shall conduct a review of available intelligence, including raw and unfinished intelligence, to determine if there is any credible evidence of a connection between a foreign entity and the attacks on the United States in 2001 involving anthrax.

(b) REPORT.—

(1) IN GENERAL.—The Inspector General shall submit to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate a report containing the findings of the review conducted under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control of 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chair, as you may know, the Federal Bureau of Investigation announced last week that it is formally closing its investigation into the 2001 anthrax attacks, a major bioterrorist attack on America. Those attacks are believed to have originated from a postbox in New Jersey, disrupting the lives and livelihoods of many of my constituents and yours.

We already know that the FBI too quickly jumped to conclusions about the nature and the profile of the culprit or culprits and quickly zeroed in on one individual who later received a

multimillion dollar settlement and apology for mistaken accusations.

Subsequently, the investigators focused on another individual, who then killed himself. Although the FBI never produced any physical evidence tying that individual specifically to the attacks, they closed the case.

Indeed, this investigation was botched at multiple points, which is why reexamining it is so important. Given that the samples of the strain of anthrax that was used in the attacks may have been supplied to foreign laboratories, we think it's prudent to have the Inspector General of the intelligence community examine whether or not evidence of a potential foreign connection to the attacks was overlooked, ignored, or simply not passed along to the FBI.

Mr. BARTLETT and I are offering an amendment that would require the Inspector General to examine whether or not evidence of a potential foreign connection to the attacks was overlooked, ignored or simply not passed along. The report would be unclassified with a classified annex and would go to Intelligence, Foreign Affairs, Judiciary and Homeland Security Committees.

To date, there has been no independent comprehensive review of this investigation, and a number of important questions remain unanswered. This amendment would address one of those questions.

I reserve the balance of my time. May I ask how much time is remaining?

The Acting CHAIR. The gentleman from New Jersey has 3 minutes remaining.

Mr. HOLT. Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I thank the gentleman for yielding. I want to thank him very much for his initiative in this effort. Dr. Ivins was my constituent, the laboratory at which he worked is in my district, indeed, just a few miles from my home, so I was very much involved in this case. His colleagues say that he would not have done it, and the FBI said early on that he could not have done it because the spores were weaponized, and he had no ability to do that. More recently, they have been saying something a bit different than that.

I have here some quotes that I think will be relevant here. Jeffrey Adamovicz, the former chief of bacteriology—''former'' is important here, because they would not let the current scientist at Fort Detrick talk to me. He just left. The former chief of bacteriology for the U.S. Army Medical Research Institute for Infectious Diseases in Frederick, Maryland, where Ivins worked, wrote to The Frederick News-Post expressing serious misgivings about the FBI findings that Ivins sent the deadly letters that killed 5 and sickened 17 in 2001.

''The evidence is still very circumstantial and unconvincing as a whole,'' he wrote. ''I'm curious as to why they closed the case while the National Academy of Science review is still ongoing. Is it because the review is going unfavorable for the FBI?

''Ivins' death came about a month after the Justice Department agreed to pay an out-of-court settlement valued at $5.85 million to scientist Steven Hatfill, who had long been the key suspect in the case. Hatfill had sued the Justice Department, which had labeled him 'a person of interest.' He alleged that the Federal Government went on a smear campaign and leaked information that was damaging to his reputation.''

Apparently they agreed they had. They paid him $5.85 million. They subsequently agreed, conceded that he was not involved in the case.

Gary Andrews, another former chief of the bacteriology lab in Frederick, said it wouldn't have been unusual for Ivins to work odd hours because he was working with animals, and it was more convenient to do it then. He says that ''Bruce didn't have the skill to make spore preps of that concentration. He never ever could make a spore prep like the ones found in the letters.''

The Acting CHAIR. The time of the gentleman has expired.

Mr. HOLT. I yield the gentleman an additional 30 seconds.

□ 1600

Mr. BARTLETT. Thank you very much for your lead in this.

This has been devastating to my constituents and the scientists at Fort Detrick. This needs to be brought to a proper close. They did not believe he would have done it; the FBI said earlier on he couldn't have done it. Thank you very much for leading in this.

Mr. HOLT. Madam Chair, it is beyond question that the FBI jumped to conclusions at least once, perhaps more than once, and many questions remain. This amendment would address one of those questions.

Beyond this amendment, we still need a more complete examination of our government's response to these attacks, the most serious bioterrorist attack against the United States. This will look at whether there is a foreign connection to those attacks that has been overlooked, ignored, or not pursued.

Madam Chair, I yield back the balance of my time, asking support for this amendment.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CASTLE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–419.

Mr. CASTLE. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CASTLE:

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. REITERATION OF REQUIREMENT TO SUBMIT REPORT ON TERRORISM FINANCING.

Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress the report required to be submitted under section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3750).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Madam Chair, I yield myself such time as I may consume.

This amendment, offered with Mr. LYNCH, requires the President, through the Secretary of the Treasury, to submit to Congress a comprehensive report on terrorism financing that was first mandated by the Intelligence Reform Bill of 2004, but has yet to be submitted.

Following the 9/11 terrorist attacks, our government acted quickly to combat terrorist financing. However, post-9/11 terrorist financing has become more decentralized, and those involved are using less sophisticated means to move money and avoid official banking systems. Terrorist financiers are exploiting new technology to transfer money electronically and employing money laundering schemes to cover up their activities.

In response to the 9/11 Commission recommendations, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004. Section 6303 of this 2004 law required the President to submit to Congress a comprehensive report evaluating and making recommendations on the current state of U.S. efforts to fight terror financing. This important report was due in September of 2005, but it has never been completed.

Multiple U.S. Government departments and agencies are involved in the effort to combat terrorist financing, including Treasury, Justice Department, Homeland Security, State Department, Defense Department, FBI and the CIA. These various entities are to be commended for their efforts to track and disrupt complex terrorist financing schemes since 2001. Still, with so many government entities involved in combating terrorist financing, it is critical that we heed the lessons of the past and undertake a thorough assessment of our progress.

The amendment I am offering today with Congressman LYNCH reiterates Congress' requirement that the President undertake a thorough evaluation of our efforts to disrupt terrorist financing, including the ability to coordinate our intelligence and keep pace with evolving trends.

The bottom line is that terrorists need money to operate, and we need to

be fully prepared and adaptable to combating their ability to access these funds. There is no room for delay in this endeavor, especially since top U.S. intelligence officials indicate a possible likelihood of another attempted terrorist attack on the United States at some time in the relatively near future.

Thank you for the opportunity to discuss my amendment. I look forward to working with the members of the committee on these important matters.

Madam Chairwoman, I reserve the balance of my time.

Mr. LYNCH. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LYNCH. Madam Chair, I actually rise to support my colleague's amendment.

As the co-chairman of the Task Force on Terrorist Financing and Proliferation, I, too, am well aware that having an effective strategy on targeting the sources of terrorists in financing their operations is a very important part of our strategy.

This straightforward amendment offered by my friend, Mr. CASTLE of Delaware, simply restates the basic requirement that the President, through the Treasury Department, report to Congress on the current status of U.S. efforts to combat terrorism financing. This reporting requirement is not new; in fact, it was mandated in the Intelligence Reform and Terrorist Prevention Act of 2004. A report was due out in 2005, but here today it has yet to be submitted.

I've had an opportunity, as co-chair of the task force, to spend a lot of time with our Treasury employees, very brave and courageous Treasury and State Department employees, in Afghanistan and Pakistan and Jordan and the Maghreb, North Africa; and they're doing wonderful and courageous work. However, that much being said, Congress still retains its oversight responsibility; and without this report we are not able to be certain, I think, that we have an accurate picture of the entire antiterrorist financing protocol and we are not fully informed as to whether or not we are operating as effectively as we could be. Only by understanding where we currently stand—what our strengths are and, indeed, what our weaknesses are—can we ensure that the best possible strategy for cutting out terrorist financing is ultimately accomplished.

Again, I want to thank Congressman CASTLE, the gentleman from Delaware, for his support of this amendment, and I urge my colleagues to support it.

Madam Chair, I yield back the balance of my time.

Mr. CASTLE. Madam Chairwoman, we hope this report can be done relatively soon. The amendment actually allows for 180 days more from this time in order to submit it. We have been in touch with the administration. We know that they're aware of this, and hopefully it can be completed. I think it may help with the safety of our country and perhaps dealing with the financing of terrorists in this world, so we look forward to it.

I appreciate the support. I also appreciate all the words and support of Mr. LYNCH in getting to this point.

With that, I encourage everyone to support it and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WALZ

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–419.

Mr. WALZ. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. WALZ:

Page 85, after line 20 insert the following:

(d) EDUCATION ON COMBAT-RELATED INJURIES.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

''(i) EDUCATION ON COMBAT-RELATED INJURIES.—

''(1) IN GENERAL.—The head of the entity selected pursuant to subsection (b) shall take such actions as such head considers necessary to educate each authorized adjudicative agency that is an element of the intelligence community on the nature of combat-related injuries as they relate to determinations of eligibility for access to classified information for veterans who were deployed in support of a contingency operation.

''(2) DEFINITIONS.—In this subsection:

''(A) CONTINGENCY OPERATION.—The term 'contingency operation' has the meaning given the term in section 101(a)(13) of title 10, United States Code.

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

''(C) VETERAN.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Thank you, Madam Chairwoman. And I thank the chairman of the committee and the ranking member for your work in securing our Nation and bringing this piece of legislation to the floor.

The amendment that I am offering, Madam Chair, serves a twofold purpose. First, it allows us to fulfill our obligation to our returning combat veterans coming back and integrating back into civilian life. And it also recognizes the unique skill set that these veterans have that are absolutely perfectly suited for intelligence and national security work.

What I am asking for in this amendment is to make sure there is a level playing field for these warriors. A large number of our troops are coming back; and either through a lack of understanding or a misunderstanding, the security adjudicators are either revoking or denying security clearances for wounds that were received, either physical or mental—PTSD, and others—during the conflicts that they served in.

What this amendment asks for is it requires the intelligence community to educate security clearance adjudicators on the nature of these wounds. The purpose is to make sure that they have the best knowledge available to make informed decisions and give our returning warriors the opportunity to receive their clearances, to retain their clearances, and then go on to further serve this Nation in these critical capacities.

So I thank the committee for their work. The Intelligence Committee, the Armed Services and the Veterans' Affairs Committee are all in support of this. I think it will go a long ways toward leveling the playing field and allowing this Nation to use the incredible skills and resources that those wounded warriors bring back, but still have the capacity to serve.

With that, Madam Chair, I reserve the balance of my time.

Mr. BURTON of Indiana. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. BURTON of Indiana. I agree with what the gentleman said about our wounded warriors and how we ought to be giving them all the support that we possibly can, but the reason I took this time in opposition is because the chairman and I couldn't reach an agreement to discuss one of the provisions in the bill.

I sincerely feel, Madam Chairman, that we are endangering our capability of getting information from terrorists because we are limiting our CIA and our intelligence officials with this legislation and these procedures that they can use to elicit that information. I know there are some differences of opinion, and I know we have in our hearts the best security that we can think of for the American people, but the one thing that really, really bothers me is we're telling CIA officials—and some of our military people in the field, not with this bill—but we are telling a lot of our intelligence officials and people in the field that they have to be very, very careful and walk on eggs when they are trying to get information from a terrorist, al Qaeda or Taliban terrorist, to make sure that we aren't violating or torturing them in any way.

The American people certainly don't want torture, and there is a big difference of opinion on whether or not water boarding, for instance, is torture. But the fact of the matter is if we have another major attack like the one we had on 9/11, the American people are going to come down like a ton of bricks on the people in this House that put restrictions on our intelligence-gathering capability. They're going to say, why didn't you do whatever it took to secure the safety of the people of this country? And because we are putting this language in this bill, we are saying to the CIA and the other intelligence agencies, you've got to be real careful; you've got to make absolutely sure you don't do something that might get you in trouble and might even put you in jail.

And when you say things like that to the people that are out there in the field risking their lives, what you do is you intimidate them, maybe not intentionally, but you intimidate them and you stop the possibility of getting all the information that we need to protect this country.

Now, I know there is a disagreement; I just talked to some people on the other side. Khalid Sheikh Mohammed was water boarded 80-something times, I think, or something like that; and when he first started out, he said, well, you'll find out what's going to happen. And later, after he was water boarded, he said, yes, there was going to be a plane that was going to fly into a building in Los Angeles. Well, that plane, had it flown into a building in Los Angeles, might have killed another 2,000 or 3,000 people.

And so the only reason I came here is to just say, let's don't break the legs of our intelligence officers who are trying to protect this country. It's just too important. We ought to be doing everything we can to back them up to make sure this country is safe. Our intelligence people are telling us right now we're likely to have another attack within the next 6 months or 1 year. So we ought to be giving every intelligence agency and every officer we possibly can all the support they need to stop that.

With that, I thank you very much for yielding and yield back the balance of my time.

Mr. WALZ. I hope I have the gentleman's support on this bill, providing the trained and courageous veterans who are returning home. We are not asking for preferential treatment. What we are asking is that our adjudicators be clearly informed what these combat veterans have gone through, making sure we are able to bring them back, place them in their positions if they choose to continue to serve this Nation. I would ask for the support of this body on this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. SCHAUER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–419.

Mr. SCHAUER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SCHAUER:

Insert after section 354 the following new section:

SEC. 355. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe any failures to share or analyze intelligence or other information within or between elements of the United States Government and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the intelligence community to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches; and

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence;

(3) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(4) a description of how watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the intelligence community;

(5) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(6) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(7) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(8) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(9) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to such failures, that have been transmitted to the Director of National Intelligence.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Madam Chair, I yield myself such time as I may consume.

As a member of the Aviation Subcommittee of the Transportation and Infrastructure Committee, I believe it is critical for the Director of National Intelligence to submit to Congress a report on the attempted bombing of Northwest Flight 253.

The failed Christmas day attack over Detroit reinforces the notion that the threat of al-Qaeda is real and that our intelligence community, whether under a Democratic or Republican administration, must improve the way it protects the United States against terrorist attacks.

□ 1615

People in Michigan want answers.

My amendment says, not later than 180 days after the date of enactment of the act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines Flight No. 253 on December 25, 2009.

This amendment will require the Director of National Intelligence to report to Congress information about any failures to share or to analyze intelligence within or between elements of the Federal Government related to this failed terrorist attack.

More importantly, the Director of National Intelligence also must submit a description of the measures that the intelligence community has taken or will take to prevent such failures from occurring again. This would include information on how the government intends to improve the interoperability of terrorist screening databases and to improve airline watch listing procedures. These tools are critical in preventing terrorists from getting an opportunity to kill innocent civilians.

It is imperative that Congress be fully informed so that it may conduct rigorous oversight on this important national security concern.

I appreciate President Obama's candor and openness when speaking to the American people about the improvements needed to our intelligence community, and I applaud the President for taking swift action in ordering a thorough review of the incident. President Obama has stated his willingness to work with Congress to solve this problem. This amendment will help ensure that Congress will be fully briefed on the results of that review. I urge the full support of this amendment.

I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chair, I want to say I appreciate the amendment and the gentleman's interest.

This amendment would require the director of the DNI to submit to the Intelligence Committees a report on the attempted bombing of Northwest Airlines Flight No. 253.

This report would provide an assessment on any failures to share information within or between elements of the Federal Government and the measures that the intelligence community has taken or will take to prevent such failures in the future.

This report also covers issues such as analytic tradecraft, watch listing procedures, technical deficiencies, training database management. Many of the elements of this report mirror portions of the review of the DNI, which they are currently doing.

Requiring the DNI to provide this report will allow the Intelligence Committees to conduct rigorous oversight on this important national security concern.

Additionally, this amendment requires the DNI to submit responses to any findings or recommendations made by the Intelligence Committees.

With that, Madam Chair, I fully support this amendment.

Mr. HOEKSTRA. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Chair, I will not oppose the amendment. Although, I do believe, and I would hope that my colleague from Michigan would agree that, perhaps, when we are talking about the scope of this amendment, it is broader than what is just written here.

One of the things that we are very, very concerned about which, I believe, should be included in this—because, like you, I believe, if the intelligence community had worked properly, perhaps we could have stopped this attack; but this is not just a matter of connecting databases and those types of things. It is also about missing clues that we had that were highlighted before Christmas Day.

What am I talking about?

We have known for quite some time that Awlaki was a concern. We saw kind of a mirror image of what happened on Christmas Day a couple of months earlier at Fort Hood, where 14 Americans were killed and where 14 Americans died in a tragic terrorist attack, linked to Awlaki, linked to al Qaeda on the Arabian Peninsula.

I had an amendment that went along those lines, but it was not accepted by the majority, and I think it may well have fallen within the scope of the amendment of yours, Mr. SCHAUER, which you are offering, which says:

If we had had these insights into al Qaeda on the Arabian Peninsula, if we had had these insights into Awlaki's involvement with Major Hasan, if we had had these insights into the communications, the emails, between Hasan and Awlaki, what did we do between November 5 and Christmas Day to target Awlaki, to target al Qaeda on the Arabian Peninsula and to use this information that these individuals and this group might be targeting the U.S. and whether we missed opportunities in those 2 months to identify the threat and respond to it?

Are those the kind of questions that you might see which could also be addressed in this or are these outside of the scope of what you are looking for?

I yield to my colleague from Michigan.

Mr. SCHAUER. Thank you, Mr. HOEKSTRA, and thank you for your leadership on the Intelligence Committee.

Absolutely, my amendment deals directly with having the Director of National Intelligence describe failures and to share or to analyze intelligence or other information within or between elements of the United States Government. So I think it is clearly my intent that the dots be connected.

Mr. HOEKSTRA. Reclaiming my time, I thank my colleague for that clarification because I think that is probably the bigger untold story here of how much and how many insights we might have had into al Qaeda on the Arabian Peninsula and how we failed to act on that intelligence and how we failed, as we've now been saying for a long period of time, to connect those dots, to be able to put in preventative measures and to actually have stopped Awlaki and al Qaeda on the Arabian Peninsula from carrying out this attack on Detroit and on the State of Michigan.

With that, I reserve the balance of my time.

Mr. SCHAUER. Madam Chair, how much time remains?

The Acting CHAIR. The gentleman from Michigan (Mr. SCHAUER) has 1½ minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 1½ minutes remaining.

Mr. SCHAUER. I yield 1 minute 20 seconds to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Madam Chair, I rise today in support of the Schauer amendment to the Intelligence Authorization Act for Fiscal Year 2010.

Like many Americans, my Christmas Day spent with family was interrupted by the news of the attempted terrorist attack on Northwest Flight No. 253 to Detroit.

As a lifelong Michigan resident whose friends, family, and constituents regularly fly in and out of Detroit Metropolitan Wayne County Airport, the Christmas Day attempt was especially chilling. While it was certainly fortunate that no lives were lost in the Christmas Day attempt, the attack exposed serious and unacceptable shortcomings in our ability to gather intelligence and to connect the dots.

I believe that protecting the American people is Congress' number one priority and responsibility. The Christmas Day incident showed us that security officials need to work more closely with their counterparts overseas and within the United States intelligence community to ensure tougher and more coordinated screening.

I appreciate my friend Congressman SCHAUER's leadership on this important issue, and I am proud to support the Schauer amendment because it will help ensure that we learn as much as possible about the failures that allowed the events of Christmas Day 2009 to transpire.

I urge the adoption of this amendment.

Mr. HOEKSTRA. Madam Chair, I will not oppose the amendment. As a matter of fact, I will support the amendment in its larger context, recognizing that this report by the DNI has to include the time prior to Fort Hood, the Fort Hood attack, and then the time from Fort Hood until Christmas Day. That is the area that we have been trying to get information on from the intelligence community over the last 3 or 4 months, and it has been the area that they have been most reluctant to provide us information on.

As a matter of fact, when I was in Yemen on New Year's Day, less than 2 months ago, I was specifically prohibited from getting information on exactly those kinds of questions as to what did the intelligence community know about Awlaki, about al Qaeda on the Arabian Peninsula. The individuals both in the intel community and with the Ambassador were specifically instructed not to share that information, which tells me that there is some information there, and for some reason, they have not wanted to share that information with us.

So, with the understanding that that type of information will be shared with Congress in this report, also then recognizing that this may end up being a classified report which you may not have access to unless the committee agrees to provide you access to it, I support the amendment. I look forward to the DNI's completing this report and to his submitting it to the committee.

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

Mr. SCHAUER. I thank Mr. HOEKSTRA for his support, and I urge Members to support this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SCHAUER. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

Mr. REYES. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Ms. JACKSON LEE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R.

2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1109, I call up from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''February 28, 2010'' and inserting ''February 28, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking ''February 28, 2010'' and inserting ''February 28, 2011''.

Amend the title so as to read: ''An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.''.

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. I have a motion at the desk.

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

The Clerk read as follows:

Mr. Conyers moves that the House concur in the Senate amendments to H.R. 3961.

The SPEAKER pro tempore. Pursuant to House Resolution 1109, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to insert extraneous material on this matter.

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

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker and Members, this measure before us will extend three provisions of our foreign intelligence surveillance laws for 1 year. The provisions are section 206 of the PATRIOT Act, governing roving wiretaps; section 215, which addresses the collection of business records; and the so-called ''lone wolf surveillance law.''

□ 1630

Without extension, these provisions will expire on Sunday coming.

As we consider this short-term extension, I make these observations:

As one who has found that the USA PATRIOT Act needs a great deal of improvement and that there have been many excesses and sometimes abuses of these broad powers over the years, I have found that too little consideration of the impact of this type of surveillance on our civil liberties has been looked into. And that's why the Judiciary Committee has undergone an extensive process over the past year and reported out a bill that attempts to reform these provisions and enhance congressional oversight. In the other body, the Judiciary Committee has also passed out a bill that improves, in my view, the PATRIOT Act. So we're very close to real reform.

The House bill has new protections for library and bookseller records. It clarifies the reach of roving authority to prevent ''John Doe'' blanket wiretaps. It tightens the standards for national security letters that have been abused in the past. It has extensive new reporting oversight and sunset provisions to greatly strengthen congressional oversight and makes other changes to the related provisions of law.

Please understand, Members, that this extension is not the final word on the PATRIOT Act, and what we will do is use the time between now and the year that will elapse to improve and pass real reform.

Now, while I would prefer to do this now, it is not to me strategically wise nor logistically possible to accomplish this at this time. And with the provisions expiring in a matter of 3 days, the other body has sent us this extension bill, so there is no reasonable possibility that they could pass a broader measure such as a Judiciary-passed bill at this time.

In other words, we have no other choice but to go along with this extension because there isn't sufficient time. Well, tomorrow is the last day of the week. It's physically impossible. So under these circumstances, it seems to me the best course is to merely maintain the status quo and work with the other body and the administration towards some improvements that I have in mind. I can announce we've made progress towards reaching common ground, and I believe an orderly path forward between now and during the next year will lead us to a much better result.

Now, although this extension doesn't reform underlying law, we recognize there's some value in a process that brings us quickly to another sunset date. Experience has taught that there's nothing like an approaching sunset to bring both the executive branch and the other body to the table with the will to see this resolved. So while I'd rather pass the Judiciary Committee bill out and truly make the reforms that I think are necessary, because of the time constraints that we find, I recommend that we take the next year and continue the process.

I urge your careful consideration of this very important measure.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the war on terror is real, and it's all around us. Despite multiple attempted terror attacks and a warning of an imminent attack from our national security experts, apparently the best this Congress can do is a 1-year extension of our most critical national security laws.

On Christmas Day Omar Farouk Abdulmutallab attempted to murder 288 innocent civilians by trying to set off an explosion aboard a Northwest flight bound for Detroit. Thankfully, he failed in his attempt at mass murder, not because of our national security procedures but because of his own ineptness and the quick response from passengers and crew. But we may not be so fortunate the next time.

Last November in my home State of Texas, Major Nidal Hasan killed 13 and wounded 30 others when he opened fire at the Fort Hood Army Base. In September three terrorist plots were successfully thwarted in New York City, Springfield, Illinois, and Dallas, Texas. And now intelligence experts warn us that another terrorist attack may be imminent. Yet after all those near misses, the House majority refuses to pass a long-term extension of three essential PATRIOT Act provisions.

The PATRIOT Act works. It has proven effective time and time again in preventing terrorist attacks and keeping Americans safe. The expiring provisions give national security investigators the authority to conduct roving wiretaps, to seek certain business records, and to gather intelligence on lone terrorists who are not necessarily affiliated with a specific terrorist group.

We cannot afford to play dice with the security of the American people. We must continue these intelligence-gathering measures to win our fight against terrorists. The Obama administration recognized this last year when it called for Congress to authorize the expiring provisions without any

changes that undermine their effectiveness. Instead of working with the administration and listening to national security experts, the House majority is only offering another short-term extension.

The majority may think that by pushing the reauthorization until after the election, they will then be able to pursue legislation to water down these provisions a year from now. But if so, they are playing with fire and innocent Americans are the ones who will get burned.

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

Mr. CONYERS. Mr. Speaker, I am pleased now to yield such time as he may consume to the chairman of the Intelligence Committee, Mr. SYLVESTRE REYES, who has served on this committee for 10 years.

Mr. REYES. I thank the chairman for his work on this very important and vital issue and also for the opportunity to speak on an issue that is of such great importance to our country and to our country's national security.

It is important that we reauthorize the expiring PATRIOT Act and the provisions that the brave men and women of the intelligence community continue to utilize and to have these tools that they need to keep us all safe.

This 1-year extension will provide Congress the opportunity to examine important aspects of the PATRIOT Act and to make substantive changes that strike the right balance between protecting the rights of Americans and protecting our national security.

Recently, I introduced H.R. 3969, the Counterterrorism Authorities Improvements Act of 2009. This bill makes improvements to the PATRIOT Act which will strengthen the tools used to combat terrorism and to enhance at the same time the privacy and the rights of Americans.

Additionally, both the House and the Senate Judiciary Committees have passed PATRIOT Act reauthorization bills that would make important improvements in the law that will increase oversight while at the same time preserving critical intelligence authorities.

Some of the more important changes proposed by the House and the Senate include: one, modifying the FISA standard for obtaining business records to ensure that the government is required to show a connection to terrorism; two, requiring a higher standard to obtain library or bookseller records; three, increasing public reporting on the use of national security letters and FISA, including their impact on the privacy of Americans, a right that we all cherish; and, finally, number four, requiring the Inspector General of the Department of Justice to conduct regular audits of the use of these authorities. I am confident that a 1-year extension will provide Congress with sufficient time to make these important changes.

As always, Mr. Chairman, I look forward to working with you, especially in the coming year as we look at ways to make sure that we draw that balance between giving the men and women that keep us safe the ability to utilize essential and vital tools and also at the same time ensuring that the rights and the privacy of all Americans are protected.

With that, I thank you for yielding.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the chairman emeritus of the Judiciary Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this legislation to extend three provisions of the USA PATRIOT Act that are scheduled to expire on Sunday.

The attacks of September 11, 2001, tragically affirmed the urgency of updating our laws to address the clear and present danger presented by international terrorism. Although the memories of this day may have faded in the minds of some Americans, including some of my colleagues, the danger we face from terrorists and terrorist organizations has not faded. We continue to face an imminent danger, made clear by the attempted Christmas Day attack.

The three provisions scheduled to expire are, first, section 206, the roving wiretap provisions of the PATRIOT Act; second, section 215, the business record provisions of the PATRIOT Act; and, third, section 6001, the ''lone wolf'' provision of the Intelligence Reform and Terrorism Prevention Act.

Of particular importance is the lone wolf provision, which closes the gap in the Foreign Intelligence Surveillance Act that, if allowed to expire, could allow an individual terrorist to slip through the cracks and endanger thousands of innocent lives. When FISA was originally enacted in the 1970s, terrorists were believed to be members of an identified group. That's not the case today, and we need to respond accordingly.

Many modern-day terrorists may subscribe to a movement or certain beliefs but do not belong to or identify themselves with a specific terrorist group. Allowing the lone wolf provision to expire could impede our ability to gather intelligence about perhaps the most dangerous terrorists operating today. Regarding the lone wolf provision, FBI Director Mueller stated that ''while we have not used it with regard to an indictment, it continues to be available for that individual whom we lack evidence to put with a particular terrorist group but does present a threat as an international terrorist.''

The close call we had on Christmas Day demonstrates the need for tough laws like the PATRIOT Act. Terrorist organizations appear to be stepping up their efforts against us, and we cannot let this happen. Our national security is at stake and so are the lives of thousands of innocent people, both Americans and visitors to our country. Our law enforcement officials must be provided with the needed tools to keep us safe, and we in Congress cannot drop the ball on our national security. We must reauthorize these provisions now.

For too long opponents of the PATRIOT Act have transformed it into a grossly distorted caricature that bears no relationship whatsoever to the legislation itself. The PATRIOT Act has been misused by some as a springboard to launch limitless allegations that are not only unsubstantiated but are also false and irresponsible.

□ 1645

The fact remains that the USA PATRIOT Act is vital to maintaining America's safety. The White House and Attorney General have called for extension of the three expiring provisions of the PATRIOT Act, and I commend the administration for recognizing the value of these important national security tools and for rightly urging the Congress to reauthorize each of them. This is your administration, Mr. Speaker and majority Democrats, not our administration, and they have recognized the reason for that.

I urge my colleagues to vote in favor of reauthorizing these provisions before they expire.

Mr. CONYERS. Mr. Speaker, I am pleased to yield as much time as he may consume to the chair of the Constitution Subcommittee on the House Judiciary, the gentleman from New York, JERRY NADLER.

Mr. NADLER of New York. Thank you, Mr. Chairman.

Mr. Speaker, I rise in opposition to this motion to concur in the Senate amendment, which would extend for a period of 1 year the sunset of three provisions of the USA PATRIOT Act. I very much regret that we have to be here today in this situation and that I have to oppose this legislation. I understand we are facing a deadline of this weekend, but I also believe that we have an obligation to do more than punt. That is effectively what we are doing today. We are punting this question to the next Congress.

Both the House and the Senate have worked hard to examine not just these three provisions, but the entire PATRIOT Act, and to craft legislation that would improve its effectiveness, and that would better protect the civil liberties of all Americans. That process should be allowed to continue. Today, with this vote, that process effectively ends.

The PATRIOT Act was passed at a time of panic, and in an extremely rushed manner. Many of its provisions were not well thought out, which is why Congress decided that certain parts of the PATRIOT Act should be enacted on a temporary basis so that we could revisit them after we had time to see how they worked.

The original passage of the bill in 2001 was hijacked at the last minute in a way that should have stood as an embarrassment to the House. The Judiciary Committee back then reported the

bill unanimously, with support from the most conservative to the most liberal members. We did business the way the American people have always said they wanted us to do business, through negotiation and compromise in open committee meetings. That was the high point. The low point came in the dead of night. Then-Attorney General Ashcroft objected to the bill, and so with the cooperation of the then-Republican leadership that bill was junked, and the bill that came to the floor was an entirely new bill written behind closed doors and not seen until shortly before we voted on it on the floor.

The bill that recently passed the Judiciary Committee would have extended the expiring provisions, but would have improved them in response to the problems that experience has brought to light. With respect to roving wiretaps, for example, the committee extended the provision until 2013, and added language to clarify congressional intent that the government must describe its roving target with a sufficient degree of particularity to allow a judge to be able to distinguish the target from other potential users of places or facilities to be surveilled.

Our bill would have allowed the ''lone wolf'' provision of FISA to sunset. This provision allows the issuance of a FISA warrant against individuals with no connection to a foreign power or other foreign entity or to a terrorist group. That is not the purpose of FISA, and in fact Todd Hinnen, Deputy Assistant Attorney General for the Justice Department's National Security Division, testified in the hearing before my subcommittee that this provision has never been used in the 8 years in which it has been enforced. There is no reason why a so-called ''lone wolf,'' concededly unconnected, not connected to a foreign power, not connected, concededly, to a terrorist group—otherwise he wouldn't be a lone wolf—there is no reason why such a person could not be subject to a normal Title III wiretap warrant. That is why the committee voted to let this provision sunset.

We also added some procedural protections to section 215 orders which allow the government to seize all sorts of information concerning what an individual has been reading without a warrant. The bill would have required the President to report to Congress on whether the procedures for sensitive collections could be further modified so as to enhance civil liberties protections without undermining national security objectives. This provision was also extended to the end of 2013 in the legislation reported by the Judiciary Committee.

My bill controlling the use of the much-abused National Security Letters was included in this bill as well. These letters, issued with no court oversight, have been used to obtain all sorts of material, and have been joined with gag orders on the recipients, gag orders that were recently struck down as unconstitutional by the courts. The Justice Department's Office of Inspector General has issued some damning reports on the misuse of these letters, and the section is in dire need of reform. These reforms, which were a part of the bill reported by the Judiciary Committee, should be part of any legislative action extending these provisions of the PATRIOT Act.

I regret that we are not going to continue this process of improving the PATRIOT Act. I regret we do not have before us a very short-term extension designed to give us more time to finish this work in the balance of this Congress. But we are punting to the next Congress, which for all practical purposes means that we are extending the PATRIOT Act unchanged for the indefinite future. I believe that our Nation and our liberties will suffer as a result of this. I hope that this vote today, contrary to what I expect, will not stop my colleagues from continuing to improve our intelligence-gathering laws, and specifically continuing to examine and improve the PATRIOT Act in a timely manner.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN), a senior member of both the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, it is probably the highest honor of my life is to serve in this House, and as a part of that to serve on the Judiciary Committee. I have great respect for the members of that committee and the work that we do. But in some ways, I would echo the comments of the gentleman from New York, although I would not agree with his conclusions, of the disappointment that this primary obligation of the Judiciary Committee, that is to deal with legislation that goes to the common defense of this Nation, would be viewed in the legislative agenda as an afterthought.

I am the author of the sunset provisions from the 2005 extension of the PATRIOT Act. I put those sunset provisions in, or I offered them and got the support of Members on both sides of the aisle precisely because I understood there was some controversy about those three, and that there was a need for us to take a serious look at it.

Unfortunately, while we have established other priorities in this Congress, in this House, it does not appear that the PATRIOT Act has been one of them. Because if it were otherwise, we would be spending hours, if not days, on this floor talking about the implications of the PATRIOT Act. And in the context of that debate, I am absolutely assured that the vast majority of this House would support the continuation of these provisions, as is the conclusion of this administration.

These three provisions provide tools for our intelligence community to not only connect the dots, but gather the dots. There seems to be a misunderstanding at times that if we were to take some of these provisions and establish a higher degree of proof, or a higher degree of suspicion that somehow that would make these tools more available. That I believe is a misunderstanding of some of these tools. These tools allow to us start the search. You don't know if someone is involved with a terrorist group under some circumstances.

Someone like Abdulmutallab, having his father come to the embassy and just report his suspicions about his son would not be sufficient for us to believe that he was necessarily allied with some terrorist group. In fact, you would believe that by the terms of the lone wolf provision, he would be right squarely in the middle of that provision. And yet what did our committee do? Our committee decided that because it had not been used before, we should reject it. Well, you know, we were never hit by airplanes with unbelievable amounts of fuel and human beings into towers in New York until it happened. Now, the argument that, well, it never happened before so we shouldn't have been prepared for it doesn't ring true.

And so while I believe that we did take a look at these three provisions in our committee, I was extremely disappointed by the resolution of that review. And we could, it seems to me, if we had this as a priority, bring this bill to the floor, look at it and say if it is important enough for us to have these tools against al Qaeda and similarly situated terrorist groups and individuals, then maybe we ought to extend it for more than a year. Does anybody on this floor, does anybody within the reach of my voice believe that al Qaeda is going to stop 1 year from the 28th of this month?

Maybe we have a new 72-hour rule. We have been talking about a 72-hour rule meaning we should have bills on the floor for 72 hours. Here we have the fact that we wait until we are within 72 hours of the expiration of key parts of the law which allow us to protect ourselves against terrorists before we act. The American people must be scratching their heads and saying, This is the leadership we look for? These are the people who take an oath to the Constitution and to give us the ability to defend ourselves against enemies?

Mr. Speaker, I guess I would say as proud as I am of my service on the Judiciary Committee, I am profoundly disappointed that this bill is being brought forward with just a single year, within a 72-hour space, and we still have not had an examination on this floor of the seriousness of the profound protections of civil liberties contained in these provisions of the law. This is in fact a good law. These are good provisions of that law being utilized by our intelligence community.

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

Mr. SMITH of Texas. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the additional time.

So these are individual parts of a law that has served us well. Ironic it is that on the very day that our committee considered the lone wolf provision and decided because it had not been used before we should withdraw it, we had the terrible I won't call it a tragedy, I will call it a terrible terrorist attack at Fort Hood. Within hours of us rejecting the notion that we needed a lone wolf provision, we had a domestic lone wolf. Now, of course the PATRIOT Act does not apply to someone who is an American citizen. But my point is had we had such an attack before that attack took place, doesn't it seem a little nonsensical to say because it hadn't happened before we ought not to have some tools at our disposal which would help us fight it?

Let me just underscore again, these provisions in the law allow our intelligence community to collect the dots. The 9/11 Commission criticized our government for a failure to connect the dots. You need to first have the dots. You need to first have the information. And that is what these tools allow us to provide to our intelligence community so that they can analyze those things.

So Mr. Speaker, I reluctantly support this legislation because it is a mere 1-year extension. It deprives us of the debate that should be front and center of this representative body. If we truly believe our first obligation is to protect the people we represent, we must provide for the common defense. The PATRIOT Act does this. These provisions do this. We should act on this with full knowledge, full debate, and full confidence in our intelligence communities that we can move forward and protect the American people.

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

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield 4 minutes to an esteemed senior member of the Judiciary Committee, the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank my friend from Texas, and thank him for elevating me to the esteemed status. I am not sure I deserve that.

Mr. Speaker, I don't want to be a prophet of gloom and doom, but there are many people in this world who every night retire, prior to sleeping, with one thought in mind, and that one thought is destroy America. The PATRIOT Act has served as a useful impediment to thwart that effort of destruction, and it must not be allowed to expire.

The majority has had over a year to reauthorize the three expiring provisions, but we failed to do so. In 2005, Mr. Speaker, I chaired the Crime Subcommittee of Judiciary, and we oversaw nine hearings to thoroughly examine all of the intelligence-gathering provisions of the PATRIOT Act. The Republican-led Judiciary Committee completed these and additional full committee hearings, a full committee markup, and floor consideration to reauthorize nearly one dozen provisions, all prior to the August recess.

□ 1700

The current majority, Mr. Speaker, has conducted only one subcommittee hearing, a markup, but still hasn't brought a commonsense bill to the full House floor.

Again, I don't want to promote gloom and doom, but time could be running out on us because one of these days, one of these people who retire with that, before they fall asleep with the one desire to destroy America, they may result in success. We need the impediment to stand thoroughly against this effort, and that impediment, among others, is the PATRIOT Act.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to SHEILA JACKSON LEE, a senior member on the Judiciary Committee, who will be our closing speaker; and I will yield to her as much time as she may consume.

Ms. JACKSON LEE of Texas. Mr. Chairman, sometimes we come to the floor, Mr. Speaker, but we don't understand, really, the impetus and the importance of the work that is being done here.

To my colleagues, what we are doing is securing the American people. We know that right now there is a major debate that is occurring with leadership dealing with health reform. We will also be addressing the question of jobs. But let it be very clear, nothing is going to stop us from addressing the question of national security.

Chairman CONYERS has been working on the reform and the refitting, if you will, of the PATRIOT Act to make sure that it provides more security for the American people.

I just came from a hearing on Homeland Security of which I am a member, with the Secretary of Homeland Security, asking hard questions about the reinforcement of security, the provisions of support for personnel at the Department of Homeland Security, and the ability to give more resources so that the traveling public can be secure.

In this instance, we are acting expeditiously and responsibly, because what is now occurring is that we are providing for the extension of the PATRIOT Act so we can, in fact, engage the other body and work constructively, one, to, with no doubt, commit ourselves, as the President has done, in committing to use every instrument of national power to fight terrorism, including intelligence and military operations, as well as the criminal justice system. That's the Judiciary Committee.

There's never been a doubt about the commitment of the Obama administration or the Judiciary Committee, the chairman and our colleagues in the other body. But it is important for us to handle our business and to do our duty, and that is to look with a fine-toothed comb at the PATRIOT Act to ensure that it does not violate the rights of Americans. No matter what your political persuasion, you have a sense of understanding of the Constitution. You understand due process. You understand unreasonable search and seizure. And so it is our obligation to do so.

As I listened to the debate on the Intelligence bill, I was struck by the efforts that have been made to shore up any of the missing links to provide us a pathway away from the Fort Hood incident or the Christmas Day bombing. And one of the things I want to emphasize is the importance for horizontal integration: Homeland Security, Department of Justice, Intelligence, the agencies dealing with national security as we attempted to do after 9/11. We must ramp up the coordination of information. There must be a focus not only on enhanced coordination, which is the premise of the PATRIOT Act, to get information and to ensure the obligation to ensure your civil liberties; but we must also be somewhat unique and distinct on how we assess who might be a threat.

I have constantly asked that we consider this thing called human assessment and behavior. A lot of people will call for profiling and that that's the way to do it. And I can tell you, colleagues, that you can profile from this morning until the end of time, and you will miss someone who doesn't fit the caricature, if you will, of who you might think happens to be a terrorist. Timothy McVeigh didn't fit that profile.

And so it is important for them to be developed human intelligence and human behavior assessment. That would have been an appropriate approach to the captain at Fort Hood. That's not profiling; it's assessing the behavior of interacting on the Internet, of speaking to the imam in Yemen, very conspicuous behavior that was assessed in Washington before he was transferred to Fort Hood, behavior that was not transmitted, if you will, in the right way.

And then we can look at the Christmas Day bomber, which we hope will never happen again. We had the shoe bomber. And so behavior should send up a red flag.

When we look at the premise of the PATRIOT Act, it is gathering information. And I know my colleagues would not want us to rush to judgment. And so what we have in place now is the opportunity for America to be protected, to use this cross-signal of information.

Might I also mention the assessment of the actions of the Department of Justice. There's not been one moment of a decision that has jeopardized the American people. Yes, there's been a decision that initially was accepted by local officials, as we understand it, to try individuals in a particular area.

There were provisions, obviously, to be made for that. That decision alone and whatever happens on the decision after about where that trial will be held has nothing to do with undermining America's security.

We have Mirandized people before, and they have given us information and we've garnered that information to use for our security. We have tried people in the civilian courts under our legal system, and we have found them guilty on the basis of what they have done, and we've protected the American people.

So I am concerned that there is some labeling going on, that there is not the convergence of resources in the Obama administration, there's not the work on behalf of the Judiciary Committee chaired by Chairman CONYERS that steadily puts together building blocks to secure the American people.

I hope that we will rise to vote for this extension of the PATRIOT Act to allow this Congress, bipartisan, to sit down and do its work. But in the meantime, would we not be irresponsible if we did not come to the floor today to protect the American people, just as we've done with an authorization of the Intelligence bill which has never been done for over a large number of years. We are now doing that because we believe in the security of the American people.

I look forward to moving forward on this legislation. I look forward to pressing the intelligence community on human behavior assessment now, not tomorrow, but now; and I look forward to us going forward on securing the American people with the tools that the Obama administration is working on.

Mr. Speaker, I rise in support of the motion to concur in the Senate amendments to H.R. 3961—Extending Expiring Provisions of the USA PATRIOT Improvement and R. 2082. I support this motion to extend expiring amendments though I offered several amendments as we debated this issue in the Judiciary Committee that I believe would have made the existing provisions of the ACT more effective.

H.R. 3961 extends for one year—through Feb. 28, 2011—three antiterrorism provisions which would otherwise expire on February 28, including the "roving wiretap" authority that allows the government to conduct surveillance on suspects who communicate on multiple devices, or repeatedly change their cell phone numbers or carriers; a provision that permits federal law enforcement authorities to seek a court order for "any tangible thing" they deem related to a terrorism investigation such as business records; and the "lone wolf" provision that allows for surveillance of terrorists who are not connected to terrorist groups.

The measure also extends, for one year, a provision under current law that expanded authority to access records or "any tangible item," including business and library records, through the use of Section 215 orders. The provision has been one of the focal points of criticism of the PATRIOT Act, uniting liberals and libertarians who express concern that it was too broadly written and could have allowed the government to access a virtually unlimited range of records.

Mr. Speaker, prior to the enactment of the USA PATRIOT Act, court orders requested under the Foreign Intelligence Surveillance Act (FISA) for access to business records had to assert that there were "specific and articulable facts giving reason to believe that the person to whom the records pertain [was] a foreign power or an agent of a foreign power." The law limited these records to those of hotels, motels, car and truck rental agencies, and storage rental facilities.

The provision in the USA PATRIOT Act modified requirements for a FISA court order to include "any tangible things"—such as library or bookstore records—regardless of the business or individual holding the item, as long as law enforcement officials assert that the records are sought in an effort to obtain foreign intelligence or in a terrorism investigation. An application for access to business records under this provision must provide a "statement of facts" proving that the information sought is "relevant" to the investigation.

A September 2009 letter from the Justice Department reports that the FISA court had issued about 220 orders to produce business records over the period of 2004 to 2007. The letter noted that 173 of those orders were issued prior to 2006 in combination with FISA pen register orders "to address an anomaly in the statutory language that prevented the acquisition of subscriber identification information normally associated with pen register information." The 2006 reauthorization of the Patriot Act included language to clarify the law, and the Justice Department says the change made the use of the "business records" provision for such information unnecessary. The remaining business records orders were used to obtain transactional information that did not fall within the scope of other authorities.

The department called on Congress to reauthorize this provision because there would "continue to be instances in which FBI investigators need to obtain information that does not fall within the scope of national security letter authorities and are operating in an environment that precludes the use of less secure criminal authorities."

My amendment would have made an improvement to the public's oversight of the PATRIOT Act by extending the life of these intrusive government surveillance programs for two years rather than four years as proposed. Specifically, my amendment focused on Sections 102 and 202 of the underlying bill. The change to Section 102 would have extended the sunset dates of roving wiretaps and FISA business records to December 31, 2011 rather than 2013. The change to Section 202 provides a sunset date of December 31, 2011 rather than December 31, 2013 for national security letters, with the effect of expediting the return of the relevant national security letter statutes to their statuses as they read on October 25, 2001.

These proposed changes in those amendments that I offered in the Judiciary committee focused on the idea of increasing public oversight and transparency. These changes would have permitted Congress to review these sections in two years rather than four years. In two years, we may find that these tools are in fact unnecessary, or that new tools are required.

Mr. Speaker, the motion also extends, for one year, a provision that allows law enforcement officials to pursue terrorists who use multiple devices, or change cell phone numbers or carriers repeatedly to thwart surveillance efforts under FISA. The law permits authorities to obtain multipoint or "roving" wiretaps so that officials do not have to file multiple applications to continue their investigation.

Under current law, applications for a wiretap do not have to include specific information on the location of the wiretap or the names of third parties who would be involved in assisting authorities with setting up the wiretap. Instead, court orders apply to the person or persons and not a particular device or location. Under prior law, the government would have to return to the FISA court for an order that named the new communications carrier, landlord, etc., before tapping the new device or location.

The law requires the FISA court to base its finding on "specific facts" included in an application, and it requires court orders for roving wiretaps to describe in detail the specific target in cases in which the target's identity is unknown. In the cases when the location of surveillance was unknown at the time of a court order, investigators would be required to notify the court within 10 days of the start of surveillance at any new location. The court can extend this notification time to up to 60 days.

According to a September 2009 letter from a Justice Department official, the provision has "proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders." The letter noted that this authority is only available when the government is able to provide specific information that the target of surveillance may engage in counter-surveilance activities. The letter noted that the government has sought to use it "in a relatively small number of cases (on average, twenty-two applications per year)."

Additionally, the measure extends by one year the so-called "lone wolf" provision that allows federal law enforcement officials to seek warrants from the Foreign Intelligence Surveillance Court to conduct surveillance on suspected individuals or "targets" who are engaging in international terrorism activities or preparation for such activities, but cannot be connected to terrorist groups or foreign nations. The provision applies only if the target is not a United States person, i.e., is not a citizen, legal immigrant or resident.

Before 2004, national security officials had to show a court that a target was an agent of a foreign power, or acting on behalf of a foreign power, in order to get permission to monitor him or her, which some argued prevented monitoring a lone wolf operating as an individual. According to the Justice Department, the authority was aimed at situations in which information linking a target to an international group is absent or insufficient, but where the target's engagement in "international terrorism" has been sufficiently established. The department noted that in practice, the government "must know a great deal about the target," but must also be unable to connect that person to any group meeting the definition of "foreign power" under FISA.

A Justice Department official, in a September 2009 letter, stated that the department had never filed a FISA application using this provision since it became law in 2004, but

stated the department's support for reauthorizing the provision because of potential situations in which it could be the only avenue for surveillance.

Mr. Speaker, I believe it is very important that we extend the expiring provisions of the PATRIOT Act and urge my colleagues to join me in supporting the motion and work to restore civil liberties and secure America.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, an active member of the Judiciary Committee and a former city prosecutor, Mr. HARPER.

Mr. HARPER. Mr. Speaker, the purpose of the PATRIOT Act is to keep suspected terrorists under surveillance in an attempt to prevent another attack on our country like we suffered on September 11, 2001. I believe that it has been successful, and I support its extension. I firmly believe that our safety for the nearly 8½ years since 9/11 is due in part to the PATRIOT Act and the fine men and women who are able to use it each day to keep our country safe from harm.

I particularly believe that the lone wolf provision which allows for the surveillance of individual terrorists who might not be part of a larger international terrorist group is very important, and I'm very happy to see its inclusion in this extension.

I applaud those who worked in a bipartisan manner to pass this legislation in 2001, and I look forward to seeing that provisions of the PATRIOT Act continue to be used in an effort to keep Americans safe.

While I wish that a bill with the intention of extending the PATRIOT Act for longer than a year would have been before the House, I support the legislation before us today. I hope that my colleagues will join with me in supporting the extension of this very important counterterrorism tool.

Mr. CONYERS. Mr. Speaker, I continue to reserve.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my colleague from Texas, a senior member of the Intelligence Committee, Mr. THORNBERRY.

Mr. THORNBERRY. Mr. Speaker, I appreciate the distinguished ranking member yielding to me.

Mr. Speaker, it is very, very important that we ensure that our intelligence professionals and our law enforcement professionals have the tools and the support they need to do their job. And we should never forget that their job is to protect us and prevent further terrorist attacks from killing Americans.

Now, over the course of the day today, as we consider the Intelligence authorization bill, there have been a lot of words spoken in support of those intelligence and law enforcement professionals. But I would suggest that actions matter more than words. One of the actions we can take is to ensure that they have the tools they need to gather the information to stop terrorist plots. And these three expiring provisions of the PATRIOT Act that are being renewed for a year under this bill are some of the critical tools they need to gather that information and to protect us.

Mr. Speaker, I count about eight plots or attempted terrorist attacks since last summer that have made the press, that have been stopped or thwarted in some way or another. One of them, unfortunately, was successful, and that was the attack at Fort Hood. One of them was stopped out of sheer luck and the awareness of passengers on the Christmas Day bombing attack over Detroit. But a number of the other attempted attacks or plots over the past few months and years have been stopped, I believe, because of the tools included in the PATRIOT Act that have helped prevent American casualties. And I would suggest we cannot afford a single day without those tools, including the three that are extended over the course of this bill.

I would prefer, as others have said, that it were longer than a year. But it is absolutely critical that we not allow them to expire and that we put them at least on somewhat of a longer term basis so that these professionals can actually do their job.

I would just say, Mr. Speaker, that in addition to the tools, legal authorities, financial resources that are necessary for them to do their job to protect us, we also must provide these professionals in the intelligence community and the law enforcement community the support they need to do their job. And it is not supporting them, for example, to have a special prosecutor appointed by the Justice Department of this administration to re-investigate interrogators that have already been investigated. And it would not be supportive if we adopt the provision we've talked about earlier today, to establish new crimes against interrogators. They deserve the tools and support. Both can come today with the right votes.

Mr. CONYERS. I'm pleased now to recognize a former senior member of the Intelligence Committee for over 10 years—she served as ranking member—and I yield now to JANE HARMAN as much time as she consumes.

Ms. HARMAN. I thank Mr. CONYERS for yielding and commend him for his leadership of the Judiciary Committee. He has authored many bills which I am proud to cosponsor, one of which includes amendments to these three expiring provisions of the PATRIOT Act.

I rise today because I think we are missing an opportunity. There are good ideas in this House about how to curb the abuses with national security letters, how to clarify that roving wiretaps are limited to a single identifiable target, and how to eliminate the lone wolf provision which has never been used and for which existing title III authority can suffice. Those ideas have been the subject of hearings in the Judiciary Committee, but they're not being debated on this floor.

Instead, we hear that the only way to protect America is to extend the PATRIOT Act as is for another year. We could have extended it for a shorter period and fully debated how to amend the PATRIOT Act on this floor. I think this is a real missed opportunity. As one who was here when we first passed The PATRIOT Act, I recognize that my approach has been controversial.

□ 1715

I am one of very few Members who opposed initially rolling back the so-called library provision, which I agree was an overreach in the initial PATRIOT Act. But I opposed rolling it back because the amendment as initially drafted included eliminating access to Internet sites at libraries. And as one who studies the terrorism threat carefully, I know that terrorists use the Internet frequently as a way to communicate. So when the library provision was finally drafted to exclude Internet sites, I proudly voted for it.

The PATRIOT Act is a valuable tool. Those who have spoken on the other side are right, we need it. But we have enough knowledge in this House to tweak it to be much more fair to innocent Americans who have inadvertently been caught up in its web.

Let me also mention that under the Intelligence Reform Act of 2004, we required that the White House establish a privacy and civil liberties commission to oversee the development and implementation of laws with respect to terrorism. That commission was never fully established in the last administration, and this administration has yet to name a chairman and a vice chairman.

I urge the President again to fully implement the provisions of the 2004 Intelligence Reform Act. Standing up that commission would send a message that we can protect our security, but we can also protect our liberty. This is not a zero-sum game.

And let me finally address something we will hear as we close debate on the Intelligence authorization bill, and that is a view by some that we should bar trials or terrorist suspects in Article III courts.

The prior administration tried virtually everyone charged with terrorism-related crimes in Federal court. Most of those people were convicted and are now incarcerated. There was a 90 percent conviction rate over hundreds of trials since 9/11. In contrast, military commissions convicted three people, two of whom are no longer serving.

So if you just look at the conviction rate, we are safer if we use article III courts.

In a letter from Secretary Gates and Attorney General Holder dated today to the leadership, they express their opposition to any legislation or amendments that would restrict the ability of the executive branch to effectively prosecute alleged terrorists in Federal courts or reformed military commissions in the United States.

Their point, and my point, is we can have reformed military commissions—

and I know that the President and many here are considering reforms which I may support—but we also must permit robust use of our Federal courts. I think it's disingenuous to claim that after 300 people have been sent to jail for long sentences, we can't safely try terrorists in U.S. courts under Federal law. I agree with Secretary of Defense Gates and Attorney General Holder that such an amendment would make us less safe by removing a critical tool from the Nation's arsenal, and that's the use of our Federal justice system.

In conclusion, we must live our values. When we fail to do that, we offer a huge recruiting tool to those who would attack us. If we live our values by carefully amending expiring PATRIOT Act provisions, by standing up a privacy and civil liberties board and by saying that Federal Courts can try many of those we apprehend for terrorism-related crimes, we have the best chance of winning in this era of terror.

Madam Speaker, I take a backseat to no one in the effort to defeat the terror threat against us. I take the threat very seriously. I read proposed legislation carefully. Today, we could have, as Mr. NADLER suggested, passed a short-term extension and then had a robust public debate about amendments to expiring PATRIOT Act provisions. This is a missed opportunity and I oppose the extension.

Mr. SMITH of Texas. I am prepared to close. I will reserve my time.

Mr. CONYERS. How many minutes remain?

The SPEAKER pro tempore. The gentleman from Michigan has 2 minutes remaining.

Mr. CONYERS. I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, extending the expiring provisions of the PATRIOT Act will give our law enforcement officials and intelligence agents the authority they need to meet terrorists' threats. It is unfortunate, though, that some reject a long-term reauthorization. Refusing to reauthorize our national security laws for the long term signals weakness to our enemies. It says we are not serious about protecting American lives.

Repeated extensions of this law create uncertainty for intelligence officials and increase the danger that intelligence is missed and threats unidentified. The PATRIOT Act is not broken. And if it isn't broken, we shouldn't try to fix it.

Congress has already undertaken a sweeping review of the PATRIOT Act following extensive hearings in the Judiciary Committee. We approved a reauthorization in 2006 that made permanent all but three provisions and enhanced important civil liberty protections. The Obama administration, a bipartisan Senate, and House Republicans all support a long-term reauthorization of the PATRIOT Act.

Mr. Speaker, while I support this bill, our national interests would have been better served if we had considered a long-term extension. Mr. Speaker, I urge my colleagues to support this legislation even though a long-term piece of legislation would have been a much-improved situation.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from Ohio, DENNIS KUCINICH.

Mr. KUCINICH. I thank Mr. CONYERS.

I rise in opposition to H.R. 3961, legislation to extend the expired provisions of the PATRIOT Act. The three provisions being extended today include the ''roving wiretaps,'' which allow the Foreign Intelligence Surveillance Court to issue secret orders to wiretap any target without having to specify the target or the device. This extension also includes the ''lone wolf'' surveillance provision, which allows intelligence agencies to conduct investigations of non-U.S. individuals not connected to a foreign power or terrorist group, a provision that the administration has never had to use. Finally, this legislation would extend section 215 powers of the PATRIOT Act, which allows the government to order any entity to turn over ''any tangible things'' as long as it specifies its for ''an authorized investigation.'' Section 215 orders constitute a serious violation of Fourth and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records.

Through years of documentation evidencing abuse of these provisions during the Bush administration, the Department of Justice has failed to hold Bush administration officials accountable for illegal domestic spying by barring any lawsuits to be brought against those officials. Months into this administration, The New York Times reported that the National Security Agency had ''intercepted private e-mail messages and phone calls of Americans in recent months on a scale that went beyond the broad legal limits'' and that the practice was ''significant and systematic.''

Passage of this legislation continues to make Congress complicit in the violations of constitutional rights.

A letter written by the American Bar Association in 2005 to Congress expressed grave concern over ''inadequate congressional oversight of government investigations undertaken pursuant to the Foreign Intelligence Surveillance Act'' . . . ''to assure that such investigations do not violate the First, Fourth, and Fifth Amendments.''

As Members of Congress swore to protect the rights and civil liberties afforded to us by the Constitution, we have a responsibility to exercise our oversight powers fully, and significantly reform the PATRIOT Act, ensuring that the privacy and civil liberties of all Americans are fully protected. More than 8 years after the passage of the PATRIOT Act, we failed to do so. As National Journal correspondent Shane Harris recently put it, we've witnessed the rise of an ''American Surveillance State.'' We've come to love our fears more than we love our freedoms.

Mr. BLUMENAUER. Mr. Speaker, in 2001, I voted against the USA PATRIOT Act because it granted law enforcement powers too broad, too removed from oversight, and at the expense of Americans' civil rights. I am disappointed that H.R. 3961 simply extends three of these provisions without any additional protections or oversight.

This is a missed opportunity to rebalance the need to pursue violent extremists with the need to respect our own citizens. Continuing to allow the government to obtain "any tangible thing" relevant to a terrorism investigation, including library records, is a disturbingly low bar. We can do better.

Committees in the House and Senate have offered drafts to improve the PATRIOT Act, and I strongly suggest that we move forward immediately to amend this law.

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

Pursuant to House Resolution 1109, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further proceedings on this motion are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

TEMPORARY EXTENSION ACT OF 2010

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4691

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Temporary Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''February 28, 2010'' each place it appears and inserting ''April 5, 2010'';

(B) in the heading for subsection (b)(2), by striking ''FEBRUARY 28, 2010'' and inserting ''APRIL 5, 2010''; and

(C) in subsection (b)(3), by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families

Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''February 28, 2010'' and inserting ''April 5, 2010'';

(B) in the heading for paragraph (2), by striking ''FEBRUARY 28, 2010'' and inserting ''APRIL 5, 2010''; and

(C) in paragraph (3), by striking ''August 31, 2010'' and inserting ''October 5, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''February 28, 2010'' each place it appears and inserting ''April 5, 2010''; and

(B) in subsection (c), by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking ''1009'' and inserting ''1009(a)(1)''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the amendments made by section 2(a)(1) of the Temporary Extension Act of 2010; and''.

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''February 28, 2010'' and inserting ''March 31, 2010''.

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: ''or consists of a reduction of hours followed by such an involuntary termination of employment during such period (as described in paragraph (17)(C))''; and

(B) by adding at the end the following:

''(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

''(A) NEW ELECTION PERIOD.—

''(i) IN GENERAL.—For the purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual on or after the date of the enactment of this paragraph shall be treated as a qualifying event.

''(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

''(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

''(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

''(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

''(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred on or after the date of the enactment of this paragraph.''.

(2) CODIFICATION OF CURRENT INTERPRETATION.—Subsection (a)(16) of such section is amended—

(A) by striking clause (ii) of subparagraph (A) and inserting the following:

''(ii) such individual pays, the amount of such premium, after the application of paragraph (1)(A), by the latest of—

''(I) 60 days after the date of the enactment of this paragraph,

''(II) 30 days after the date of provision of the notification required under subparagraph (D)(ii), or

''(III) the end of the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986.''; and

(B) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and''.

(3) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''of the first month''.

(4) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: ''In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than $110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.''.

(5) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g)(9) of section 35 of the Internal Revenue Code of 1986 is amended by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(B) Section 139C of such Code is amended by striking ''section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(C) Section 6432 of such Code is amended—

(i) in subsection (a), by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009'';

(ii) in subsection (c)(3), by striking ''section 3002(a)(1)(A) of such Act'' and inserting ''section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009''; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

''(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

''(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

''(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.''.

(D) Subsection (a) of section 6720C of such Code is amended by striking ''section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsection (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act;

(2) the amendments made by subsection (b)(2) shall take effect as if included in the amendments made by section 1010 of division B of the Department of Defense Appropriations Act, 2010; and

(3) the amendments made by subsections (b)(3) and (b)(4) shall take effect on the date of the enactment of this Act.

SEC. 4. EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), the date specified in section 106(3) of that resolution (Public Law 111–68; 123 Stat. 2045) shall be deemed to be March 28, 2010.

(b) EXCEPTION.—Subsection (a) shall not apply if an extension of the programs and authorities described in that subsection for a longer term than the extension contained in the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), is enacted before the date of enactment of this Act.

SEC. 5. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''February 28, 2010'' and inserting ''March 31, 2010''; and

(2) in subparagraph (B), by striking ''March 1, 2010'' and inserting ''April 1, 2010''.

SEC. 6. EXTENSION OF MEDICARE THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2009'' and inserting ''March 31, 2010''.

SEC. 7. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended by striking ''March 1, 2010'' and inserting ''March 31, 2010''.

SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 1005 of Public Law 111–118, is further amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting March 28, 2010, for the date specified in each such section.''.

SEC. 9. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''February 28, 2010'' and inserting ''March 28, 2010''.

(b) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration – Business Loans Program Account'', $60,000,000, to remain available through March 28, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

SEC. 10. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''February 28, 2010'' and inserting ''March 28, 2010''; and

(B) in subsection (e), by striking ''February 28, 2010'' and inserting ''March 28, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''February 28, 2010'', and inserting ''March 28, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''February 28, 2010'' and inserting ''March 28, 2010''; and

(2) in paragraph (3)(C), by striking ''March 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''March 29, 2010''.

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 5, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 5, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes Mr. MCDERMOTT.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I yield myself as much time as I may consume.

This bill provides a short-term extension for a number of programs.

When you have the other body basically operating on filibusters continuously on everything, it's not surprising that suddenly somebody wakes up over there and figures out that they're going to have to go to work and pass some legislation.

By the end of March, 1.2 million people will run out of unemployment benefits, so we're extending unemployment benefits through the 8th of April, 2010. That is another month. The Senate likes to have a vote on unemployment about once a month. For whatever reason they want to come out here and do this when they can see the problem and they want to drag the American people through this process over and over again, I cannot understand. The Republicans over there using filibusters to stop the Senate from doing anything simply don't care about workers in this country.

Now, there is also an extension of COBRA assistance. We're extending that until the 28th of March, 2010, so people have health insurance for another month. Thanks a lot. And we're extending surface transportation programs, which makes related expenditures for surface transportation until March 28, 2010.

We're extending the Medicare physician update, which extends the increase in physicians' payments until March 28, 2010. We're extending the Medicare therapy cap exceptions until March 28, 2010. We're extending the poverty guidelines. And I could go on down this list. I have got a whole bunch more.

□ 1730

The fact is, we passed, in December, out of this House, a 6-month extension in unemployment benefits, but somebody decided we had to have a filibuster in the Senate, so they stepped on the bill. And suddenly we come to 5:28 p.m. on the 25th of February and somebody says, oh, my God, there are going to be people in my district with no check. They have been calling my office for the last 2 weeks. Are they going to extend benefits? Will my benefits be extended? What's going to happen to us?

Well, this is their answer. We will give them another month's reprieve, and I urge all my colleagues to vote for this bill.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. This legislation provides for a 1-month extension of several important programs, including unemployment insurance and health coverage for Americans laid off in this recession, a postponement of severe cuts in Medicare payments to physicians and a satellite television law that allows Americans in rural areas to get access to local news and programming.

It's important to realize that this is not a jobs bill. On the contrary, the extension of unemployment insurance is needed because the 2009 stimulus bill didn't create the jobs Democrats promised. Laid-off workers should not be punished for that.

Instead of creating 3.7 million jobs as promised, the stimulus bill was followed by 3.3 million additional job losses. A record 16 million are now unemployed, and Americans are asking ''where are the jobs?''

The legislation before us continues the payment of a record 99 weeks of total unemployment benefits, but millions will soon be exhausting those benefits and wondering what comes next, and they will face a job market that on top of everything else is now burdened by mammoth unemployment payroll tax hikes caused by all the unemployment benefits paid to date. So the need to pass this bill today is the result of the failure of the Democrat stimulus bill to create the jobs they promised. If it had created those jobs, and unemployment were now under 8 percent and falling, as Democrats predicted it would be, we would be in a position to start winding these benefits down.

Instead, unemployment is near 10 percent, and even the administration thinks it will remain so through at least this year.

The CBO has estimated this bill will add over $10 billion to the deficit. Less than 2 weeks after the Democrats' pay-as-you-go bill was signed into law, we

are already seeing billions of dollars designated as ''emergency spending'' so we don't have to pay for it.

With abundant unused TARP and stimulus money that could pay for this bill, it's clear Democrats are not serious about fiscal responsibility.

We also need to craft policies that will actually create jobs so unemployed workers can get back to work. That will require ending the massive taxing, spending, and borrowing plans this Democrat Congress and administration has. These policies have created severe uncertainty among American workers and businesses, causing economic stagnation and discouraging hiring. We could eliminate this uncertainty and get the private-sector American job creation engine humming again by immediately extending all expiring tax cuts, scrapping plans for a government takeover of health care, scrapping plans to impose a national energy tax via a cap-and-trade program, repealing wasteful stimulus spending, and committing to not increasing taxes until the economy has fully recovered.

I reserve the balance of my time.

Mr. McDERMOTT. I yield 3 minutes to my distinguished colleague from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Well, what we face is the highest number of long-term unemployed for over 60 years, 6.3 million people, long-term unemployed. We have 15 million people looking for work.

I came in just in the middle of the statement from my friend from California. I don't think this is the time for us to be arguing over past programs. I have never understood what the minority was thinking about in terms of job creation. They have voted against Recovery Act bills.

But this isn't the time to be using the plight of the unemployed to try to make points about previous actions. This is the time for us to once again face up to the fact that we have huge numbers of people who are looking for work and can't find it. This is the time for us to understand the pain for individuals in this circumstance. We passed a jobs bill here some months ago, unfortunately, without bipartisan support. But I don't want to argue about that. We should be talking about providing. It's really not a safety net; it's a subsistence issue. It's people who have been laid off through no fault of their own who need a continuation of unemployment compensation.

If we do not do this, the estimate is that over 1 million people nationally will lose their unemployment benefits in March. That's 1 month alone, 1.2 million people. If that isn't sobering enough to get us to focus on an extension of unemployment compensation and health benefits for these people, I don't know what else we will do.

So I hope we will come here and pass this bill and not use it as a vehicle to be talking about something other than the plight of the unemployed of this country who can't find a job, 6 or 7 people looking for a job for every job that might open up.

I urge that we pass this overwhelmingly.

Mr. HERGER. Mr. Speaker, I reluctantly support this legislation. While it has major flaws, which I outlined earlier, the current job market in so many parts of the country, including my own congressional district in northern California, is so bad that the help, especially for long-term unemployed individuals, in this bill is both needed and merited during the weeks covered by this legislation at the very least.

I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, as I listened to my friend from Michigan (Mr. LEVIN) talk about the situation, it brings you almost beyond anger to realize that one person in the other body has stopped the unemployment extension for several months. We don't know, even as we pass this bill over there today, what will happen if that gentleman does not lift his restriction on the Senate bill. We may be into a cloture situation again. Now what they did before, they held up unemployment insurance, they held it up and held it up, and then, when it came to the end, everybody voted for it.

It is clear, from the first words out of my colleague from California's mouth, that this is about trying to prove to the people that the Democrats can't run the Congress. They can't run the Congress with the filibuster in the Senate stopping issues like this that are going to go through here unanimously. Nobody in his right mind is going to vote against health care and unemployment benefits for people who are out there struggling, and nobody is going to vote against flood insurance for people and nobody is going to vote against small business loan guarantees and a lot of other things that are in this extension bill because of the filibuster in the Senate.

I urge my colleagues to vote for this, and I urge the other body to think about changing the filibuster.

Mr. LINDER. Mr. Speaker, I rise in opposition to this legislation.

This bill would increase Federal spending by $10 billion, or $125 per family of four in the U.S. None of which would be paid for. And that's just a fraction of $1,000 per family of four it will cost to extend these programs through the end of the year, as is already in the works. That, too, will get added to our children's already enormous tab of government debt. They deserve far better.

Ironically, just two weeks ago the President signed Democrats' "paygo" bill into law. He said "the PAYGO bill . . . says very simply that the United States of America should pay as we go and live within our means again—just like responsible families and businesses do."

Yet today, with this bill, we're not living within our means, yet again.

A second flaw of this bill has to do with jobs. This legislation simply won't create any.

Some say that extending unemployment benefits stimulates job creation. If that were so, we would be at full employment already. Today record numbers of Americans—over 11 million—collect unemployment checks instead of paychecks. They collect record weeks of benefits—up to 99 weeks per person. And Congress added another $100 per month to those checks, for the first time ever. Yet since these programs started in 2008, the unemployment rate has jumped from 5.5 percent to over 10 percent as almost 8 million jobs disappeared.

So if these unemployment benefits are creating jobs, they are sure hard to see. But what we can see are mammoth payroll tax hikes this year in most States, as they struggle to pay for these benefits. As employer after employer has said, those tax hikes will further harm job creation when businesses and workers are already hurting.

In fact, some respected scholars argue these record unemployment benefit expansions actually are resulting in more unemployment, not less. That seems more than plausible.

At this time I would request ask unanimous consent to insert in the RECORD an article from the November 17, 2009 New York Post, which states:

As Larry Summers, the president's top assistant for economic policy, noted in July, ''the unemployment rate over the recession has risen about 1 to 1.5 percentage points more than would normally be attributable to the contraction in GDP''. . . Summers knows why the US rate is so high. He explained it well in a 1995 paper co-authored with James Poterba of MIT: ''Unemployment insurance lengthens unemployment spells.'' . . . (T)he evidence is overwhelming that the February stimulus bill has added at least two percentage points to the unemployment rate. If Congress and the White House hadn't tried so hard to stimulate long-term unemployment, the US unemployment rate would now be about 8 percent and falling rather than more than 10 percent and—rising.

Mr. Chairman, we have tried extending unemployment benefits again and again. And we have only gotten more unemployment. Yet what unemployed workers really want are jobs and paychecks. We need to start over and do the things that really help create jobs for unemployed workers. That means eliminating uncertainty by scrapping Democrats' government health care takeover and cap and tax energy plans, extending expiring tax cuts on businesses and individuals, repealing wasteful stimulus spending, and committing to not increasing any tax until the economy has fully recovered.

Until we do that, additional extensions of unemployment benefits will simply spend even more money we don't have without truly helping unemployed workers find jobs, which must be our real goal.

[From the New York Post, Nov. 17, 2009]

THE 'STIMULUS' FOR UNEMPLOYMENT

(By Alan Reynolds)

Why did the unemployment rate rise so rapidly—from 7.2 per cent in January to 10.2 percent in October? It was clearly the administration's ''stimulus'' bill—which in February provided $40 billion to greatly extend jobless benefits at no cost to the states.

As Larry Summers, the president's top assistant for economic policy, noted in July, ''the unemployment rate over the recession

has risen about 1 to 1.5 percentage points more than would normally be attributable to the contraction in GDP.'' And the rate has moved nearly a percentage point higher since then, even though GDP increased. Countries with much deeper declines in GDP, such as Germany and Sweden, have unemployment rates far below ours.

Summers knows why the US rate is so high. He explained it well in a 1995 paper co-authored with James Poterba of MIT: ''Unemployment insurance lengthens unemployment spells.''

That is: When the government pays people 50 to 60 percent of their previous wage to stay home for a year or more, many of them do just that.

And the stimulus bribed states to extend benefits—which have now been stretched to an unprecedented 79 weeks in 28 states and to 46 to 72 weeks in the rest. Before mid–2008, by contrast, only a few states paid jobless benefits for even a month beyond the standard 26 weeks.

When you subsidize something, you get more of it. Extending unemployment benefits from 26 to 79 weeks was guaranteed to leave many more people unemployed for many more months.

And longer unemployment translates to higher unemployment rates—because the relatively small numbers of newly unemployed are added to stubbornly large numbers of those who lost their jobs more than six months ago.

Until benefits are about to run out, many of the long-term unemployed are in no rush to make serious efforts to find another job—or to accept job offers that may involve a long commute, relocation or disappointing salary and benefits.

(Incidentally, the ''mercy'' of longer benefits does no long-term favors: The literature is quite clear that a prolonged period on unemployment tends to depress income for years after you finally go back to work.)

The median length of unemployment hovered around 10 weeks for six months before February's ''stimulus'' plan. Since half the unemployed found jobs within 10 weeks, more than half of those counted among the unemployed in one month would no longer be included three months later. In other words, more frequent turnover among the unemployed held down monthly unemployment.

But after February, with jobless benefits stretched out to 46 to 79 weeks, the median duration of unemployment nearly doubled, reaching 18.7 weeks by October.

The unemployment rate has not been rising because of growing numbers of newly jobless people. Indeed, initial claims for unemployment benefits are way down. And the number of unfilled private job openings increased by 9.3 percent from the end of April to the end of September.

The unemployment rate has been rising because unprecedented numbers of those who became unemployed six to 19 months ago are remaining ''on the dole'' until their benefits are nearly exhausted.

Summers isn't the only administration economist who understands this very well. Assistant Secretary of the Treasury for Economic Policy Alan Krueger co-authored a 2002 survey of the topic with Bruce Meyer of the University of Chicago. They found that ''unemployment insurance and worker's compensation insurance . . . tend to increase the length of time employees spend out of work.'' Last August, Krueger and Andreus Miller of Princeton also found that ''job search increases sharply [from 20 minutes a week to 70] in the weeks prior to benefit exhaustion.''

Similarly, Meyer found ''the probability of leaving unemployment rises dramatically just prior to when benefits lapse.'' In other words: If you extend benefits to 79 weeks, many people won't find an acceptable job offer until the 76th or 78th week.

Meyer and Lawrence Katz of Harvard estimated that ''a one-week increase in potential benefit duration increases the average duration of the unemployment spells . . . by 0.16 to 0.20 weeks.'' Apply that formula to the 20-to-53-week extension we've seen, and you get an average of three to ten more weeks spent on unemployment. And, sure enough, the average unemployment spell has risen by seven weeks this year—to nearly 27 weeks by October.

Katz also found that extended benefits, by making it easier for workers to wait and see whether they get their old jobs back, also makes it easier for employers to delay recalling laid-off workers. Just before unemployment benefits run out, Katz found ''large positive jumps in both the recall rate and new job finding rate.''

The White House recently made the mysterious claim of having ''saved'' 640,329 jobs, at a cost of only $531,250 per job ($340 billion).

In reality, the evidence is overwhelming that the February stimulus bill has added at least two percentage points to the unemployment rate. If Congress and the White House hadn't tried so hard to stimulate long-term unemployment, the US unemployment rate would now be about 8 percent and falling rather than more than 10 percent and—rising.

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 4691, Temporary Extensions Act of 2010, which temporarily extends a number of important expiring provisions to assist workers hit hard by the economy as well as averts the impending cuts under Medicare for physician services. These are important policies that we should not let lapse.

However, there are also a number of critical rural health payment adjustments under Medicare that expired last year which are not included in this package. These payment adjustments were created under the Medicare Modernization Act to correct flaws in Medicare payments and have made a tremendous difference to rural hospitals, physicians, ambulances, and laboratories and the seniors they serve. Congress has a long record of extending these important rural health care provisions. Most recently the House found it appropriate to include extensions of these critical rural health care provisions in legislation passed last year.

These provisions have not yet been signed into law and I am deeply concerned that failing to extend these important policies could impact the ability of rural providers to continue delivering much-needed care to our seniors. A lapse in these provisions, even temporarily, has created a great level of instability for our affected providers and the patients that they serve. That is why 69 bipartisan members of the bipartisan Rural Health Care Coalition have joined me in urging leadership to extend these important policies. A copy of this letter will follow my remarks.

I am committed to retroactively extending these important provisions which help preserve access to quality health care services in rural America and will fight to ensure that they are addressed.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 24, 2010.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.
Chairman CHARLES B. RANGEL,
House Committee on Ways and Means,
Washington, DC.
Chairman HENRY A. WAXMAN,
House Committee on Energy and Commerce,
Washington, DC.
Minority Leader JOHN A. BOEHNER,
House of Representatives, Washington, DC.
Ranking Member DAVE CAMP,
House Committee on Ways and Means,
Washington, DC.
Ranking Member JOE BARTON,
House Committee on Energy and Commerce,
Washington, DC.

DEAR SPEAKER PELOSI, MINORITY LEADER BOEHNER, CHAIRMAN RANGEL, RANKING MEMBER CAMP, CHAIRMAN WAXMAN, AND RANKING MEMBER BARTON: As members of the House Rural Health Care Coalition, we are writing on behalf of our rural health care providers and the patients that they serve to urge Congress to retroactively extend critical rural health payment adjustments under Medicare that recently expired. These rural support payments help preserve access to quality health care services in rural America and failing to swiftly extend them could impact the ability to continue delivering much-needed care to our constituents.

The Medicare Modernization Act (MMA) made important corrections to flaws in Medicare payments that have made a tremendous difference to the hospitals, doctors, nurses and other providers in our states and throughout rural America. Congress has a long record of extending these important rural health care provisions. Most recently, the House found it appropriate to include extensions of many of these critical rural health care provisions in legislation it passed last year. However, these provisions have not yet been signed into law. Therefore, we ask for your continued support to improve rural health care by including in legislation Congress may consider in the coming weeks an extension of the critical rural health provisions described below:

Rural Hospitals: Our rural hospitals provide essential inpatient, outpatient and post-acute care to nearly 9 million Medicare beneficiaries. We support an extension of the geographical wage index reclassifications for the more than 100 ''Section 508 Hospitals,'' in order to continue to providing greater wage parity within a state in order to address increasingly competitively labor markets. In addition, it is critical that Congress ensures that small rural hospitals continue to be reimbursed for their costs for their laboratory services and preserves outpatient hold harmless payments for sole community and small rural hospitals. We also support an extension of direct billing under Medicare for certain grandfathered labs for the technical component of pathology services provided to certain rural hospitals. Lastly, we support extending the recently expired Rural Community Hospital Demonstration project, which tests the feasibility and advisability for reasonable cost reimbursement for small rural hospitals.

Rural Doctors and Practitioners: Only ten percent of physicians practice in rural America even though more than a quarter of the population lives in these areas. In order to help recruit and retain physicians where they are needed most, it is imperative that we continue to maintain the 1.0 floor on

the physician work geographic practice cost index (GPCI).

Rural Ambulance: In providing critical emergency health care to patients, it costs rural ambulance service providers more per transport than their urban counterparts because of the greater distances rural providers travel and their lower transport volume. In fact, many of our rural ambulance service providers are staffed primarily by volunteers to stay afloat. That is why it is necessary to ensure that rural ambulance providers continue to receive an additional 3 percent in Medicare reimbursement, and for super rural ambulance service providers to continue to receive 22.6 percent to their base rate which helps cover the costs of serving patients located in these extremely rural areas.

These rural equity policy provisions are critical to the ability of our rural health care providers to continue to provide quality care to rural Americans. A lapse in these provisions, even temporarily, has created a great level of instability for our affected providers and the patients that they serve. We urge your continued leadership in championing these important rural issues.

Sincerely,

Earl Pomeroy, *Co-Chair, Rural Health Care Coalition,* Greg Walden, Chet Edwards, Rick Boucher, Dennis Moore, Michael H. Michaud, Timothy Walz, Leonard L. Boswell, Cathy McMorris Rodgers, David Loebsack, Bruce Braley, Jim Marshall, Kathleen A. Dahlkemper, Brett Guthrie, Don Young, Scott Murphy, Carolyn Kilpatrick, Carol Shea-Porter, John Boozman, Ben Chandler, Michael Arcuri, Ron Paul, Frank Kratovil, Kevin Brady, Heath Shuler, Phil Hare, Charlie Melancon, Marion Berry, Jim Matheson, Mike Ross, Jo Ann Emerson, Shelley Moore Capito, Rubén Hinojosa, Michael K. Simpson, Gene Taylor.

Jerry Moran, *Co-chair, Rural Health Care Coalition*, James L. Oberstar, Chaka Fattah, Peter Welch, Raúl M. Grijalva, Ron Kind, Bill Foster, Eric Massa, Dennis Cardoza, Blaine Luetkemeyer, Bob Etheridge, Adrian Smith, Brad Ellsworth, Larry Kissell, Donald A. Manzullo, John W. Olver, Sam Graves, Gabrielle Giffords, Deborah L. Halvorson, Rick Larsen, Charles A. Wilson, John Barrow, Rodney Alexander, Stephanie Herseth Sandlin, John Salazar, Christopher P. Carney, Lincoln Davis, Harold Rogers, Sanford D. Bishop, Jr., Mike McIntyre, Todd Tiahrt, Bill Delahunt, Nick J. Rahall II, Ike Skelton, Bart Stupak.

Mr. MCDERMOTT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 4691.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1838

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HIMES) at 6 o'clock and 38 minutes p.m.

MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion offered by the gentleman from Michigan (Mr. CONYERS) to concur in the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion by the gentleman from Michigan.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 315, nays 97, not voting 20, as follows:

[Roll No. 67]

YEAS—315

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clay
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellsworth
Emerson
Eshoo
Etheridge
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Halvorson
Harper
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Napolitano
Neugebauer
Nunes
Nye
Obey
Olson
Ortiz
Owens
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Petri
Platts
Poe (TX)
Pomeroy
Posey
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Walden
Walz
Wamp
Wasserman Schultz
Watson
Weiner
Whitfield
Wilson (OH)
Wittman
Wolf
Yarmuth
Young (FL)

NAYS—97

Abercrombie
Baldwin
Bartlett
Becerra
Berman
Bishop (UT)
Blumenauer
Boccieri
Braley (IA)
Capuano
Chaffetz
Chu
Clarke
Cleaver
Cohen
Costello
Crowley
Cummings
DeFazio
Dingell
Doggett
Duncan
Edwards (MD)
Ehlers
Ellison
Engel
Farr
Filner
Frank (MA)
Fudge
Green, Al
Grijalva
Hare
Harman
Hastings (FL)
Heller
Hinchey
Hirono
Holt
Honda
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Luján
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Minnick
Moore (WI)
Nadler (NY)
Neal (MA)
Oberstar
Olver
Pallone
Pastor (AZ)
Paul

Payne
Perriello
Pingree (ME)
Polis (CO)
Price (NC)
Richardson
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (VA)
Serrano
Shea-Porter
Sherman
Speier
Thompson (CA)
Tierney
Towns
Velázquez
Visclosky
Waters
Watt
Waxman
Welch
Woolsey
Wu
Young (AK)

NOT VOTING—20

Barrett (SC)
Bishop (NY)
Boucher
Capps
Deal (GA)
Dent
Fallin
Gingrey (GA)
Hall (TX)
Mack
Myrick
Pitts
Price (GA)
Radanovich
Reichert
Stark
Stupak
Sullivan
Westmoreland
Wilson (SC)

□ 1926

Messrs. THOMPSON of California, MAFFEI, DEFAZIO, FRANK of Massachusetts, COSTELLO, PAYNE, HONDA, NEAL of Massachusetts, LARSON of Connecticut, HASTINGS of Florida, TIERNEY, BARTLETT, HELLER, BERMAN, GEORGE MILLER of California, SARBANES, CLEAVER, HARE, ENGEL, EHLERS, RYAN of Ohio and PRICE of North Carolina and Ms. SCHAKOWSKY, Ms. RICHARDSON, Ms. CLARKE and Ms. RUDGE changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL URBAN CRIMES AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 227, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 227, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 68]

YEAS—411

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Barrett (SC)
Bishop (NY)
Boucher
Capps
Deal (GA)
Dent
Fallin
Gingrey (GA)
Hall (TX)
Mack
Myrick
Pitts
Price (GA)
Radanovich
Reichert
Stark
Stupak
Sullivan
Tsongas
Westmoreland
Wilson (SC)

□ 1948

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1103

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1103, a bill originally introduced by Representative WEXLER of Florida, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) ''An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.'', with an amendment.

The message also announced that pursuant to Executive Order No. 13531, the Chair, on behalf of the Majority Leader, announces the appointment of the following Members to the National Commission on Fiscal Responsibility and Reform:

The Senator from Illinois (Mr. DURBIN).

The Senator from Montana (Mr. BAUCUS).

The Senator from North Dakota (Mr. CONRAD).

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HANDLING WITH KID GLOVES THE ENEMIES OF THIS NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, sometimes I just do not understand this place. We are fighting people who will cut off your head, who will blow up a building and kill 3,000 people with an airplane. They will do anything they can to destroy America. Yet, when we pass an intelligence bill, we want to do everything we can to treat them with kid gloves. It just doesn't make any sense to me. The bill we are going to be voting on tomorrow in the manager's amendment says this:

It would define ''cruel, inhuman, and degrading treatment'' in intelligence interrogations, and it would provide a penalty of up to 15 years in prison for the use of this treatment during an interrogation.

They're talking about our CIA people who are interrogating a terrorist—an al Qaeda terrorist, a Taliban terrorist or somebody who is threatening the security of the United States. I want to read that again.

It would define ''cruel, inhuman, and degrading treatment'' in intelligence interrogations, and it would provide a penalty of up to 15 years in prison for the use of this treatment during an interrogation.

Now, what intelligence agent in his right mind would go that extra mile to get information from a terrorist who had information about flying a plane into a building to kill a couple of thousand people? Because, if he used anything that didn't fit within this category, he could be jailed. He could be prosecuted and could go to jail for 15 years. That's insane.

Then it goes on to say that it would also provide a criminal penalty of up to 5 years in jail for medical professionals who enable such activities.

Look, I don't believe in torture, and I don't believe in mistreating human beings, but when you're talking about the security of the United States of America, that's number one. That is number one. When we take our oath of office here, we swear to uphold and defend the Constitution against all enemies, foreign and domestic. If these terrorists are enemies of the United States, we need to do whatever we can to make sure that we get information from them to protect this country. The people who are doing that job frontline are the FBI, the CIA, the DIA, and all of our intelligence agencies. To hamstring them makes no sense to me whatsoever.

My liberal colleagues on the other side want to pat them on the head and give them Jell-O for lunch and do all the other crazy things that you should do. They're living better down at Guantanamo than the people in our prisons here in the United States—Americans. Yet we want to make sure that we treat them with kid gloves.

Right now, we have three Navy SEALs who are going to be court-martialed because they captured an al Qaeda terrorist in Fallujah, in Iraq, a terrorist who dragged four American contractors through the streets, burned their bodies, tortured them, and hung them from a bridge. In addition to that, he cut the head off of Daniel Pearl, a newsman, and he put his head on a pike.

You know, that guy, I'm sure, deserves a little extra sweet treatment, but I don't think so. Because he said he was hit in the mouth, had a bloody lip and got hit in the stomach, the three Navy SEALs who captured him are being court-martialed.

It makes no sense. This place is going nuts. We ought to be doing everything we can to defend and protect this country, and that means doing whatever is necessary, with certain limits, to extract any information we can from a terrorist. For us to put language in there like we're going to give a 15-year penalty in prison for a CIA agent who goes a little beyond by using cruel, inhuman, or degrading treatment—and, boy, I don't know how you'd define that—what CIA agent is going to want to take that risk?

I just don't understand it, Mr. Speaker. We are in a war against people who want to destroy us and our way of life. They are willing to do all kinds of things—fly planes into buildings, do everything else, cut off heads, torture people. Yet we want to make sure we treat them with kid gloves. It makes absolutely no sense, and I will not vote for that bill tomorrow or anything that looks like it.

HONORING THE HEROES OF THE HAITIAN DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, on Tuesday, the House unanimously passed House Resolution 1066, recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-au-Prince and surrounding cities on the 12th of January, 2010.

I have the unique honor of representing both Fort Bragg and Pope Air Force Base. Men and women from the base were critical to the Haitian relief effort, and soldiers were involved in rescue and recovery operations as well as in humanitarian relief—passing out food and water to victims of this terrible disaster.

I would like to thank all of the military and civilian personnel who responded so effectively and quickly to this disaster, serving honorably under less than ideal conditions.

The 2nd Battalion of the 82nd Airborne Division and the 18th Airborne Corps were among the first responders, with hundreds of people on the ground within days of the disaster and thousands within a week.

□ 2000

The 2nd of the 319th Airborne soon joined them. The entire United States Army Garrison Fort Bragg came together and deployed units from the 82nd Airborne and 18th Corps in their support for our neighbors to the south.

In times of disaster, restoring and supporting the most basic requirements of life becomes a challenge. The 43rd and the 440th Maintenance Operations Squadrons and the 43rd Logistics Readiness Squadron provided the support for the fundamental requirements desperately needed by the Haitians: water, meals, and basic shelter. Of course, even the most needed supplies are useless on a tarmac. The 3rd Aerial Port Squadron, the 43rd Missions Support Squadron, the 440th Air Wing, and the 2nd Airlift Squadron got the materials where they were needed. The 145th Air Wing of the North Carolina National Guard worked with Pope Air Force personnel to make these deliveries happen. Matching the supplies and the need is no small task. The 43rd Operations Support Squadron and the 43rd Communication Squadron brought it all together under the able direction of the 43rd OG Command Post and assistance of the 43rd Security Forces.

The devastation of the nation of Haiti was tremendous. The infrastructure we take most for granted was destroyed. Roads, airports, and water infrastructure were made useless in an instant. The 43rd Civil Engineering Squadron arrived to put out fires and stayed to rebuild these fundamental needs.

The military personnel were not the only ones from North Carolina who responded to the crisis. Civilians, first responders, individual volunteers, and generous donors all helped make a difference to the people of Haiti. Communities of faith across the State moved

to help all Haitians, many building upon decades of commitment to that island nation. Churches of every denomination and members of all faiths worked together in acts of charity. As the Gospel tells us to do, they fed the hungry, gave water to the thirsty, sent shelter to strangers, provided clothing to the suddenly destitute, offered comfort and medical care, and, in the saddest charity of all, some helped to bury the dead. In addition to the efforts of the churches, synagogues, mosques, and other places of prayer, the Lions, the Masons, and the Daughters of the American Revolution all pulled out the stops to reach across the ocean.

Mr. Speaker, the military support, the people of faith, and the civilian first responders are not three groups; they are all one community. These groups are interwoven threads that came together to weave a safety net of volunteers, food, comfort, and shelter for the suffering in Haiti. I am proud of their efforts as they've worked to support the needs in Haiti. I am proud to represent such an amazing tapestry of generosity and talent in the 2nd District of North Carolina. And I was proud to support this legislation.

Mr. Speaker, let me say tonight to all Americans: I thank them for their help to these people in their hour of need.

THE ADMINISTRATION'S ENERGY-KILLING POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the administration's new budget proposal will strangle small business. But there's one small business the new budget is targeting with both barrels: the small, independent mom-and-pop oil and gas producers.

Getting energy out of the ground is a tough business, and it's expensive. These wildcatters hire a lot of people and risk a lot of their own money to find oil and natural gas. Banks don't lend money to these people for risky propositions; so a group of investors has to come together and risk their own money to drill in an oil or gas well, and the Federal Government gives incentives for taking this risk with a tax writeoff for part of their drilling expenses, because, frankly, America needs this energy.

The removal of the tax deduction plus new taxes on all energy producers will be in the billions. But removal of tax deductions especially hurts small businesses that take the risk. Ninety percent of the wells drilled, owned, and operated in this country are independent small operators. Let me repeat. Ninety percent of the wells drilled, owned, and operated in this country are independent small operators. They're called the ''wildcatters.''

These independent operators go out and hire other businesses to drill oil wells. They hire geologists to help find the right place to drill for oil and natural gas. Backhoe drivers clear the drilling areas. Truck drivers haul equipment and make deliveries. The food service industry feeds the independent crews. And these taxes threaten the whole infrastructure that supports the independent oil and gas industry.

According to the Texas Alliance of Energy Producers, 88 percent of natural gas in Texas comes from small independent operators. These wildcatters represent the independent spirit of this Nation that has made us the greatest country in the world, the small businesses that are the backbone of this country.

If we stop the tax incentives, this in essence puts a new tax on these independents. It will kill off these small businesses, decrease discovery of new oil and natural gas in our Nation, and it will choke off the infrastructure that promotes and provides most of America's natural gas. Now, my question is, why would the administration intentionally put people, including many blue collar workers, out of business and out of work?

These new taxes are punishing the little guy, and when they go after the little guys, they're going to have to stop the drilling. There will also be fewer refineries.

Natural gas is the clean burning transition fuel of the future, and you have to drill a hole in the ground to get it. Natural gas will be the bridge until we have something else to transition to. We can't switch to an all-illusionary green energy resource that doesn't yet exist overnight. But we have 100 to 150 years of proven natural gas reserves in just our own country. You have to drill for it. It's in the ground. Some of it's underwater. But it's a clean-energy fuel.

How can the administration justify subsidizing a green technology that doesn't even exist but they won't let the small oil and gas independents deduct a part of their risk drilling for natural gas?

Nearly 60 percent of our oil comes from other countries all over the world, and most of those countries don't like us. If we kill off the independent oil and gas industry in America, what are we going to do? Try to import more oil?

I probably represent more refineries than any other Member of Congress. If this legislation passes, it will cost southeast Texas billions of dollars in new taxes. It will hammer the refinery industry and put thousands out of work.

Now, why would the administration target America's energy producers? Why would we want to send more money to countries in the Middle East? Why would we want to send more money to Hugo Chavez? Wouldn't that money be better spent on American energy provided by American companies who offer jobs here in America?

So what are we going to do right now if we drastically reduce America's energy production, if we cut our ability to deliver natural gas? Are we going to just sit at home and freeze in the dark?

Most places, except in big cities, there is no public transportation. How are people supposed to get to work? Where I represent in southeast Texas, people drive to work. Their vehicle sometimes is their car—it's called a pickup truck.

The energy-killing policies are proposed by the administration this year, not 10 years from now, but it's in the next budget. It will kill off American jobs. It will kill off productivity. It will make America more vulnerable to our enemies, and it will send money, American money, overseas, and it will continue to make us dependent on foreign countries for our oil. It's not a good idea to destroy America's energy industry. The government should not tax our energy industry out of business.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

INTERROGATION TACTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, earlier today we heard some pretty imaginative accusations from my Republican colleagues when they were talking about an amendment I offered to the Intelligence Authorization Act. While my amendment is being removed from the manager's amendment up in the Rules Committee, I want to take this opportunity to clear up a few things.

When President Obama took office last year, one of his first Executive orders was to extend the Army field manual's guidelines on interrogation tactics. Those guidelines prohibit interrogators in all Federal agencies from using brutal interrogations in any circumstance. That is the law today.

So to get the facts straight, brutal interrogations are illegal right now. But this Executive order doesn't completely solve the problem. The President can't include criminal penalties in Executive orders, and current U.S. law doesn't outline what constitutes a brutal interrogation.

My amendment would have expanded upon the President's Executive order to clearly define what constitutes a cruel, inhuman, or degrading interrogation so that it is unmistakable what kinds of techniques are unacceptable. It also creates criminal penalties for those who use those kinds of interrogations. And to be clear, I didn't invent

this concept myself. The amendment was based on the Army field manual definition of acceptable and unacceptable interrogation tactics, which, as Senator JOHN MCCAIN has said, is effective 99.9 percent of the time. One of the most important things to remember about these kinds of interrogations is that they simply don't work.

Brutal interrogations are not an effective tool to collect information, and what's worse, they actually may produce unreliable information. As former CIA official Bob Baer has said, ''What happens when you torture people is they figure out what you want to hear and they tell you that.''

An endless string of studies have shown us that when people's minds or bodies are subjected to the kind of trauma these brutal interrogations entail, their brains don't function properly. For example, during training exercises, American special operative soldiers have had difficulty remembering information after they'd been put through food or sleep deprivation.

Why are the Republicans defending a tactic we know doesn't work? Interrogations like those hurt our reputation abroad. The world was horrified when they saw what American soldiers were doing at Abu Ghraib. As former Secretary of State Colin Powell has said, ''People are now starting to question whether we're following our own high standards.''

Brutality like that hurts our credibility and undercuts our reputation in the global community.

I'm a veteran. I wear my Vietnam pin well and proudly. I served in the Navy. I'm passionate about protecting this country and keeping our soldiers safe. More than anything, this amendment was designed to protect them.

Several soldiers have done a far better job than I can in explaining why we need laws like this. Retired Colonel Stuart Herrington said that cruelty in interrogations ''endangers our soldiers on the battlefield by encouraging reciprocity.'' The golden rule, if you will.

Retired admiral John Huston has said, ''Getting our interrogation policies back on track will preserve our standing to fight for humane treatment of American soldiers who are captured.''

I couldn't agree more. Without clear laws that define acceptable and unacceptable interrogation practices, including criminal consequences for violating those laws, we are putting more Americans at risk of being treated with the same brutality.

Just last week the two former Justice Department attorneys who crafted the legal justification for the use of brutal interrogations got off scot free. The Justice Department absolved them of their wrongdoing and only said they had ''exercised poor judgment'' and hadn't broken the law. They took advantage of a gap in our current law and provided legal cover for abuse during interrogations. My amendment would have ensured this kind of legal maneuvering never happens again.

As the President said when he issued his Executive order last year, ''We are willing to observe core standards of conduct not just when it's easy, but also when it's hard.''

□ 2015

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Thank you, Mr. Speaker.

Mr. Speaker, I rise today actually in celebration of the recognition of the 100th anniversary of a great, value-laden, principle-driven organization, the Boy Scouts of America. It was 100 years ago this month that led to the formal organization of the Boy Scouts of America. And that came from an event actually that happened across the sea, in London.

A businessman from Chicago, William D. Boyce, was traveling there, and on a foggy night was lost, and was guided by the selfless act of a young man who stopped to not just offer directions, but take the businessman, lead him where he needed to be. And at the end of that journey, Mr. Boyce offered to pay the man, pay the young lad for that selfless service, that kind act. And the response was, ''Sir, I am a Scout. We do good turns, and not for pay.''

That led to Mr. Boyce returning and partnering with individuals in this country, and ultimately within the next year led to the forming of the Boy Scouts of America that has served this country and served the youth of this country for 100 years.

Scouting was described by its earlier founder, Lord Baden-Powell, when he founded Scouting in England, as a game with a purpose. It certainly is. That purpose is value-driven. And those values are lasting to this day 100 years later in the United States of America as citizenship, and leadership, and service, and character that builds lives.

The Boy Scouts of America today through the Cub, the Boy Scouting, the Venture program, the Scouting program serves both boys and girls. The Scout promise that is recited every week throughout this country at troop meetings includes those three parts of duty to God and duty to country, duty to self, and duty to others.

Prior to coming to this Chamber 14 months ago, I served for 30 years as a Scoutmaster. And in that time I saw that Scouting made a difference in the lives of kids, kids from all walks of life, kids that came from intact families and very challenged circumstances. I saw how Scouting made a difference in terms of putting them on the path for successful careers to become community leaders, to actually become life savers, and had Scouts that applied their skills that they had learned to save lives. And as patriots and serving their country as members of our Armed Services, as firefighters, EMTs, and as becoming loving spouses and parents themselves.

Mr. Speaker, today I rise to talk about, additionally, the oldest existing, continuously registered, non-merged Boy Scout Council in America: The Chief Cornplanter Council based in Warren County, Pennsylvania. It was founded in July 1913.

In this 100th year of the establishment of Scouting, it is a pleasure to point out to my colleagues that the Chief Cornplanter Council was the 17th council to receive a charter from the Boy Scouts of America. But the first 16 have either disbanded or merged with other councils. So it holds onto the distinction as the oldest.

Originally chartered as the Warren County Council, the group was renamed Chief Cornplanter Council in 1954 to honor a local Seneca chief. The council office in Warren has a museum that features historical items, including a photo of five Scouts from 1914 with their badges sewn to their sleeves and their hats that remind us more of a World War I doughboy.

In 3 years, the Cornplanter Council will celebrate 100 years of continuous scouting in an area that is dedicated to Scouting and its ideals. Local Scout executive Kevin Bonner said the area serves 60 percent of all Cub Scout-age youth, while the national average is about 20 percent. At any given time they have about 1,000 youth involved in their program.

I commend this council for its longevity, its service to Scouting, and the difference that it, as well as other Scouting programs across this Nation, make in the lives of our future leaders.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO JAMES HADLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a dear friend of mine, and a friend of many of those who knew him, who passed away a few days ago, and whose visitation services are being held even at this moment as I speak. While I was not able to be at

those services, I am able to take the floor and pay tribute to Mr. James Hadley, a businessman, a banker, community advocate, a civic and church leader, and a friend to all of those who knew him.

For most of his adult life, James Hadley spent it building financial and business enterprises in low, moderate income, and disadvantaged communities. And Jim worked with many, many programs and projects, business ventures, and financial institutions.

And while he worked with many throughout the City of Chicago, I believe that that which gave him the greatest sense of pride and accomplishment was the work that he did with the Community Bank of Lawndale, where he, Cecil Butler, Diane Glenn, Reverend Shelvin Hall, and others pioneered the development of a community-owned bank, which has changed its name and is now named the Covenant Bank, and is under the leadership of Pastor Bill Winston of the Living Word Christian Center.

James Hadley and I both grew up in Arkansas not very far from each other, I in a little town Parkdale, and he in another town, Warren. And I really didn't know him at that time. But as fate would have it, we both migrated to Chicago. And as I got to know Jim, he became a role model for me. He was seriously committed to every endeavor to which he was a part of. He was loyal to whatever he was engaged in. He was a great family man, dedicated to his family, had a comprehensive approach to life, and was just a pleasure to know, to be around, and to work with.

As a matter of fact, I commend James Hadley for a life well lived, take note of his many contributions, and thank him for helping to make the world a better place in which to live.

As a matter of fact, he served on the board of many not-for-profits, the hospital board, Mount Sinai Hospital, was an active member of the Carter Temple CME church, worked with the Boy Scouts, worked with the male initiative in his church, and was simply known as a good man to all of those who knew him.

And so, Mr. Speaker, I extend condolences to his wife Gloria, his daughter, and all of the James Hadley family, and trust that there will be others who will come along like him, who was willing to give of himself continuously for the benefit of others.

James Hadley, he lived a good life. Well done.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

(Mr. INGLIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE SUMMIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Thank you, Mr. Speaker.

Well, we have had quite a day here in Washington, D.C., in your Nation's capital. The 6½ hour health care summit that was held down at the Blair House right adjacent to the White House has mercifully concluded. And as the saying goes up in Washington, everything's been said, everyone has said it, so it was time to go home. But for those who haven't had quite enough discussion about health care today, maybe we can spend just a little while longer talking about some of the things that we heard today and some of the things that we maybe perhaps didn't hear today.

One of the things that I do want to stress, we heard several times in the past several weeks that the Republicans don't have ideas. In fact, that was one of the admonitions of the President on starting this summit was that the Republicans didn't have ideas, and he wanted to in fact show the country that the Republicans were devoid of ideas. But nothing could be further from the truth. If anything, we saw today abundant Republican ideas. Some may say there are too many Republican ideas, too many to fit in one room.

I wanted to spend a few minutes tonight talking about some of those ideas on our side. I have a Web site, Mr. Speaker, that is devoted entirely to health care policy. It is from the Congressional Health Care Caucus. The Web address is *www.healthcaucus.org*. And under the Health Caucus Web site, under the Issues tab, I think it is the second heading, is a Prescription for Health Care Reform. Anyone is free to go to that site and click on the Prescription for Health Care Reform, follow the links, and they will be taken to a one-page description of nine different bullet points on health care reform.

In fact, there is even a little segment to record comments if someone would like to leave their ideas or their thoughts on the paper. Or if someone thinks of other things that might in fact be included, we welcome those comments on the Web site.

I am just going to briefly go through this list, and then I have got some other observations that I want to make on the summit that occurred today. And we will be joined from time to time by other Members of Congress, and I want to give them an opportunity to speak. But under the Prescription for Health Care Reform, certainly everything I heard this summer was, we don't want a 1,000-page bill. People really didn't want a 2,000-page bill after we came back and revamped it after the summertime. But what did people want Congress to do on health care?

There are people who have legitimate concerns that the system is not functioning in an optimum fashion. We do have great health care here in America, but there are distributional issues. The employer-sponsored insurance system does work well for the 60 to 70 percent of the population that is therein covered, but in fact there are problems for people who are outside the employer-sponsored insurance system, and there are certainly problems that all of us face with the advancing cost and complexity of health care.

So just running down the list, insurance reform that would include limitations on insurance companies excluding people for preexisting conditions, and guaranteeing access to insurance. Now, one of the fundamental differences on the Republican and Democratic approach to this is that the Democrats want to have, and the President wants to have, a mandate. That is, you are required to buy a product, an insurance product.

It is interesting because during the campaign in 2008, President Obama, when he was a presidential candidate, actually moved away from mandates. Candidate Hillary Clinton during her candidacy was in favor of mandates. Barack Obama was less enthusiastic about mandates. He did feel that there should be a mandate for children. We don't hear much discussion about that anymore. In fact, I don't think I heard that during the 6½ hours of debate today.

□ 2030

But mandates really have no place in a free society. There's some argument as to whether or not it would even be constitutional for the Federal Government to require someone to purchase an insurance product that they might

not want. So there are legislative products out there. And this is the point I want to make. When people say, oh, we can't start all over, this would be too taxing. There are a couple of bills out there that I would encourage, Mr. Speaker, people to look at. H.R. 4019, a bill introduced by NATHAN DEAL of Georgia; H.R. 4020, a bill introduced by myself. Those two bills, taken in conjunction, would go a long way towards eliminating the problems with preexisting conditions.

Another bill to address the tax fairness or the tax inequity that exist in the health insurance market today introduced by JOHN SHADEGG, H.R. 3218, the Improving Health Care for All Americans Act, that would allow the same benefits, no matter where you get your insurance, whether it's through employer-sponsored insurance or in the individual market, the same benefits should accrue to an individual as accrue to a business.

Medical liability reform. Texas and California have taken big strides in medical liability reform. So why do I care? If Texas has fixed their problem with medical liability, why would I care about that? Well, I care because the cost of defensive medicine is significant. And since the Federal Government is the purchaser of about 50 percent of all the health care in this country, the costs of defensive medicine that drive up the price of Medicare and Medicaid, those costs need to be brought back under control, and medical liability reform is a way to do that.

Portability. Allowing patients to shop for health insurance across State lines, again, a bill introduced by Mr. SHADEGG is H.R. 3217, the Health Choice Act.

To back up for just a moment to medical liability reform, H.R. 1468, the Medical Justice Act.

We're about to bump up against an important deadline on Sunday night, and that is the expiration of the prevention of a reduction in payment to doctors who take care of Medicare patients. We go through this time and time again. It is time for Congress to fix the physician payment reform, and H.R. 3693 would do just that.

Do we need to be worried about if there are going to be doctors there to see us when we get sick in the future? I think that is a concern, and I think that is something where Congress might play a role. Doctors to care for America's patients, the Physician Work Force Enhancement Act, H.R. 914. People ought to be able to know what the cost is when they go to the doctor or the hospital.

How about a bill for ensuring price transparency? H.R. 2249, the Health Care Price Transparency Promotion Act. Prevention and wellness programs, we all agree, during the hearings this summer, the individuals that come in who worked at Safeway and talked about how health promotion and wellness was saving them money, firms like Allegiant in Omaha, Nebraska, brought in great stories about how they had involved their employees in living healthier lifestyles and reaped the benefits from lowered insurance costs.

An odd thing about the way we do things at the Federal Government, we're actually going to have to change the HIPAA laws, the privacy laws, a little bit in order to have this type of legislation be passed. But that's certainly within the purview of Congress and within the ability of Congress to do that.

But prevention and wellness programs, although I do not have the bill number attached to this, we had several amendments in committee and in the Rules Committee leading up to the passage of the Democrats' bill this fall that dealt with prevention and wellness. The legislative language is written. It is not in bill form right now because it would require a simultaneous modification of the HIPAA laws in order to allow that to happen.

And finally, I mentioned before, mandates. No place in a free society. And this is one of the fundamental differences between the President and myself. He wants to force everyone to buy an insurance policy. He said that's the only way to bring costs down. I would submit that if the insurance companies know you have to buy their product, their prices are not likely to go down. In fact, if you're required to buy their product under the penalty of law, with the IRS as the enforcer, it is very likely that the cost will go up because no one wants to run afoul of the Internal Revenue Service.

And then we make insurance companies lazy. Why bother to compete with a better product? Why try to create a program that people actually want? You've got to buy it anyway. The government's going to force you, you're going to buy my product, I don't even have to make it something that you want, and I can charge you more for it. Mandates make insurance companies lazy.

We actually have a model for what works in this endeavor, and that is when the Medicare part D program rolled out, then Administrator of the Center for Medicare and Medicaid Services, Dr. Mark McClellan, required, out of six classes of pharmaceuticals, there were six protected classes of drugs. Within each class, an insurance company had to offer two choices, and using that as the parameter, the companies did produce the plans that people wanted. The product, part D, has been very popular. Ninety-two percent of seniors now have credible drug coverage under Medicare because of the flexibility and the desirability of these programs. The cost came in way under budget, and 92 to 94 percent of seniors are satisfied or very satisfied with their prescription drug coverage, so a program that indeed worked. And the whole emphasis was to make this look more like insurance and less like an entitlement.

Creating products people want is a better way to go about getting meaningful change in the insurance market than giving the insurance companies a license to steal, which is what a mandate would be, in my opinion.

I have some other observations on the day's activities, but I wanted to yield such time as he may consume to my good friend from Pennsylvania, Mr. G.T. THOMPSON, who in a former life was a health care administrator. I know it's odd that a doctor and a health care administrator would get along, but the two of us do get along very well.

G.T., I will yield to you such time as you may consume.

Mr. THOMPSON of Pennsylvania. Thank you, Dr. BURGESS. I really appreciate what my good friend from Texas is doing in terms of his leadership with the Congressional Health Care Caucus. It's refreshing in this Chamber to deal with folks who have the facts and have the experience to make informed decisions when it comes to such important topics like health care. I think of all the issues that come before this Chamber, there are probably few things as intimate to our individual lives as health care. And to observe this process over this past 14 months, where bills are written as I look at these bills, 1,000, 2,000, 3,000 pages, which has been special agendas for, you know, just misled government-run health care, it's apparent to me that those who are writing those bills have very little experience, if any experience in health care. And so it's been a real privilege to be able to work with you and under your leadership to really look at the solutions that we need to have.

Now, as I travel around, and I did, my background was 28 years nonprofit community health care where I, in the hospitals, the health systems I come out of, we work very hard to be partners with our physicians.

And so what am I hearing? As I travel in my congressional district and I listen to folks throughout the country, I haven't met anyone that says, just don't do anything. The commitment is that, as I talk with folks, that they feel that they like the health system we have. Can we improve it? I think there's an acknowledgment that we can do that. And I've certainly spent my professional career serving my patients first as a therapist and a rehabilitation services manager and ultimately as a nursing home administrator. And looking at four dimensions of health care that we should always continue to strive to improve. Number one is cutting cost. And that's just not cost for a certain segment or a certain group, but cutting cost of health care for all Americans, which we're committed to that with the solutions you've talked about. It's about improving access, increasing access and improving quality and strengthening that decisionmaking relationship between

the patient and the physician, not allowing government or a bureaucrat to be that wedge in between.

As I talk with people about health care, and I've been doing that since I came to Congress, that's what they're asking for. The people I talk to, they like the solutions. They like the bills that we've introduced as far back as last July that dealt with medical malpractice reform, tort reform that drives the cost of the health care up for all Americans through both the premiums for medical liability insurance that has to get absorbed into the cost of doing business, those premium costs get passed along as a part of the fees, and not just the premium fees, but then there's the cost of defensive medicine that occurs, with extra tests that are ordered, not so much maybe to serve our needs and whatever particular illness or disability we come to the doctor for, but to provide a record that shows that the physician has exhausted every possibility.

It's things like many of the solutions you talked about, allowing to purchase across State lines. It fascinates me that you can go to the Internet and you can go on a Web site, some of them got little critters like lizards on them, and you can purchase car insurance and get the best value, the best product for the best cost. You make that decision as an individual. And yet we are barred from purchasing health insurance across State lines.

In States like Pennsylvania, especially rural Pennsylvania where I'm from, if you have choices, you have just a couple of choices. Maybe if you're lucky, you have three choices to pick from. And a lot of people say, well, I want the insurance that you have as a Member of Congress. Well, I'm quick to tell people, I worked nonprofit community health care for hospitals for 30 years. I'm paying more today as a Member of Congress than what I ever paid for health care. But what I would like every American to have, certainly every constituent in my district that I have today are just lots of choices. And we do that by allowing purchasing across State lines, more competition. That's a good thing. Competition brings the cost down and raises quality. I don't care what you're purchasing, that's a principle that lasts.

Certainly, a formation of association health plans, and preexisting conditions, as you've talked about. I mean, those are all just a few of the different parts of the proposals that Republican Members have introduced and are pending bills that are right here that the Speaker could elevate to the floor at any moment so that we could actually take an up-or-down vote on these. I think the American people would vote yes. I see a thumbs-up from the American people as we talk about these different proposals.

Preexisting conditions, that's a tough issue, but we're addressing that within the proposals we have. Just because you're born with a preexisting condition or you happen to have the misfortune to develop a disease such as breast cancer or prostate cancer in the course of your life doesn't mean that you shouldn't be able to afford to be able to purchase affordable health insurance. We address that in the solutions that we put forward. I'm so very proud of all of the representatives from the Republican Caucus who were at the Blair House today. I thought they did an outstanding job of representing the American people and ideas that the American people are looking for.

You mentioned about workforce issues, and to me that was something that I came to Congress just looking as a crisis. Starting with rural America and underserved urban areas first, the baby boomer generation, my generation, we're beginning to retire in tremendous numbers. And in those areas where our physicians, our nurses, therapists, technicians are retiring, this payment system will get changed if we don't proactively address those workforce issues. If you don't have a physician in your community to provide services, you do not have access to quality care. And so because we've been misled with these 1,000, 2,000, 3,000 pages, all the attention's been drained in the wrong direction, we're missing the bigger issues that, frankly, we've been talking about. We've got bills that address some of the workforce issues, and so it's time to get beyond the misinformation and the misdirection that my Democratic colleagues have been putting together in these 1,000, 2,000-page bills, and get to the business of really addressing the real health care issues.

Mr. BURGESS. I thank the gentleman for his work on these issues. I thank him for always being willing to be involved in these. These are tough problems. These are complex problems.

You know, the activity today, I referred to it earlier today on a radio show as the Blair House project, not to be confused with the Blair Witch project. There were times when it did seem to be that there probably were some spells being cast.

The other thing that really had to strike you in watching the discussion today is that there are fundamental differences as to the role in government, fundamental differences as to the involvement in government.

□ 2045

You know you can't help but be struck. Here we've worked on this concept now for 13 months. The President was sworn in the 20th of January of last year. Here we are at the end of February, and still no bill is across the finish line. Boy, I thought it would have happened much, much more quickly. In fact, had the energy that was put into the stimulus bill been put into a health care bill, in all likelihood they could have passed whatever they wanted in February of last year. Instead, they chose to work on the stimulus first and then cap-and-trade and then gradually, gradually, gradually, their capital bled away to where they did not have the votes necessary on their side to pass one of these bills.

And this is the fundamental problem that is happening with the President's plans and the Democrats' bills in the House and the Senate right now is they do not enjoy popular support. Pick your number: 56, 58, 75 percent of the American people who do not support this 2,000-page monstrosity that literally required bribes to bring Senators down to the well to pass this bill Christmas Eve. The American people saw that and they rejected it.

They might trust us—I am not sure that they will—but they might trust us to work on some of these individual concepts one at a time. But at the very end of the summit today, the President decried incrementalism and said we have to be bold and we have to move forward with a large bill.

Why? Why do we have to do that? The programs to deal with preexisting conditions would involve risk pools to be sure. Reinsurance options for States, yes, it's going to require some Federal subsidy. The Congressional Budget Office has estimated $25 billion over 10 years. They may be a little bit light on that, but still we're nowhere near a number like a trillion dollars, which is scaring Americans to death.

We could provide some help in that market. The States could provide some help in that market. We could ask our partners in the insurance industry to voluntarily or by law cap their premiums at some level so that the person who was in this market did not find the costs so daunting that they simply gave up and did not get insurance.

Now, all of these great programs that the President and the Speaker talk about that they're going to give to the American people at no charge, none of these programs start for at least 4 years.

Now look, here we are 13 months into a new administration and the administrator at the Center for Medicare and Medicaid Services is not there. He hasn't even been appointed, much less confirmed by the Senate. That is the individual who is going to be responsible for taking this 2,700 pages of legislation that we give them and turning the legislation into rules and the Federal rulemaking process. That is going to be an enormously difficult task. It is going to take 4 years to work through all of that and impugn all of the legislative intent and make those Federal rules and leave the rulemaking period open long enough so that people can comment on it. That is an enormous task. It's not going to happen overnight.

So the people that come to us and say, My premium's going up too much, I want you to take it over, they're not getting anything for at least 4 years.

Now, in the meantime, what if we took an approach—and, in fact, it was an approach that was talked about by

Senator MCCAIN in the fall campaign of 2008. What if we took the approach of we're going to take existing risk pools of the States—34 States have already created. We're going to emulate the best practices of the best States. We're going to allow for some reinsurance options if companies are willing to take on higher-risk individuals so that no individual insurance company is tasked with too much in the way of financial loss, and we're going to cover this group of individuals.

I heard it over and over and over and over again this summer at town halls, Stop what you're doing. We don't want you to destroy the system that is working well for 65 or 75 percent of the country. We want you to concentrate on those individuals who, through no fault of their own, have suffered a tough medical diagnosis, have lost their job and employer-sponsored insurance, couldn't keep up with the COBRA payments and now find themselves having fallen into that dreaded category of uninsured with a preexisting condition.

While we're at it, we might look at the COBRA system. COBRA was placed as a protection to help people who had employer-sponsored insurance but they lose their job. So employer-sponsored insurance means the employer generally pays about two-thirds of the premium; the employee pays about one-third of the premium. When you lose your job, you can't continue that insurance. But in all likelihood, your employer is not going to pay their two-thirds any longer because you're no longer their employee. But for 18 months, you can pick up the whole premium and pay that with a small administrative charge—I think it's 102 percent of the premium—and you can continue your insurance for 18 months and not fall into the category of uninsured. And if you have a preexisting condition, you continue to be covered at that cost.

But that's a tall order for someone who just lost their job to continue to carry that degree of premium. What if we allowed people—instead of you had to keep that same insurance your employer provided you, what if we allowed them into a lower-cost, high-deductible plan for those 18 months and still preserved their insurability during that time, so that when they found employment, they would not fall into that same category again. Or they might even decide to continue that high-deductible policy with a lower premium and continue to have the protection of health insurance without falling into a preexisting category.

But we never really worked on those issues. We just decided we were going to do this big bill, and it was going to have mandates, and it was going to have a public option, and this is the way it was going to be. But to tell you the truth, for 4 years there is no help. There is taxes. For 4 years there is the immediate Medicare cuts, but the benefits don't start until year 4 or 5 or possibly even 6. We don't even know how long it's going to take to set up those programs. And again, we don't even have the administrator at the Center for Medicare and Medicaid Services. The President needs to nominate one. The Senate will then have to confirm them. We may still be months away from filling that very important bureaucratic job over at the Department of Health and Human Services.

I'll yield back to my friend from Pennsylvania

Mr. THOMPSON of Pennsylvania. Some of the observations of just watching the summit, as I guess it was called—I have a question for you. I will come back to you for that.

Some observations of the proceedings that I watched today when I had an opportunity to tune in in my office—I wasn't on the invitation list to be there. It was pretty limited invitations. But I heard—and I don't know which leader it was, whether it was the President or the Speaker or whom, made comments there were absolutely no Medicare cuts that are involved in this. And yet the fact is the Congressional Budget Office Director, Doug Elmendorf, back on December 19, just a month ago or 2 months ago, noted that there were Medicare cuts, and those Medicare cuts built into this impact all areas of health care from hospitals to skilled nursing to home health to hospice. Hospice, which is a wonderful service for people who are in the final stage of dying, where they have the support of compassionate health care professionals surrounded by family to be able to die with dignity, and yet that is an area, one of many areas of Medicare cuts that are slated for under these proposals.

In my responsibilities across many different settings of health care, I have to say that there is a lot of reasons why commercial health insurance is expensive. Tort reform I would put right on top of the list.

But maybe even higher on the list, I would say, is the Federal Government. The Federal Government pays—underfunds and has systematically underfunded the costs of health care—the physician, the hospital for Medicare payment. For every dollar of cost of providing care, the Federal Government pays 80 to 90 cents. For medical assistance, it's maybe, if you're lucky, 40 to 60 cents. It depends on the State. The commercial health insurance pays, on the average across the Nation, 135 percent of costs. And the primary reason for that is the hospitals' physicians have to negotiate at that rate. If they don't, they can't make up for what the government does not pay.

So what are some of the other costs that I heard today that really intrigued me?

I heard the Democratic leadership claim that it was going to bend the cost curve, meaning it's going to bring the cost down for everyone. Yet, what we saw was the administration's actuarial—the professionals that work for the White House, that look at those numbers and do those cost projections—have found the Senate bill, in fact, will not decrease health care costs. The Center for Medicare and Medicaid Services, who you just talked about, the Medicare professionals, their finding was that those were going to increase expenditures by $222 billion, with a ''b,'' billion; not hold costs, not cut costs, but will expand the costs of health care.

And the President today was very up front in his comments where he said that, yes, this proposal will increase premiums for the average American and American family by 10 to 13 percent. Well, I thought the number one thing we were looking at here is decreasing the cost of health care, making it more affordable. How do you truly get access to greater health care? Well, you bring the costs down so people can afford it.

So I was curious to get my good friend's opinion. This morning when I woke up and I knew this was going to occur, it struck me as I was walking to the Capitol, was this going to be a health care summit today or a health care plummet? And to me, the indicator was whether the President showed up with either a white board, a large white board that was blank that we could start over and do what the American people want, and that would be what today's events would be—it really would be problem solving, because that is what Americans are looking for, problem solvers—or would he show up with a rather large hammer and really try to hammer through, push through Big Government, bad ideas that the American people, in a large majority, have rejected.

So I yield back to my good friend just to get your impressions of do you think it was a health care summit today or a health care plummet.

Mr. BURGESS. I was criticized on a news show earlier today referring to this exercise as a 6-hour photo op. Probably I would fall into the category as a ''plummet.''

Isn't it interesting that, yes, premiums for the average family may increase for 10 to 12 percent, but that's okay. Instead of an apple, you get an orange, so you're coming out better in the deal.

Now, yesterday, in our Committee on Oversight and Investigations, we hauled in Anthem Insurance Company in California. And Anthem, to their great discredit, chose right now as a time to increase their premiums, and they have become the whipping boy and the poster child. And I will concede, I think they raised their premiums too fast. They were tone deaf. Their highest premium increase was 39 percent. Their average was 25 percent. Twenty-five percent. Okay, that seems high, but the President's already said 12 percent. Yeah, that's okay because you get an orange instead of an apple, so after all, you're good in that transaction.

So I guess if Anthem wanted to raise their rates, they probably should have stayed at that 12 percent rate. They would have been right in line with the President of the United States. They could have raised their rates and all been happy about the transaction. Instead, they overshot. They hit an average rate of 25 percent and, as a consequence, found themselves sworn in under oath in our committee having to absorb the ordeal that we put people through when they come before our committee.

Mr. THOMPSON of Pennsylvania. I have to wonder with that because I see premiums like announcements, and they are going up. And this is why we're committed to doing the right type of smart government solutions to bring the costs of health care down, the premiums down. Giving a license to 12 to 13 percent additional increases, that's unacceptable to me for the American people.

I have to wonder how much of what's going on in Washington and these health insurance companies as America is watching the debate here, that—you know, giving this approach that the Democratic leadership, my good friends and colleagues on the other side of the aisle are taking, how much is that driving up premiums right now because they don't know what's coming. They don't know the premiums. There is a lot of uncertainty.

I mean we, not too long ago, passed a credit card bill under similar circumstances. It was going to provide all kinds of limitations and impose new conditions on really what has been kind of a free market type of process, and what I have seen, actually, as a result one of the unintended consequences, is some of those interest rates—before the new regulations kicked in, some of those interest rates went way up as an unintended consequence of government overreaching, government-run approach.

□ 2100

I have to wonder if what we are seeing with some of these more recent—like the situation you just talked about, may be an unintended consequence of just the wrong-minded direction that our Democratic colleagues are taking this health care debate in, as a reaction by the health insurance industry.

Mr. BURGESS. It's interesting, perhaps the one thing that would provide the right impetus in the competition to hold down those costs we are not going to do, and that's the ability to buy across State lines.

In the individual market, buying a policy for a family of four in New Jersey is $10,000 a year. Your State of Pennsylvania, $6,000 a year, my State of Texas, $5,000 a year. As long as people know what they are purchasing, I don't see why it is reasonable to restrict someone from having a policy that may be more affordable.

My insurance premiums have decreased by about 50 percent over the last 2 years. Not because I am a Member of Congress and I get a special deal, but I said, you know what, I can no longer afford this high option PPO insurance that is available to us in Congress, so I have elected to go into what's called a high deductible health plan with a health savings account. I actually had one several years ago when I was in private practice. I liked it.

I liked the fact that I was the one who got to choose which doctors and facilities I got to use. I didn't have to call 1–800–California to get an X-ray preapproved. I wrote the check and I controlled the money, and I made the decision about who I saw and when. So I have gone back to that type of policy, and I will tell you I am very satisfied.

We have improved from the old medical savings account in 1986 to the Health Savings Account improvements that started in 2003 and continue to this day. Preventive care is now included as part of the benefit in a high deductible health plan because the insurance company has an interest in making sure if you have a problem that it is diagnosed early, while it is less expensive to treat, and I think ultimately that's a good thing.

I have chosen a plan that does not have prescription drug coverage because after we passed the prescription drug benefit in Medicare in 2003, one of the unintended consequences was we changed the market so that now many generic medicines are available at Wal-Mart for $4 a month. I try to find those bargains for those medicines if I should need one. I try to find those bargains at Wal-Mart or go to an over-the-counter variety, which is much cheaper than the name brand that is bought at the pharmacy, and you can actually achieve significant savings.

I am motivated to do that because it's my money that I am spending for those compounds. Yes, I could have paid more for PPO insurance and then, yes, I could have had a nice mail order, even gone down to my pharmacy and gotten brand names, but I have found that, hey Prevacid is over the counter now. It costs a fraction of what it used to cost a few years ago. Even before that, Prilosec was a similar medicine, not quite the same thing, but that was available in a generic form over the counter at that time at a fraction of the cost of the 30-pill bottle of Prevacid that I was taking before.

So it makes the consumer more informed and motivated. Here is how you hold down health care costs: Let me be the decisionmaker about that. Don't tell me from a comparative effectiveness board that, hey, this medicine is just as good as this medicine, and so this is all you get because this is what we are buying for you this month.

Let me have some of that money back to spend myself, the premium that I pay every month, a portion of that goes into the medical savings account. Every year that it accrues and grows larger it's tax deferred until—if I don't spend it on health expenses I would obviously have to pay taxes on it when I took it out. As long as I spend it for legitimate medical purposes, hey, that's pretax dollars. That's probably the best deal you could do in the individual market. So these are changes that we actually ought to encourage.

I was stunned today to hear the Democrats admit, you know, we agree on a lot of this stuff that we have got here on these sheets, but, well, we don't do the health savings account thing. My goodness, that is the one way to really start to bring—you talk about bending the cost curve, that's one way. Get a motivated patient, educate them about some of the options that they have, and, oftentimes, not oftentimes, almost always they will make the right decision. I cannot tell you how many times in my medical practice if I recommend a test, a CT or MRI scan, a CAT scan or an MRI scan, and the next question from the patient back to me was not, Doctor, is it really necessary, or, Doctor, is this safe to do this, the next question was, well, does insurance cover it? If it did, there were no more questions. Go ahead and have the test.

I, on the other hand, with the type of policy that I have, yes, I may have hurt my knee or shoulder bad enough to go get a CAT scan, or I may make the decision that, Doctor, with a little ice and tincture of time would this not perhaps resolve on its own? Yes, it could, and if it doesn't get better in a week we could still do the CAT scan and we won't have delayed beyond the therapeutic interval, so it is okay to do that.

I am happy to take that advice and not have the test. If I don't feel better in a week or 10 days or whatever the prescribed time limit is, fine. Go get the test, and I will still be able to write the check and have that done. Here is how you bend the cost curve down. You get the patient involved, put the power back in the hands of the patient. Let the patient and the doctor make those decisions.

Don't make them buy the insurance at 1–800–California, but don't make them buy across the street at Health and Human Services. Let the patient and the doctor make those decisions. Every doctor has had the unpleasant experience of having called a preapproval number and have their patient denied a test or a procedure or a surgery, and then you have got to go to bat for them and prove all of these things. It is an enormous nuisance, and I hated it every time it happened.

On the other hand, in the Medicare and Medicaid system, they go ahead and cover that, but maybe 3 or months from now, maybe a year from now, they call you back and say, you know, we don't think that hospitalization was actually necessary, and we are going to deduct what we pay to you from the next round of payments that we give you for your next round of Medicare and Medicaid patients.

That is beyond frustrating because at that point you may not have at your immediate disposal the documentation that you at least would have had with a preapproval process. Neither is a good occurrence in a doctor's office. We need to come to some sort of consensus. But, as much as I hated the preapproval process, I see now, dealing with these large, large Medicare and Medicaid outlays, why it is necessary sometimes to assess medical necessity and why it is necessary sometimes to seek that preapproval, perhaps in our Medicare system.

If we really were serious about bending the cost curve, instead of just cutting doctors' payments—and that's what we do, we say, well, we will pay 20 percent less this year than we did last year—what's the practical effect of that? Well, the doctors' costs are fixed. He is not paying less for electricity to light his office this year than he was last year. His office help certainly didn't come in this year and say, hey, you know what, we can all take a pay cut because we love working for you.

That doesn't happen. His costs go up every year. The reimbursement rate goes down because Congress says, hey, we are spending too much money. What is the practical effect of that? The practical effect of that is, you know, I was able to pay my bills and take something home last year seeing 18 patients a day. But you know what, this year I have got to see 25 patients a day. And maybe if I can squeeze an extra procedure or two out, maybe I should do that because I have got to make up that difference somewhere.

So we have gone about this the wrong way. We are ratcheting down costs at the provider, and yet the doctor, he or she is the one who picks up the pen and writes the prescription, orders the hospitalization. The most expensive item in the doctor's office is their ballpoint pen most of the times because the doctor is the one making the decisions about that medical care.

Wouldn't a different way to look at this might be to say, Doctor, we are not going to cut your pay this year. We are, in fact, going to pay you a little bit more. We hope you will see fewer patients and maybe take a little bit more care and a little bit more preventive medicine and education with those patients along the way. It would be a phenomenal thing to look at but we never tried. We just cut the doctor's pay and said, whew, we got through it this year, the doctors are all mad but maybe they won't remember come November, and we will cut them again at the end of the year.

We are probably going to bump up against the clock. I do want to make this point from what we talked about the cost of insurance at the hearing we had yesterday.

It is important to understand, I think, that Speaker PELOSI, HARRY REID, President Obama, their health proposals would not make health insurance significantly cheaper for America's families. Under the bill passed by the House in November, H.R. 3962, a family of three making just under $55,000 a year and buying now a plan in this new exchange that's going to be set up and created by the bill, they would have to personally contribute after a tax credit about $5,500 a year in premiums. Additionally, this family would also pay $4,000 of out-of-pocket costs exclusive of the premium—copays and drugs that weren't covered—so this family would pay about $9,500 for a family of three that earns $55,000 a year in the Health Insurance Exchange.

I think it's important for people to understand that when we pass these bills and it's all settled and done, it doesn't mean free insurance. It doesn't mean free health care. It means, yes, you have got a government option here for buying insurance, but it's still going to cost something. It is still going to be an expensive item in that family's budget every year, and we are misleading people by telling them that, hey, we need to pass this bill because too many people don't have health care.

True enough, the person who has no income and no job will now have access to Medicaid, which they may not have had before, but the average person earning a reasonable salary is still going to find that the cost, the expense they paid for health insurance, is going to be significant. Here is the rub: If we pass this bill, this won't be an optional expense in their budget. They will be required to buy this, and the enforcer is going to be the Internal Revenue Service.

Now, Mr. THOMPSON, you brought up the online purchase of insurance for automobiles that has the cute little lizards and cave men on the logos. People will sometimes bring up to me, well, why, why not have a mandate. After all, there is a mandate to buy car insurance in your State, so, what would be the matter with having a health insurance mandate?

Here is the key. In my State, this is a State decision that in the State of Texas, people have to carry insurance if they are going to exercise the privilege of driving on the roads of the State of Texas. Health insurance is a different animal, and for the Federal Government to require, not a State government, but the Federal Government to require the purchase of health insurance is taking us in the direction of loss of liberty that none of us have really ever encountered before. It is a new concept.

So if a State wishes to exercise a mandate, which they have done in Massachusetts, then that's a State decision and that decision will either be supported or rejected by the voters in that State, but for the Federal Government to create for the first time a mandate, a requirement that a person purchase a product just for the privilege of living in this country, again, we are going down the road of loss of freedom that, again, I don't think people really want to go there.

Now, you will also hear, and it's so strange to hear the comparison of we have got to have a mandate as you do with automobile insurance, and you know what, you can buy that consumable insurance online. What if, instead of, if we had our thinking right, we would let the health insurance be available online, let the plan finders be available online and, if people think it's necessary to have a mandate, let that be a State decision. Let that be a State decision if the exchange is—right now you have, and I don't know the precise number, 30 or 34 States whose attorney generals are drawing up legislation to prevent their States from or prevent their citizens and their States from being required to follow an illegal Federal mandate.

Mr. THOMPSON of Pennsylvania. Pennsylvania being one of those, absolutely.

Mr. BURGESS. It just shows you the type of tension that we are going to set up between the State and Federal Governments if we were to pick up and pass either the House or the Senate bill and send it down to the President for his signature.

Mr. THOMPSON of Pennsylvania. Well, you have touched on so many very important issues during that time, during the course of this hour. I certainly want to come back to—you know, when I started in health care, I mean, the patients were not a part of the treatment team, they were, you know, everyone kind of focused their energies on the patient, the individual, the consumer, but they weren't included in health care decisions. So much has changed in at least three decades.

Today, I don't know of any health care professionals that don't consider the patient themselves a very important part of the treatment team, and it's so important that individuals take that, exercise that self-responsibility to be informed and to make decisions and to take control of their health care, extremely important.

You also talked about, you were talking about the stress on physicians, and it's significant. In Pennsylvania, the average age of physicians in Pennsylvania is 50. Many that I talk with, they look at the challenges of practicing medicine today. In Pennsylvania, we have terrible medical malpractice costs. We export our physicians. We train a lot of them, but we export them to States like Texas. You know, we don't keep them. And many of the physicians I talk with that are 50 and older, they look at what they have accumulated in their lives, and they look at how much they are spending each year, whether it's medical malpractice, these additional costs or regulations that are coming, the extra costs they had to put into practice to comply with Federal mandates like the HIPAA law from the 1990s.

□ 2115

And they are saying, you know what? Why don't I retire now while I

can at least retain a little bit of what I've earned so I can have some type of future enjoyable retirement? That would contribute so much to our access issue in States like Pennsylvania where citizens are not going to have access to quality care. I see that as a significant unintended consequence as a part of what my friends across the aisle are proposing and pushing at us.

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

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–421) on the resolution (H. Res. 1113) providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE SUMMIT—Continued

The SPEAKER pro tempore. The gentleman from Texas may resume.

Mr. BURGESS. Reclaiming my time, let me just run through a little bit.

We heard right at the end of the 6-hour discussion down at Blair House today, the President and I believe the Speaker of the House said that the time for incrementalism has passed. I felt like I had stepped back in time. I heard that very same argument in 1993 and 1994 when the then-Clinton health care plan was before the House of Representatives.

I never will forget the day that Mike Synar, a Representative from Oklahoma, a Member of this House of Representatives, was down in Dallas. He was talking to a group of us who were American Medical Association members, and he was going to talk to us about this bill. Many people had questions at the time—believe it or not, I was so shy I was scared to say anything—but toward the end, someone asked Mr. Synar, wouldn't it be better to tackle some of these problems on an individual basis and not try to do all of this all at once because it did appear to be frightening people. And Mr. Synar made a very emphatic statement that the time for incrementalism is over, we must have this bill and we must have it this year. Sounds familiar. That was over 15 years ago.

Of course they didn't get the bill passed, life went on, the health care system in this country improved. We developed the State Children's Health Insurance Program under a Republican Congress with a Democratic President. We established medical savings accounts. We then, several years later, improved them with health savings accounts. We provided a prescription drug benefit in Medicare. For better or for worse, we passed the HIPAA law in 1996. But there was a lot of work that went on in health care.

Health care is an evolutionary process. Medicine is an evolutionary process because the knowledge base changes. The science changes over time. It is not a static event like law, or physics perhaps. But medicine is constantly evolving. In fact, many times we say that's why we refer to it as both an art and a science.

Well, what do the people think about doing this all at once or perhaps taking off some smaller pieces that might be actually doable? Americans agree with Republicans and want a fresh start on health care reform. A CNN poll—now, CNN is not always friendly to conservative principles—in a CNN poll, 73 percent of Americans say lawmakers should work on an entirely new bill or stop working on health care altogether. This was from February 24, 2010. Another poll, 79 percent of independents want Congress to start work on a new bill or stop all work, again from the same time frame.

So maybe it is reasonable that we start over with these small, incremental changes and solve some of the problems that bedevil Americans right now, but not turn the entire system on its head in order to help that smaller percentage that is having difficulty right now.

Starting over does not mean that we have no bill to pass. It doesn't mean that we start into another year-long debate. As I began this hour, I outlined to you, Mr. Speaker, several bills that are already out there, already written, could be called up, could go to committee, could be worked on, marked up, amended, and come to this House to be voted on up or down. We could pass a bill on preexisting conditions before we go home for the Easter recess. It would really be that simple. Instead, what we may get is the Senate bill being passed by the House of Representatives—under great duress for some Members of the House of Representatives—and then when that bill is passed by the House, it goes down to the President for his signature, and then good luck undoing all of the problems that are contained within that bill. It would be far better, since no help is coming for 4 years anyway, to take a little time and do this correctly.

The gentleman from Pennsylvania brought up the problems in Pennsylvania with medical liability. Texas, of course, in 2003 did change their medical liability laws and passed a bill that would allow a cap on noneconomic damages. It is a more generous cap than was passed in California in 1975 under the Medical Injury Compensation Reform Act of 1975, but nevertheless, it has worked well over the last several years and has now solved a lot of the problems that we were encountering in the earlier part of this decade.

Just some statistics to share with you; before the reform, one in seven obstetricians no longer delivered babies, 49 percent of counties didn't have an OB/GYN, 75 percent of neurosurgeons would no longer operate on children. Since passing that reform in Texas, it has really dramatically changed things. We had, in the 2 years before the reform passed, 99 Texas counties—Texas has 254 counties, and 99 counties lost at least one high-risk specialist. With the passage of what was then called Proposition 12, which was a constitutional amendment to provide caps on noneconomic damages and lawsuits, 125 counties added at least one high-risk specialist, including the counties I represent, Denton, Tarrant and Cooke Counties. And you can see of course there are some areas that are still needing to add specialists.

One of the remarkable things about the passage of this law is the number of counties that did not have an obstetrician previously but now do, and the number of counties that did not have an emergency room doctor but now do. Twenty-six counties that previously had no emergency room doctor, 10 that had no obstetrician, and seven that had no orthopedic surgeon, now at least have at least one of those specialists. Charity care rendered by Texas hospitals has increased 24 percent, nearly $600 million since the passage of this legislation. And Texas physicians have saved well over $500 million in liability insurance premiums.

Now, people will argue that passing tort reform does not immediately result in lower cost. Defensive medicine is learned behavior. Defensive medicine is oftentimes learned over a lifetime of practicing medicine. And it does take a while to begin to walk back from that. But as anyone will tell you, the journey of a thousand miles starts with the first step, and Texas has taken that first step. In fact, in Texas, one of our bigger problems now is licensing all of the doctors who want to move to the State. The State Board of Medical Examiners cannot keep up with the demand. It is a good problem to have because we had many counties that were underserved. And now, with the passage of this legislation at the State level, almost 100 percent of Texans live within 20 miles of a physician. That is a remarkable change from even just a decade ago.

One of the last things I want to bring up tonight before we leave, we've talked a lot about cost, and during the course of the discussion down at the Blair House the debate on cost was lengthy and sometimes it became contentious, but just a few points that Representative PAUL RYAN from Wisconsin made today. He pointed out correctly that Medicare has an unfunded liability of $38 trillion over the next 75 years. This is a huge, huge budget pitfall that is facing not just Members of Congress, but every citizen of the United States over the next 75 years.

While Federal Medicaid spending grows at 23 percent this year, the program continues to suffocate State budgets. And this bill does not control costs. Mr. BIDEN talked about if we don't bend the cost curve, we're in trouble. I will submit that we are in trouble because we have bent the cost curve, but we are bending it in the wrong direction.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, I am here representing the Congressional Progressive Caucus tonight, the Congressional Progressive Caucus, a body of Members of Congress dedicated to the very simple idea that we all do better when we all do better. The Progressive Caucus, a caucus made up of Members of Congress—men, women, whites, blacks, Latinos, Asians, people of various different backgrounds throughout the whole country—all unified under the simple idea that everybody counts and everybody matters; that there is no one who doesn't deserve civil rights; that everybody deserves civil rights; that men and women should enjoy the same rights; that women should have a right to choose; that there is nobody who is outside the pale of our beloved community; and that we stand together on economic justice, environmental justice, stand together on the idea of health care for all, stand together on the idea of real consumer protection, stand together against the idea that Wall Street bankers and the well-to-do should have everything going their way. In fact, we think that the working men and women of America should have something going our way. In fact, we're the ones who do all the work around here and we're the ones who should see America operating on behalf of and for the American people.

This is what the Progressive Caucus is all about. The Progressive Caucus is all about saying that consumer justice is important, health care reform is critical, war is usually the enemy of the poor, and that we need to find a way to seek diplomacy and dialogue and find a better way out of the conflicts that our country finds ourselves in. That is what the Progressive Caucus is about.

I am going to be talking about some of our core beliefs, but how can I talk tonight, Mr. Speaker, without talking about the Health Care Summit? Obviously, the Health Care Summit was a big deal today. A lot of people were watching it on television. I want to commend President Barack Obama for having a transparent and open process.

My friends on the other side of the aisle, the party apposite, the Republicans, say that we should just start all over. Well, as you could see by watching the broadcast today, there was ample debate, long hours of discussion. We've had many, many hearings here in Congress on health care. We've had a conversation with the American people going on a year, and they say scrap it? No, thank you. They wish we would, but we won't.

□ 2130

The fact is that we have had a national dialogue, focusing on what it is like to live without health care and facing the world with your children and your family without any health care coverage, facing bankruptcy as health care expenses skyrocket and you are unable to meet that reality, facing a situation where you have to put your medical expenses on a credit card, you know, which may have gone up to 28 or 30 percent. These are the kinds of things that concern us.

I want to commend the President for convening this dialogue today, for having this discussion. I do wish, however, that there had been a member of the Progressive Caucus in an official capacity there. It is true there were people from the Progressive Caucus there, but our leadership is RAÚL GRIJALVA and LYNN WOOLSEY, and I believe they should have been there. There were other people there who were members of the Progressive Caucus but none who were authorized to speak for the Progressive Caucus. I'm not happy about that, but you know what? Things are seldom perfect in life. I would have wished that we would have had it that way, but we didn't.

A few things were clear about the health care summit today, which is that the ideology still rules the day for our friends in the party opposite that Americans continue to face health care nightmares on a daily basis and that the urgency of change is as powerful as ever. We have got to move forward. There is no way that we as a Congress can engage the public imagination around health care for a whole year and then come up with nothing. We need to have a health care bill.

This is the Progressive Caucus, and I am talking about health care and the economy today.

I also want to say, as we talk about health care and the economy from the perspective of the Progressive Caucus, that this is a Progressive message coming to you for an hour. We come here every week, and we speak for an hour about the critical issues facing the American people from a Progressive standpoint, and that is why I want to talk about health care right now.

Let me start off the conversation about health care by saying that, today, not only was the health care summit on and not only was the same old debate laid out—Democrats, Progressives wanting health care reform for the American people—but the folks in the party opposite are not so big on reform and want to just keep the status quo.

The House also demonstrated and signaled its urgent desire to see health care reform when we took up the Health Insurance Industry Fair Competition Act just this week. This bill stripped away a protection that was granted to insurance companies, and it requires them to now compete. They got their exemption from antitrust laws taken away. It's not enacted into law, but it was passed in the House, on the House floor, just this week. The idea is that health care companies don't need to be exempted from antitrust laws. They need to have to face those laws because we need competition. When businesses compete, consumers benefit. Simple as that. When businesses compete, consumers benefit, but for far too long, the health care insurance industry has played by a different set of rules.

Since 1945, the McCarran-Ferguson Act—you may have heard of it—has exempted businesses of insurance from Federal antitrust laws. Now, that is not right, so we did something about it this week at last, on the House side, hoping that the body down the hall will do something similar. This bill that we passed off the House floor amends the McCarran-Ferguson Act by repealing the blanket antitrust exemption afforded to health insurance companies. This is something the American people want. Most people I talked to didn't understand why they had an antitrust exemption in the first place.

Under the bill, health insurers will no longer be shielded from being held accountable for price-fixing, for dividing up territories among themselves, for sabotaging their competitors in order to gain monopoly power, and for other anticompetitive practices. If they do it and if we can get it passed into law, then they are going to be held accountable; they are going to be taken to court. That's what we need.

Removing the antitrust exemption not only enables appropriate enforcement; it also will give all health insurance companies healthy, competitive incentives that will promote better affordability, that will improve quality, and that will increase innovation and greater consumer choice—as antitrust laws have done for the rest of the economy for over a century.

Removing this antitrust exemption is key, and it is supported by law enforcement groups and by the National Association of Attorneys General. The National Association of Attorneys General has consistently opposed legislation that weakens antitrust standards for specific industries because there is no evidence that such exemptions promote competition or serve the public interest. They do not promote the public interest. They undermine the public interest.

So I just wanted to tell everybody that this piece of legislation passed off the House floor, signaling greater change as we are driving every day a little closer to real health care reform. The Health Insurance Industry Fair

Competition Act passed off the House floor this week. It's just a piece of health care reform, but it's an important piece.

Let me now turn to the larger issue of health care reform by addressing something called the ''public option.'' You've heard me talking about the public option, and I believe in the public option. You know, we're going to have this system in America of private insurance, which is not going to be undermined. I believe in universal, single-payer health care, but the present format is to, essentially, reform the existing system of private health care insurance. No problem. By the way, I'm always for private doctors, always for private health care providers. I just think we should pay for it through a single payer, which would be much more affordable for everyone. The public option is simply a government-run program, and I don't shy away from calling it that, because Medicare is government run and the VA is government run, and there is nothing wrong with that. It's an agency that could be set up by the government which would offer an insurance product for people to get health care coverage, and that could offer real competition to the private insurance market.

Now, the thing about the public option that you should know is that over 120 Members of the House of Representatives have said, in a letter, that we want that, and we would like to see it make it into law. Not only that, over 24 Senators have said that they want to vote on the public option as well. This is a very, very important development because the fact is, when you have 24 Senators and 120 House Members, that's a lot. Senator REID says he favors the public option. Clearly, the public option has already passed through the House once. So this is a great idea. It's supported by the American people. Seventy percent of the American public like it.

The public option should be in the final bill that eventually is signed by President Obama. The public option was talked about at the health care summit today, and we are very glad about that. Members of the Progressive Caucus went to the White House and handed out a document urging Members at the summit to raise the issue about the public option. Let me just state the facts about the public option.

One is that poll after poll has shown that the vast majority of Americans believes a public option should be included in health care insurance reform. Fifty-seven percent were for a strong public option in a Washington ABC poll this winter. If the American people want it, if it has already passed through the House, if 24 Senators say they want it, and if the majority leader says he wants it, why can't we get a vote on it? I am saying this is a Progressive idea that is good for America, and I want to urge Americans to say that a public option is a good thing.

Congress and the President have answered the call of the American people by dealing with health care, but we've really got to get a good health care bill. If we are going to use reconciliation because we can't get any Republican cooperation, why don't we get the best bill we can get? Why do we get a bill that is less than we could get? Incrementalism has its place, but if we don't have to bother about getting 60 Senators in order to get around the filibuster rules, why don't we just go with a good bill which would really help the American people—one that would lower costs, that would increase affordability, and that would have an option for people? It's a good idea.

The Democratic health care reform plan, which passed through the House and included a public option, is a bill that makes a lot of sense. It covers preexisting conditions. It stops the practice of recision—denying you health care when you need it most. It stops the bankrupting of our businesses and of our families when they get sick.

As for the public option in particular, part of the plan that passed through the House offers and introduces competition; it lowers costs for consumers—taxpayers—and it brings a higher quality of health care to millions of Americans. I think Americans want to see the public option in any final product, and I think it is something that people should let their government know that they want.

Currently, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. Many of the areas of the company are dominated by just one or two private organizations. A public option would offer a choice to people living in these highly concentrated markets. This means that the addition of a public option would provide a quality and affordable choice. The public option offers competition. Again, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. In Alabama, almost 90 percent of the market is controlled by just one company. That's not fair.

In addition, the public option would provide competition for private insurance companies to keep them honest. It would be completely up to individuals to decide whether they want to access the public option. You don't have to use the public option. In fact, you could go to the private market if you felt there were a better deal there, but the public option would be there so that concentrated markets could not simply force you to buy their products.

If the Congress of the United States is going to mandate that Americans get health care insurance, we should at least say that there will be a public option so that we don't force you into the arms of a monopolistic, highly concentrated market which would take advantage of you because of its market advantages.

Americans should be free to seek health care without having to fear that they could not afford it or that they would incur tens of thousands of dollars in debt. A public option offers us an advantage on cost. We know that existing public options, like Medicare and Medicaid, consistently have lower administrative costs than their private insurance counterparts. Of course they do. According to the Commonwealth Fund, the net administrative costs for Medicare and Medicaid were 5 and 8 percent, respectively. If you look at the top five private health insurance companies, their administrative costs are 17 percent. While the insurance market is controlled by fewer and fewer insurance companies in more and more States, there is little incentive to lower costs. Why should they? They're not in competition. A public option would offer that competition all over the country, and it would help Americans afford health care.

Let me just say that we've been debating health care for a year now. When we started out, people like me wanted a single-payer health care system. I am so proud of the over 60 Members of Congress who signed onto JOHN CONYERS' bill for single-payer health care, but we compromised when we said, Okay. We're not going to get that. The single payer was not really given a fair chance in the House of Representatives, in my opinion. Be that as it is, we said, Okay. We will compromise and do the public option.

Now the public option has been pushed to the side. In as early as August of 2009, we were told the public option is off the table. Off the table was what we were told. Well, the public option is such a good idea, such a powerful concept, that it keeps putting itself back on the table. So, when it looked like the public option was off the table again this winter—this winter, we thought, Okay. The public option is off the table again. Then we see a movement. First, it was just four Senators—Senator BENNET, Senator GILLIBRAND, Senator BROWN. These Senators came together. They wrote a letter to HARRY REID, and they said, We want to vote on the public option, and we're going to ask you to put it up there. Then it was five. Then it was six. It got all the way up to 24. Then there are a number of Senators who said they don't want to sign a letter, which is their choice, but they would vote for it if it comes before them.

Of course, we saw two dynamic freshman Members of the Congress—CHELLIE PINGREE and JARED POLIS—two very dynamic, young Congress people who authored a letter that 120 of us joined, and now both the Houses have these movements moving forward. We didn't see the public option in the President's proposal, but both Houses of Congress are seeing these movements towards it. I believe that, if we put that bill on the President's table with a public option in it, he will sign it. He said he favored the idea. Here is his chance to prove it.

□ 2145

The fact is that bureaucratic overhead costs coupled with multimillion-

dollar CEO salaries and bonuses equate to high costs for America's working families, and a lack of competition provides no incentive to change their practices, but a public option will make them compete and will provide access to millions of Americans potentially.

Higher quality. Competition always improves quality. Therefore, the public option will help consumers get better coverage for the same amount of money as their private insurers.

Now, there are myths about the public option, and I think people ought to know that. The idea of a public option being a government takeover or even a government-run program is not really the truth. The idea that a mandated health insurance is a new tax on people is also not true. What a public option really is is that the government would help cover the high cost of insurance for Americans while bringing those costs down through competition. Without health insurance reform, however, we can expect the problems that exist today to only get worse.

Now, the public option is not a takeover of health care. That's ridiculous. It's not true. It would simply be one option among many offered by the public. Now, it would be administered by the government, but so what. So is Medicaid, Medicare, the VA, and TRICARE. These are all government health care programs that people really, really like. You know, as a matter of fact, when it comes to Medicare, back in 1965 when we passed it, only 22 Republicans voted for it, and now they act like they're the defenders of the program, which they're not. But the fact is nobody's messing with Medicare nowadays. Why? Because it's a popular program. Even though only 22 Republicans voted for it in 1965 when it first passed, it is now the way we live, and nobody is going to allow it to be taken away.

In 10 years the out-of-pocket costs that are paid by individuals and families across America would increase by more than 35 percent and as many as 65.7 million Americans will be uninsured. That's intolerable in this great country. This means higher costs to taxpayers to cover hospital expenses of the uninsured. Employers will also have to pay health insurance premiums at least 60 percent higher than premiums today.

There are supporters for the public option in all areas of life, not just the House, not just the Senate, but also doctors are in support of the public option, and organizations behind them strongly support the public option too. These include the American Nurses Association, the American Cancer Society, the American Medical Association, and the AARP. Even hospitals such as the National Association of Children's Hospitals have supported the principles of health care change and the public option.

And let me just say when the American Medical Association that represents doctors say they're for the public option, that lets you know that people on the other side of the aisle saying things like, Oh, the Democratic Congress wants to get between you and your doctor, isn't true. It's just not the case. So you need to be aware of the myths that are out there.

As was said before, three courageous members of the Progressive Caucus went over to the White House today and offered the Congressional Progressive Caucus's perspective, and I was proud that they did that. The CPC, the Congressional Progressive Caucus, did not receive an invitation to the health care summit, but we showed up and we handed our ideas to the people who were invited, and we were happy to see that both Speaker PELOSI and Majority Leader HOYER introduced the idea of the public option, and we thank them for that.

So let me just now move into another area before we wrap it up tonight, and what I want to talk about is the economy. Now, it's important, as we discuss the economy, to bear in mind that we've come quite a long way, quite a long way. In fact, when the Republicans were in office, they literally, not literally but figuratively, drove the economy into the ditch. They just ran the economy into the ground. The economy shrank 5.4 percent in the fourth quarter of 2008. Barack Obama was not the President then. It was under George Bush when the economy shrank 5.4 percent in the fourth quarter of 2008. The fact is that the economy lost 741,000 jobs in January 2009 alone. Remember, Barack Obama was not the President until January 20. This a Bush failure and, of course, a Republican failure.

Under the Republicans we erased $2.7 trillion in retirement savings. I will show you a board on that I have. And it's important to remember that people trying to retire saw their retirement savings just shrink under the leadership of the Republicans. Very scary. Not very nice to the seniors. And more than doubling the debt in 8 years. Now, these folks shake their finger at us like we're big spenders. Look, they doubled the debt in 8 years. When President Clinton left office, we had a surplus. They took care of that because they cut taxes for the wealthiest Americans and never paid for them and then had a couple of wars they didn't pay for and put us in massive debt. The worst recession since the Great Depression should be called the ''Republican recession.''

Now, just to show you a little bit more, I was talking about this idea of public debt a moment ago, and, of course, we all should be concerned about debt. As a progressive, I'm worried about debt because interest service on the debt can't be waived, can't be put off. You've got to pay it when it's due. And that means that it cuts into things, programs and expenditures that could literally help people who I want to see helped. Like helping people who are in need of medical assistance, helping our schools, helping firefighters and police and teachers and public safety people. All these things get squeezed when you've got to pay all that high debt service.

But Republicans lack credibility on fiscal responsibility. They don't want to spend money to help poor folks and regular folks. That's true. But when it comes to helping out well-to-do people and really, really wealthy folks, who I am absolutely fine with—I've got a lot of friends who are doing well. But they don't need folks looking out for them because they've got the money. But the point is that Republicans lack credibility on fiscal responsibility. It's not that they don't spend. It's just they don't spend it on things that help your average citizen. They spend it on tax cuts for the very wealthy and wars.

So debt held by the public nearly doubled under the Bush administration. We can look here at the year 2000, $3.4 trillion. We see this red ink just going up and up and up all the way to $6.3 trillion in 2008 when the Democrats get the White House and the Congress.

So the fact is that this is their mountainous debt, and now they want to lecture about debt and fiscal responsibility, but it rings hollow because of their history.

Let me also show you this board. This is a good one. Democrats actually have a proven record of fiscal responsibility. Democrats are good with the economy. We do a good job when we're in charge. If you look over Reagan, Bush I, Clinton, and Bush II, you will see these budget deficits and surpluses. This is when we see the budget surplus during the Clinton years is going up. It actually goes above zero, so we actually have more money. But here the amount of money that we have is less and less and we're seeing ourselves greater and greater in debt under the Reagan-Bush years. You see the debt is actually going up while our surplus is going down. And then you see the surplus going up on the blue line, and then you see the dropoff when it comes to our surplus. We have no surplus here and then we have a negative surplus—also known as a deficit.

So if you look at this, Democrats have a proven record of fiscal responsibility. If you look at Reagan and Bush, Clinton and Bush, you're seeing the product of Republican leadership and their fiscal irresponsibility.

Now, this is an important board because right now it's all about jobs. We need health care because it's such a big chunk of a family budget. We need to get that down. We need to cover everybody. So health care is economic justice for people. But it's important to understand that we've seen the job losses because of the Republican recession. I just showed you that. Democrats turned around Republicans' job losses. Now look: We're losing jobs. All these red lines below this zero is unemployment. We're going down. Monthly change and nonfarm payrolls. You see that. And we're going all the way

down. We're just hitting it. And in January of 2009, you see Democrats are in control, and as we're just adding to job losses here, it's worse and worse and worse and worse, and then you see the slow but steady improvement.

Now, we're still not creating jobs, and this is a serious problem. But you can see that we're going in the right direction. You can see that with Democrats in there, we're doing better.

So the last month Bush was the President, we lost 741,000 jobs in a month. And the last month, and this doesn't reflect the most recent data, we lost 22,000. Now, we still lost, and that's bad. But the fact is we're losing fewer and fewer and fewer and you can see that in a few months, we'll be above the line and we'll be adding jobs, which is something very, very important to point out.

Do you know what the toughest job in the circus is? Cleaning up after the elephants. So the Democrats are trying to fix 8 years of Republican leadership in this country, and it's not an easy thing to do. But you can see in a short period of time, we're getting it all turned around.

Now, one of the things that helped turn things around is the Recovery Act. Now, you heard these folks say, oh, this is terrible, the Recovery Act is bad. You would think that the Recovery Act was something that wasn't any good. But look here. This is something you should take a look at:

''GOP: There's no hypocrisy in seeking stimulus money. Republicans say they are working on behalf of their constituents.''

Now here's the full quote:

''The DCCC claims that 91 House Republicans are talking out of both sides of their mouths.''

Now, these guys were voting against the stimulus. We didn't get one Republican vote for the stimulus. They didn't vote for it. They were all against it, even though it clearly put Americans back to work and stopped the bleeding of jobs. But that didn't stop them from going out in ribbon cuttings and being there and just trying to show off and say, hey, look, give me some stimulus money. I didn't vote for it, but I want to benefit from it. Isn't that terrible? Let me just read a little of this to you:

''Amid mounting criticism, House Republicans said this week that it is not hypocritical to vote against the stimulus and later seek money from it for their districts.

''After standing united in opposition to the President's economic stimulus bill a little more than a year ago, many Republicans have touted the benefits of that measure back in their districts, according to a comprehensive list compiled by the Democratic Congressional Campaign Committee.

''Citing the stimulus and other measures, the DCCC claims that 91 House Republicans are talking out of both sides of their mouths.

''In recent days former Senator Alan Simpson, Republican from Wyoming, and California Governor Arnold Schwarzenegger have echoed the DCCC claims.''

Like my dad, who's a Republican, they're honest Republicans, and Simpson and Schwarzenegger are telling the truth.

''But key House Republicans argue that a vote against the stimulus bill should not prevent them from writing a letter on behalf of their constituents seeking grants available from the $787 billion measure. Some of them do say, however, that Republicans should refrain from attending photo ops.''

And it goes on.

□ 2200

What is the point? The point is they created a recession with their policies of tax cuts for the rich, wars that they didn't pay for, tax cuts they didn't pay for, no regulation of Wall Street, and just letting things run amok, not regulating predatory lending though Democrats had been asking them to do it for years while we were in the minority. And then they create this situation where the economy tanks. Then when we put measures in place to bring the economy back to life, they vote against it, but then they run to take advantage of it. That is bad.

Now, the Recovery Act. The CBO, that is the nonpartisan Congressional Budget Office, estimates that in the third quarter of calendar 2009, an additional 600,000 to 1.6 million people were employed in the United States. That is pretty good. In the third quarter of the calendar year 2009, an additional 600,000 to 1.6 million people were employed. That is pretty good. That is trying to dig us out of the hole.

The Congressional Budget Office projects that the Recovery Act will increase real GDP by 1.5 to 4.5 percent during the first half of 2010, and 1.2 to 3.8 percent during the second half. That is actually good as well.

Now, Mark Zandi, who actually was a consultant for Senator JOHN MCCAIN when he was running for President, who is pretty conservative, said, ''I don't think it is an accident that the economy has gone out of recession and into recovery at the same time stimulus is providing its maximum economic impact.'' So even a conservative economist is telling them that the stimulus worked and is working. And I just wish they would agree that Democrats are better for the economy. I just wish the Republicans would agree with the unbiased evidence that Democrats are better for the economy.

Now, it is important, I mentioned retirement accounts earlier, Retirement Accounts Recovering Under the Obama Administration. Now, here we see under the Bush administration the value of retirement accounts is going down, the value of retirement savings accounts. You see them, they are just going down, down, down, down, down. They are just dropping. And then you see under the Obama administration, retirement accounts are up $1.8 trillion, as we see them climb from the first quarter of 2009 steadily back up. More evidence that Democrats are better with the economy, which is the thing that helps you put food on the table, a roof over your house, and retirement money in your account.

Moving right through these boards here, and I just want to show the folks, the economy is swinging back to growth. Now, GDP is gross domestic product. That is the sum total of all the goods and services produced by the economy in a given period of time. You see that in the first quarter of 2008, we had negative GDP growth. It popped back up for a minute, but then it kept going down, down, down. This is all under Bush. And then you see GDP growth going back up. And these are the projected increases.

The fact is that the economy, GDP growth is increasing. That means real goods and services produced. That means people working. That means production. That means people providing services. And it means food on the table. It means soup in the pot. That is what it means. Or chicken, or whatever you like.

So let me just say, as I begin to wrap it up, the fact is that the economy is not back to health yet. It needs more things. I believe very strongly, and the Progressive Caucus agrees, that we need direct job creation from the government like the WPA, where we put people back to work, painting public buildings, working in Head Starts, doing valuable work that needs to be done, and that these jobs could be paid and they wouldn't be just special kinds of jobs, but they would just be jobs that people can do and hopefully keep that job.

If we can ignite the economy and keep the period of growth going. The economy is not out of the woods yet. We still have unemployment that is intolerably high, particularly in minority communities. This is intolerable. We have got to do something about it. There is no doubt about that. But we are going in the right direction. And we need to improve to keep the drive alive. Keep the drive alive, not turn back.

I just want to say to folks out across America, the fact is that it takes more than just a couple of years to get things straightened out after so many years of difficulty. We need young people, new Americans, communities of color, working people, labor, everybody to keep their level of enthusiasm up about what the prospects for America are and to not get discouraged just because things didn't pop back into shape as soon as George Bush handed over the mantle of the presidency. It is going to take a little bit of time, but things are clearly going in the right direction.

One year in, the evidence is clear, and growing day by day, that the Recovery Act is working to cushion the greatest economic crisis since the Great Depression and lay a new foundation for economic growth. According to

the nonpartisan Congressional Budget Office, the Recovery Act is already responsible for as many as 2.4 million jobs. The analysis of the Council of Economic Advisers also found the Recovery Act is responsible for about 2 million jobs, a figure in line with estimates from private forecasters in the economy. Even the conservative American Enterprise Institute is agreeing that the Recovery Act is helping create jobs, which no Republican voted for the stimulus package. It is very important to remember that.

We recently learned that our economy grew 5.7 percent in the fourth quarter, the largest gain in 6 years, and something many economists say is due to the Recovery Act. So again, negative GDP growth, meaning we were losing, the economy was shrinking when Bush was the President, and now it is growing. Very important for people to know that.

The Recovery Act, by the way, it did cut taxes for 95 percent of working families. The Republicans love their tax cuts, but not for the regular working people, only for the very well-to-do. But the Recovery Act did cut taxes for about 95 percent of American families, the Making Work Pay Act tax credit. And that is about $37 billion in tax relief for about 110 million working families in 2009.

The fact is loans were made to over 42,000 small businesses through the Recovery Act, providing them with nearly $20 billion in much-needed capital. The Recovery Act funded over 12,500 transportation construction projects nationwide. When 40 percent of all construction workers are on the bench, that work is very, very, very welcome. These projects range from highway construction to airport improvements, of which more than 8,500 already are underway. It funded 51 Superfund sites from the national priority list. Of those sites, 34 have already had on-site construction. The Recovery Act, which I was proud to vote for, has done a lot of good for America.

So as we wrap it up today, it is important just to bear in mind that health care reform is a key component and a vital component of restoring our country to economic health. We need health care reform.

Remember, the Republicans had the House, the Senate, and the White House between 2000 and 2006, and they didn't do anything to improve the health care situation for Americans.

Mr. KING of Iowa. Will the gentleman yield?

Mr. ELLISON. The gentleman will have an hour to say whatever he wants.

Mr. KING of Iowa. I would be happy to yield to the gentleman in my hour as well.

Mr. ELLISON. I can't stay here all night.

Mr. KING of Iowa. Will the gentleman yield to correct a fact?

Mr. ELLISON. No, I am not yielding. You're going to say whatever you want later, so let me just keep going. From 2000 to 2006, the Republicans had the White House—check the facts, Mr. Speaker—they had the Senate, and they had the House of Representatives, and they didn't do anything to help health care.

Mr. KING of Iowa. Will the gentleman yield?

Mr. ELLISON. I have already answered that question. I will not yield.

PARLIAMENTARY INQUIRIES

Mr. KING of Iowa. Mr. Speaker, parliamentary inquiry.

Mr. ELLISON. I don't have to yield, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. Is it common and normal for a Member to yield to another Member on a respectful request?

The SPEAKER pro tempore. It is entirely at the discretion of the gentleman who controls time whether or not he chooses to yield.

Mr. KING of Iowa. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. When a gentleman states an erroneous fact into the RECORD, is a Member's alternative then to move to take down the words rather than ask for a yield to correct the record?

The SPEAKER pro tempore. The Chair does not respond to hypothetical questions.

Mr. KING of Iowa. Mr. Speaker, I will concede this moment for now.

The SPEAKER pro tempore. Does the gentleman have a further parliamentary inquiry?

Mr. KING of Iowa. Mr. Speaker, I would have a point of order if we didn't have Members in bed right now, so I will concede this point right now and yield back.

The SPEAKER pro tempore. The gentleman from Minnesota may proceed.

Mr. ELLISON. Let me just say for the third time, from 2000 to 2006, the Republicans had the presidency, they had the House of Representatives and the Senate, and they didn't do anything to help Americans improve the health care situation.

□ 2210

They didn't do a thing. They allowed premiums to increase. They allowed co-pays to increase. They allowed people to be denied for preexisting conditions. They allowed misery to accumulate around the health care crisis in America. They allowed the number of uninsured to increase, and they allowed a very difficult, awful situation.

So now we've got upwards of 45 million people who don't have health care, and while the Republicans could have done something about it, they did not do anything about it.

Now, in a few minutes, Mr. Speaker, I am going to yield and in a few minutes I am sure my friend from Iowa is going to have plenty to say. But I would like, Mr. Speaker, that anyone listening to the sound of my voice examine the facts I just laid out because they are true.

The Republicans could have done something to help Americans address their health care crisis between 2000 and 2006, and they did not do anything. And since the Democrats regained the Congress, we passed SCHIP, State Children's Health Insurance Program, which President Bush vetoed, and we're trying to fix one mess they made with prescription drugs by filling the doughnut hole. But all that program was was a boon to large pharmaceutical companies, and we're trying to fix that large debacle now.

The fact is is that the Republican Caucus could have helped the American people and they declined the invitation to do so. And now while America has been embroiled in a conversation around health care reform for a year, they have come up with nothing constructive to say. All they want to do is deprive Americans of their right to civil redress under the law when doctors sometimes make mistakes. They call it tort reform. What it really is is denying consumers the right to redress grievances, which is an American thing to do to try to fix these problems.

Now, we're not saying that people who abuse the legal system shouldn't have accountability. We are saying do not shut the doors when Americans have a legitimate claim, which is what I think the Republican Caucus is in favor of.

The fact is, Mr. Speaker, that this hour, called the Progressive Caucus Hour, is all about talking about Progressive measures that have made America great. And I would offer you this, Mr. Speaker, that every single thing that has made America the wonderful, beautiful, great country that it is has been a progressive proposal.

Breaking away from England was progressive. Throwing off a dictator was progressive. Freeing people from slavery was a progressive thing to do. Allowing unions to organize was a progressive step forward. Civil rights was progressive. Women's rights was progressive. Getting rid of the poll tax was progressive. And it has been conservatives every step of the way trying to block these things.

America is a progressive country. America believes that everybody does better when everybody does better. America believes deep in its heart in religious tolerance. We believe in economic justice. We believe in equality for all people. But conservatives, trying to hold this country back and maintain the status quo, have been in the way all along.

So tonight, Mr. Speaker, may I yield back the microphone knowing full well that those following me will have plenty to add.

But with that, I will yield back.

PROGRESSIVES OR SOCIALISTS

The SPEAKER pro tempore (Mr. HIMES). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate being recognized finally here on the floor of the House of Representatives. Frankly, it's astonishing to me that a fellow Member of Congress has so little confidence in things that he says are facts that he refuses to yield and deal with the actual facts that he knew were before him.

To make the statement that Republicans did nothing on health care during those years of 2000 to 2006 is flat-out false, Mr. Speaker. It's a fact that we moved on health care. We moved some significant policy. And in particular, we passed the repair to the abuse of lawsuits, which today it was published by the Government Reform Committee—actually, was published 2 days ago—that the annual costs of lawsuit abuse and health care in America is $210 billion. That's over $2 trillion for the course of a bill, and there isn't one dime that would be taken out of the pockets of that $2 trillion—a lot of which goes to the trial lawyers—that is offered by the President or the Democrats, and certainly not the gentleman from Minnesota.

And for him to stand here on the floor of the House of Representatives and very much deny the very fact that is a fact of record and then refuse to politely allow for a correction of that record so you, Mr. Speaker and, by extension, the American people have an opportunity to be honestly and truthfully informed is an affront to the dignity of the dialogue on the floor of the House. So that's just a start on my answers. And I didn't come here to provide a rebuttal for the previous hour.

But the American people need to know, Mr. Speaker, that there is a Progressive Caucus here and it's 78 members strong, the last time I counted the names on the list on the Web site. The Web site was put up on a poster over here, and they're pretty proud of the policy that they have. You can go on that Web site and read and learn that. One of them is a Senator; the others are House Members. They are the most liberal Members of the House.

And when you look at the history of the Progressives, you will recognize that that Web site, that now with Mr. GRIJALVA's name in the Web site, was the Web site managed by the Socialists. The Democratic Socialists of America managed the Web site for the Progressives. They put it up. They took care of it. They maintained it. They put the information on. They wrote some of the language that went on there—a lot of it for all I know—and carried their philosophy from the Democratic Socialists—that is the Socialists in America, by the way—on over to the Progressives' Web site. And when that linkage was uncovered and the pressure came up, then the Progressives decided, well, we'll manage our own Web site because we really don't want to have to put up with the criticism of our brethren, the Socialists. It's completely the brethren.

When you read the Socialists' Web site, it says clearly on the Democratic Socialist Web site, dsausa.org, Mr. Speaker. It says clearly on there, it starts out with, We are not Communists. I always had a little trouble trusting somebody starting out their dialogue with, well, I'm not a Communist, because you know there behind that there's a ''but.''

Democratic Socialists, the brethren of the Progressives, linked together with their Web sites until a few years ago to declare that they are not Communists but they believe in a lot of the same things that the Communists believe in.

But the difference, according to the Socialist Web site linked to the Progressives' Web site—proudly by the Socialists anyway, and I think proudly by the Progressives—they say, We are not Communists. But the difference is Communists want to nationalize everything. Communists want to have the State own all property and own all of everyone's labor and everything exists for the State. And the Communists want to do central planning to manage the butcher, the baker, and the candlestick maker, let alone labor.

The Communists are the ones that want to introduce a national health care act that's completely a single-payer plan paid for by the government. Nobody has to pay for anything. And it would require that everyone working within health care in America would be a salaried employee.

Oh, let me see. Where would I come up with that? Well, not necessarily on the Democratic Socialist Web site. Not necessarily on—let me see—the CPUSA Web site. I read that in a bill that was introduced by some of the Progressives here in this Congress in 1981. They believe and still believe in single payer. They think that health care should be free, that it's a right, not a privilege—not just your own health care, but everybody's own private health insurance policy; that the government ought to run all health care; that they would set up boards as central planning management boards that would tell everything how to operate.

But no one could be anything except a salaried or an hourly employee. You couldn't do fee-for-service. So if you're a super excellent brain surgeon, you get paid whatever they decide. You don't get paid for the number or the quality of the brain surgery that you perform.

But I am back to Democratic Socialists of America. What are they? Well, they're not Communists. That's what they say. And the difference is they don't want to nationalize everything. The Socialists, the, slash, Progressives, don't want to nationalize the butcher, the baker, and the candlestick maker—not right away, anyway.

□ 2220

But when you read their Web site, it says, we want to nationalize the major corporations in America. I take that to mean the Fortune 500 companies and probably some more, and they write that they don't have to do it all right at once, they can do it incrementally. They want to nationalize the oil refinery business so they can control the energy in America, and they want to nationalize the utilities in America so they can control the energy in America.

This could happen incrementally, they don't have to do it all at once. Socialist Web site. They say we don't elect candidates on our banner. We don't send candidates and get their names on the ballot under the Socialist ballot. We advance these candidates as Progressives because Progressives doesn't have quite the harsh connotation of the hardcore left that Socialist has.

So they hide under the Progressive banner and they advance the Socialist agenda, and it's on both of their Web sites. I wondered when I heard MAXINE WATERS from California a few years ago say, I think we should nationalize the oil refinery business. I mean, I had to take a breath, catch my breath for a minute, because nobody would say that in the society where I live. They don't want to nationalize the private sector. They believe in free enterprise and in competition. They understand the vitality, this robust economy that we have. But that was said. Where did that come from. MAURICE HINCHEY made a remark also about the nationalizing of the energy industry.

Where did that come from? How does anyone have the chutzpah to make such a statement as a Member of Congress that they want to start taking over the private sector. This is before our economy started in this downward spiral. So I heard these words that came from them, and I am reading off the Web site, Democratic Socialist Web site, and the echo comes back to be the same.

I look over at the Progressives, of which each of those Members I mentioned are listed on the Progressives Web site, and it's the same agenda. Then we have a candidate for President called Barack Obama, and he has this artful way of using ambiguities so that the left hears him say something that they want him to say, and the right doesn't hear the same thing. They might actually even hear what they want him to say.

But where does the President govern? He is elected on hope and change. Well, hope and change is not working so good right now, but where does the President govern? Way over to the left.

And I stand here, Mr. Speaker, on the floor of the House, after this 6½-hour health care summit today, and I am wondering, what is this about bipartisanship? What was this argument that came from the President when he heard the criticism you are not working in a

bipartisan way? You need to reach out to the Republicans, this closing the door and locking Republicans out, and it happened. It's been happening here since September.

They met today to talk for the first time about health care in a meaningful way since last September, when Democrats shut Republicans out of their health care negotiating rooms. And, yes, they had guards outside the doors, they were there to provide security for the leaders. But think of the image, the doors go closed behind the Democrat leaders and they sit in there in the formerly smoke-filled rooms and they negotiate what they want to do to America without any eyes or ears of the press or anybody from the opposing party or any real conscience or conservatism inside the room.

So they cook up their deal. They cooked it up upstairs—well, let me say they cooked it up in the Speaker's office, and they cooked it up in HARRY REID's office, and they ran separate bills in the House and in the Senate. On November 7, here on a Saturday, the House of Representatives by the barest of margins passed a national health care act bill that takes away the liberty of the American people.

Then it went over to the Senate, where even the 60 votes that they had to have in the Senate with the liberals they had over there, they couldn't get the votes to pass the House version, so they put together a Senate version and by the barest of margins, with the, let me say the most repulsive of sweetheart deals, put together barely the 60 votes they needed to break the filibuster and have it be successful on a cloture vote.

On Christmas Eve, Mr. Speaker, HARRY REID's Scrooge gift to the American people was the Senate version of socialized medicine, their national health care act, complete with funding for abortion and illegals, out of the Senate. Merry Christmas, American people. HARRY REID and the 60 votes they had in the Senate at the time delivered a Christmas present to the American people with 60 votes, which pretty much demonstrated that all the demonstrations that took place since August weren't counting for much in the mind of HARRY REID and the 59 other Democrats over there in the Senate, and that was Christmas Eve. So a lot of people went home for Christmas. In fact, most of us did go home for Christmas.

Over Christmas and New Year's, most of the public life goes dormant and some of the people thought that going dormant was the right thing to do, that nobody would pay any attention anyway. So why would you keep a press shop up and why would Members of Congress go out on the stump and give a lot of speeches and do town hall meetings and do a lot of press and talk about how bad the House bill is, how bad the Senate bill is, and how unbelievably bad it would be if they would do what one might have expected them to do, and that is appoint a conference committee that would try to merge the two bills and resolve their differences.

But the Democrats didn't really think that the American people would be paying any attention to what they did. That's one of the reasons why they passed the bill on Christmas Eve in the United States Senate. I actually wished it would have been as late as possible on that day. I think it could have been pushed up to 9 o'clock that night when Santa was actually delivering presents, rather than when the elves were going to bed in the morning.

But that's what happened, Mr. Speaker. The American people were appalled at what they saw. They were appalled at how tone deaf the majorities were in the House of Representatives and how tone deaf the majorities were in the United States Senate, and they were talking.

It isn't that the American people go dormant. They go see their family, and, yes, they go to work. And they get on the phone, and they get a little time to send their email lists out. What happened was, there was a national dialogue.

I can tell you what happens when our family gets together, and it takes three or four family reunions to get us all completely processed in their right, faithful way over Christmas vacation, but we will meet three or four times, and we will have other little individual meetings with friends and neighbors and do those things, there is a lot of dialogue going on between Christmas and New Year's. In my neighborhood we talk about probably four things, but three things in particular. We talk about the weather, and we talk about religion, and we talk about the markets, and we talk about politics. That's four, and politics moved up on the list.

It actually sat there, number one, and it was at the dinner table, and it was in the living room, and it was all across America. People were talking about what was happening to our country. While that was going on, SCOTT BROWN was campaigning intensively in Massachusetts. You had people waking up in Massachusetts. The polling that showed on that day, the 23rd of December, when the timing schedule for adjournment of the Senate and that final cloture vote was scheduled, on that day the poll I saw showed SCOTT down 20 points. There was another one that had him down 30 points.

But not a single pundit before Christmas predicted that SCOTT BROWN could be the next United States Senator from Massachusetts. That was 2 days before Christmas. No one predicted it before Christmas. It started to come out some days after Christmas, near, I think, the first of the year, if I remember correctly, when the first little hint that something might be going on in Massachusetts started to leak out to the rest of the world.

But I have every confidence that the faithful people in Massachusetts were sitting around their dinner tables and their Christmas trees and they were talking about the same things that we talk about, the weather, the religion and politics, probably not the markets the same way we do. As that position was coalescing in Massachusetts, some of the people were thinking, I have had enough. They thought, some of them thought we have our version of health care here, and it's not our job or our business to impose another version of a government-run health care on everybody else in America.

Some of them thought enough money had been spent, that this $700 billion in TARP, and all of these companies that have been nationalized, much of it by this administration, and the $787 billion stimulus plan, that made everybody really nervous to see trillions of dollars, at least $1.6 trillion, moving on up to $2-plus trillion dollars when you look at all the money the Fed has advanced.

They saw that happening, Mr. Speaker, and every increment of nationalization made the American people more nervous indeed, having less confidence in the government that they had elected and the decisions that were made by their elected representatives. And as we march down through the murderous row of the nationalization of three large investment banks and AIG, the insurance company, and Fannie Mae and Freddie Mac, where it took on $5.5 trillion in contingent liabilities with Fannie and Freddie, for the taxpayers to take on that contingent kind of a risk, then the Federal Government turned to the car companies and decided, the White House, the Obama White House could run General Motors and Chrysler better than General Motors and Chrysler could be run by those who are approved by the shareholders.

□ 2230

And so the President fired the CEO of General Motors and cleaned out the board of directors. He replaced himself all but two of the board members of General Motors and replaced the CEO of General Motors, put in place a car czar, a 31-year-old car czar that had never made a car and never sold a car; as far as I can determine never fixed a car. We don't even know if he owned a car. And if he did, the question I would ask him is, well, was it an American-made car or a foreign car?

All of this was undermining the confidence of the American people as we race toward this political climax that after we saw socialized medicine pass in the House on November 7 and after we saw it pass on Christmas Eve in the United States Senate—unprecedented to be in the session on Christmas Eve doing something that had never been done before in the history of this country, trying to set a new standard of the socialization, the nationalization of our bodies—all of that going on, and the American people were repulsed that all of their voices, all that they had to say, everything that they

weighed in with hit only just the deafness of the leaders in this Congress, Mr. Speaker.

And so they went to work. They went to work in Massachusetts. They went out into the streets and put up signs and walked the streets and knocked on doors. As I went down through Massachusetts, I recall being in the Vietnamese section in Boston, and as I went down through that section—it's really a small business section of Boston—window after window had SCOTT BROWN signs in the Vietnamese section of Boston, and certainly did many of the residential areas. There was a tremendous outpouring for SCOTT BROWN.

As I went into the call centers, I had people come up to me and say, I'm a union member and my husband is a union member. We've always walked the streets for the Democrats, but this time we're here to work for SCOTT BROWN. We've had enough. The irresponsible overspending is at its core and the taking over private business is a big part of this, and trying to push a national health care act down our throats like you give a pill to a horse is more than they could tolerate.

And so in that sea change from 21 percent down to 5 percent up—it actually was a 24, 25 percent turnaround that took place in an unpredicted way in Massachusetts—SCOTT BROWN rose forward to a victory in Massachusetts and had a lead that was about the same for the last, I'm going to say in the polls that I saw the last 4 or 5 days at least in the race. So I don't think that there was more than about 20 days for him to close the gap of 21 points. And he will know that a lot better than me, Mr. Speaker. But that message that came from the election of SCOTT BROWN, that resounding noise out of Massachusetts—and there were a lot of people that went to Massachusetts to help. Tea party patriots went. Also people from many of the States in the Union went up to see what they could do because that's where the fight was, that's where people could preserve their liberty and they were committed to that cause. That election result came out, and it shifted the dynamics in the United States Senate, because SCOTT BROWN promised to deliver the vote against cloture that would change the dynamics.

And so the President of the United States, who has not done very well in some of his endeavors—let me see. What did he do? He went to Virginia to engage in the Governor's race in Virginia and he went 0-for-1 in Virginia. He went to New Jersey and did several appearances in New Jersey, as I recall, to reelect John Corzine in New Jersey. Chris Christie won in New Jersey, Bob McDonnell won in Virginia. So President Obama went 0-for-1 in Virginia. He went 0-for-1 in New Jersey.

He went to Copenhagen twice, once to win the Olympics for Chicago and another time to see if he could seek some kind of a global green agreement on climate change. Now, they came out of Copenhagen with something they pointed to that said was a victory, but not much of anybody thought so. It is a mild little fig leaf of a victory.

So I'm going to describe it this way: President 0-for-1 in Virginia, 0-for-1 in New Jersey, 0-for-2 in Copenhagen, and—completely a goose egg—0-for-1 in Massachusetts. And now the ''SCOTT heard around the world'' has echoed through this place. The White House, after that election, had to pull back. They had to stop and see if they could get a lay of the land and figure out what to do.

Senator HARKIN said within a few days of that election that they had an agreement that they had negotiated with the House, and they had an agreement that would bring reconciliation through. It is a bit convoluted and I won't explain it in detail here tonight, Mr. Speaker, but that was the first we heard that they were meeting behind closed doors to put together a reconciliation package. I know it had been rumored out there since September, but that was the first I recall of a legislator saying, Oh, yeah, we have that deal put together. That was Senator TOM HARKIN from my State, my junior Senator that said that.

So they moved on looking to see what they could do. In normal circumstances, you would take the differences, the Senate bill and the House bill, and appoint a conference committee that would have Democrats and Republicans on it. What would happen would be the Democrats who were in the majority—NANCY PELOSI and HARRY REID and their people—would go behind closed doors—even with a conference committee—and they would make their deal behind closed doors. They would negotiate their package behind closed doors. Once they decided they could get the votes in the House and in the Senate to pass their package, their socialized medicine version of what they want to do to America's freedom today when it comes to health care, then they would have announced the conference committee.

The members of the conference committee on their side would have been committed to voting for the package that was already pre-negotiated. The Republicans would then appoint their conference committee, and at an appointed date and time they would all file out into the room, sit down in their chairs, call the conference committee to order, and then they would go through the charade of debating the different changes, somebody would offer a change here and offer a change there and they would vote it up or down. After a while, they would have it ratified—the very deal that was put together behind closed doors—and pushed a conference committee report out here that would have gone then to the House and Senate, one side taking it up first and then over to the other side. The last one to pass the identical piece of legislation that was negotiated behind closed doors would go to the President, where he would have already pre-agreed to sign the bill. He would have been in the room, too, or he and his representatives, doing those negotiations.

So, Mr. Speaker, what I have put together here is a description of what actually happens and the functionality if they had gone to the conference committee instead of this reconciliation nuclear option. But they didn't want the conference committee because they would have to then put up with Republican criticism, Republican motions, Republican efforts to at least let the world know that there are many logical alternatives. And so they circumvented the conference committee. I believe, Mr. Speaker, that this is the first time in the history of this country, at least on a major bill, that the White House has stepped in to put together a negotiation that has—it's a de facto conference committee. The White House has replaced them, and they're the de facto conference committee. They've put this together and tried to propose something.

What was interesting was the White House planned and announced that they would release a bill on Monday of this week. The White House also said that any bill, we would have 72 hours to examine it. So they called a meeting for today that was scheduled for 6 hours, started at 10 o'clock this morning and, interestingly, the time that they released their document—that a lot of us thought was going to be a health care bill, a third bill, a Reid bill, a Pelosi bill, and an Obama bill, it only turned out to be 12 pages or so of bullet points—all of this time and the White House can't produce a bill, but they at least filed the bullet points of what they thought should be in a bill at 10 o'clock on Monday, so exactly 72 hours before the meeting was to convene and did convene at the Blair House today in this town. So they timed it to have their 72 hours as they promised. It just wasn't a bill. The President didn't present a bill, Mr. Speaker.

But they negotiated today and they had a discussion, and it went on about 6½ hours of discussion altogether. How do you analyze that? Well, did anybody take anything off the table? Did anybody offer anything? Were there any changes? Were there any agreements? Was there any proposal, any amendment, any specific language, or even a concept that was agreed to by either side? I am hard-pressed to say that there was, Mr. Speaker.

We can, perhaps, get into some of those things a little bit, but I have several of these pieces of data here. This is the health care fact check. It doesn't quite match my numbers, but it's pretty close to what I have. As I watched this happen, as soon as the meeting opened up, it appeared to me that if a Republican would speak, the President would interrupt him. And then that individual might reclaim their time and try to speak again and the President

would interrupt him again. Then that individual would make a quick statement and yield the floor, in which case the President would speak, a Democrat would speak—generally uninterrupted—and then the President would take the time back and speak, then a Republican would speak and get interrupted again.

And so what is this? Give me the count on this, will you? I have them here, and I don't think anybody else has counted them—I have not heard that they have. Six and a half hours of meeting, we have the President interrupting speakers 70 times in 6½ hours. Seventy interruptions. And out of those 70 interruptions, he was rude to the Democrats 20 times. He wasn't always rude, actually. Sometimes it needed to be said also with Republicans. But you would think it would be equal or proportional. And you would think it would be respectful of people that care a lot about policy and know a lot of this policy. And presumably, according to the White House and the Democrats in leadership here and in the Senate, this would have been the first time they had heard Republican ideas because they said we didn't have any. Well, we had plenty and they knew it, but they repeated that we didn't have any ideas.

So you would think they wouldn't have interrupted. You would think, if they were actually telling the truth when they said Republicans didn't have ideas, that they would have leaned forward in a very interested fashion and listened carefully to the proposals that at least they would like to convince the American people it was the first time they had heard such things.

□ 2240

Well, in fact, they'd heard it all before, because we'd produced those bills all before. We'd introduced them all before. They were introduced, many of them as amendments in the markups of the bills that came through the House in the Ways and Means Committee and in the Energy and Commerce Committee. They were just all voted down on a party line vote with very few exceptions.

So the President interrupted Democrats 20 times. He interrupted Republicans 50 times. That's 2½ times more. I have here that President Obama alone was 1 minute short of 2 hours on his own. It was a 6½-hour meeting. He claimed essentially a third of the talking time. The Democrats, including President Obama, burned not quite 4 hours. The Republicans altogether used up 1 hour and 50 minutes. So that's at least 2–1. Actually, when you add it up, it comes to 3.5–1 or so. My numbers come to actually 3.5–1 when I look at the time the Democrats spoke compared to Republicans speaking. It's about—oh, it's a number that originally was about 25 percent. It's probably a little more than that, Mr. Speaker.

We have a number here that shows that 52 percent of the American people don't think that they should go forward with a reconciliation. Now, that's one of the things that should have been a deal breaker. If the President of the United States takes the position that he wants to invite people to negotiate on health care in a bipartisan fashion and if he is sensitive to the criticism that we haven't had negotiations on C–SPAN and that they haven't been bipartisan, then that's what this was designed to do. It was to send a message to the American people that the President was on C–SPAN and that they were bipartisan. Well, that's all true, but the President has intimated and has directly said that the Republicans don't have open minds and that he has already accepted our good ideas and has incorporated them into the legislation that was written this past November and December.

I recall the President standing in Baltimore before us when he said, ''I am not an ideologue. I am not. I am a centrist.'' You have to put a couple of ellipses in there, but that is a contextual statement. It is the message he intended to deliver. It is the message he did deliver. I don't know anybody who thinks the President is not an ideologue nor do I know anybody who thinks the President is a centrist. He is, by record, in fact, the most liberal President we have ever elected in the history of this country. He has the largest liberal majority, Progressive majority—the people who build common cause with the Democratic Socialists of America majority—that I have seen in my lifetime.

The political center of this Congress is way to the left. I don't know when they've had a filibuster-proof majority in the United States Senate, which just disappeared last month; but of all the tools they had to work with to pass their agenda, they pointed their bony fingers at the Republicans and said, You are obstructionists. You are just the Party of No. You are standing in the way of progress. If you could just see the rationale for us and go with us so that we could have some Republican votes, we could actually pass this legislation and give Americans socialized medicine.

Well, the problem is Democrats can't agree among themselves. NANCY PELOSI—the Speaker—Mr. Speaker, has 40 votes to burn. That is four-zero. That is three dozen plus four votes to burn. She can give them all up and still pass a health care bill in their own conference, in their own caucus. Yet they point their fingers at Republicans and say, You're obstructionists. You're only the Party of No.

Well, we're the Party of No—''no'' to socialized medicine, ''no'' to breaking the budget, ''no'' to taking away the liberty of our children, grandchildren and of every succeeding generation in America, and ''no'' to passing the debt along and the interest along to those same people. Yes, we say ''no'' to such things. The American people said ''no,'' and they want help saying ''no'' in this Congress. It's not a function of the Republicans' failure to help Democrats with a bad idea that should be criticized.

If they can't agree among themselves, then could it just be they have a bad bill? Could it be that the bill has been rejected by enough of the constituents of the Democrats?

How about the Blue Dogs? Where are the Blue Dogs on this? They seem to have gone underground on me this time, and I wonder if they haven't become groundhogs and seen their shadows instead of Blue Dogs who used to be for balanced budget, fiscal responsibility and for excoriating anybody who didn't produce the same. Now that they have a President of their very own, it's a different equation for the Blue Dogs. They aren't nearly as vocal.

This reconciliation package, this idea to put together a bill that would circumvent the very rules of the Senate which require a 60-vote majority to break a filibuster and a vote of cloture, is something that has been rejected by many of the Senators who would be making the decision to go forward with this. This reconciliation, this ''nuclear option'' that it used to be called by Democrats when it was contemplated by Republicans, was opposed by Democrat after Democrat back in those years, mostly in 2005, when we needed to confirm some judges.

By the way, Senator REID said today that nobody was talking about reconciliation. Huh. Yes, they were. BEN CARDIN was talking about it while HARRY REID was talking about it. Only he was saying they need to go forward with reconciliation. So that's been going on for some time. As I said, that argument has been going on since September—the nuclear option, as Democrats called it. Now they call it reconciliation—nice, warm, and fuzzy.

The President had an opportunity to take the reconciliation/nuclear option off the table. He did not do so today. It would have been an extension of an open handshake to at least say, We aren't going to blow this thing through over the filibuster rules of the United States Senate, but the President didn't do that. It must mean he is still for the nuclear option.

Even though HARRY REID said they weren't talking about it, they are. The American people know that. The people in this House know this—Democrats and Republicans—even though it has been rejected by the President, then-Senator Obama, Senator SCHUMER, Senator REID, then-Senator Biden and now Vice President, Senator DODD, Senator FEINSTEIN, then-Senator Clinton, and Senator MAX BAUCUS. All of them have rejected the idea of reconciliation. They called it a ''nuclear option'' when Republicans were contemplating the same.

This is on a video, but I happen to have the text. So we should know what the President said about this plan that, I think, comes to this House and that, I think, comes to the Senate. I think

they're going to try the tactic, and it will blow the place up in the Senate, and it will bring the people to the streets in America. I think they're going to try it because it appears to me it is their last option to push this on us.

In 2005, then-Senator Obama said of reconciliation, A change in the Senate rules that really, I think, would change the character of the Senate forever.

He often pauses for a long time.

He picks up and he says, And what I worry about would be you essentially still have two Chambers—the House and the Senate—but you would have simply majoritarian absolute power on either side.

No check and balance on the majority power is what the President is saying there. Only he was a Senator at the time.

He concludes with, And that's just not what the Founders intended.

President Obama was opposed to reconciliation as a Senator. It was a philosophical position for him, presumably, and now it looks like he is salivating over knowing his agenda might fail if they can't violate a principle that he believes he stood on then, which I disagreed with, by the way.

Senator SCHUMER, who was in the discussions today, said, We are on the precipice of a crisis, a constitutional crisis.

This is of reconciliation, Mr. Speaker.

The checks and balances which have been at the core of the Republic are about to be evaporated, the checks and balances which say, if you get 51 percent of the vote, you don't get your way 100 percent of the time.

□ 2250

''It is amazing. It's almost a temper tantrum. They want their way every single time, and they will change the rules, break the rules, misread the Constitution so that they will get their way.'' Senator SCHUMER of the nuclear option that is being contemplated by this White House and the leadership in the Senate and in the House in order to force-feed socialized medicine on America.

Well, the majority leader in the United States Senate had some things to say also about the nuclear option back in those years, which I believe was still 2005, when HARRY REID said, ''The right to extend debate is never more important than when one party controls Congress and the White House. In these cases a filibuster serves as a check on power and preserves our limited government.'' HARRY REID. What did he think? He thought they shouldn't use the nuclear option, the reconciliation package, because the filibuster is necessary as a check on power and it preserves our limited government.

Now, Mr. Speaker, it brings me to then-Senator, now Vice President JOE BIDEN, who said of the reconciliation-nuclear option: ''Ultimately an example of the arrogance of power, it is a fundamental power grab. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing.'' Vice President JOE BIDEN. Presumably that's also a philosophical conviction. He's praying to God that they don't do the same thing that he alleged Republicans were about to do—and did not, by the way, at least on that occasion.

Now I have on reconciliation Senator CHRIS DODD, Democrat from Connecticut, who said, ''I've never passed a single bill worth talking about that didn't have as a lead cosponsor a Republican, and I don't know of a single piece of legislation that's ever been adopted here that didn't have a Republican and a Democrat in the lead. That's because we need to sit down and work with each other. The rules of this institution have required that. That's why they exist. Why have a bicameral legislative body? Why have two Chambers? What were the Framers thinking about? They understood, Mr. President, that there is a tyranny of the majority.'' Senator CHRIS DODD speaking of reconciliation.

Now, that's a list of some of them, but I think it would be instructive to go the rest of the way through, Mr. Speaker, and go to Senator DIANNE FEINSTEIN and what she had to say of reconciliation, which was: ''The Senate becomes ipso-facto the House of Representatives, where the majority rules supreme and the party in power can dominate and control the agenda with absolute power. '' Senator DIANNE FEINSTEIN. And that is an accurate analysis of the function of what's going on right now. We will see if she'll participate in this and go back on her position.

But at least then-Senator and now Secretary of State Hillary Clinton won't have to be engaged in this because she happens to be now the Secretary of State and out of this loop. But Hillary Clinton said of reconciliation: ''You've got majority rule, and then you've got this Senate here where people can slow things down, where they can debate, where they have something called the filibuster. You know, it seems like a little less than efficient. Well, that's right it is and deliberately designed to be so. The Senate is being asked to turn itself inside out. Ignore the precedent to ignore the way our system has worked. The delicate balance that we have obtained that has kept this constitutional system going for immediate gratification of the present President.'' Hillary Clinton, opposed to the nuclear option-reconciliation.

Now, the last quote that I have in front of me is Senator MAX BACHUS, who was actively engaged in the negotiations on this bill for a time with my senior Senator CHUCK GRASSLEY, who essentially was shut out of these negotiations last September. MAX BACHUS said of the nuclear option-reconciliation: ''This is the way democracy ends, not with a bomb but with a gavel.''

That's what we're looking at, Mr. Speaker. But all of these people are in a position to flip around and change their position. I'd remind the American people that Thomas Jefferson once said that large initiatives should not be advanced on slender majorities. And that's an important point, and I don't know that Jefferson was talking about bipartisan majorities being broader than slender, but he surely would have rejected the idea that very slender, exclusively partisan majorities are not conducive to the good future of our country.

And then I would make another point with regard to these negotiations and discussions, Mr. Speaker, and that is the President of the United States has had kind words to say to some of the people that we've viewed as our enemies. One of them would be Ahmadinejad, who is the President of Iran. And he said in his State of the Union address—this is an interesting thing to come from the President. This is speaking almost directly to Ahmadinejad in Iran, standing back where you are, very close in front of where you are, Mr. Speaker. President Obama said this: ''To those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history, but that we will extend a hand if you are willing to unclench your fist.'' That was the President's statement in the State of the Union address, and no doubt he's speaking to Ahmadinejad, someone who has sworn that he is an enemy of the United States and wants to annihilate the ''Great Satan.'' And he defines Ahmadinejad as one who is clinging to power through corruption and deceit and the silencing of dissent. It sounds a lot like what we're going through here in this Congress. It sounds a lot like the silencing of dissent that's taking place in the House of Representatives, with no amendments allowed unless they make Republicans look bad, a shutdown of the open rules process, a shutdown of the debates process, and a driving through of legislation in a partisan way.

So I'm going to suggest this, Mr. Speaker, that I would appreciate it if the President today would offer the Republicans the same thing that he offered Ahmadinejad, and that would be that we would extend our hand if he would have just unclenched his fist. We would have been happy to meet with the President without preconditions, but the President insisted on preconditions. So did Ahmadinejad. He insisted on preconditions, and the President said, I don't insist on any. I offer my hand. Here is a blank piece of paper. Let's negotiate regardless of what your conditions are. But instead the President on health care said to Republicans, I'm going to hang on to my ObamaCare bills, House and Senate. I'll pick my choice because I couldn't write a bill of my own, and

I'm going to hang on to the reconciliation-nuclear option because that's the gun to the head of Republicans, and you can figure out if you're going to blink and concede something to us today and bring some votes over to our side of the aisle so we can claim that this albatross is something that belongs to Democrats and Republicans. And when we rightfully refuse, they will pull the trigger on reconciliation, the nuclear option. And it won't be because we didn't offer an open hand. It will be because their clenched fist squeezed the trigger of the round of the nuclear option and sets off a food fight in America that will be ugly in the streets if they force this thing on this country.

I have been joined by the gentleman and my very good and close friend from Texas (Mr. GOHMERT), whom I would be very happy to yield to.

Mr. GOHMERT. I appreciate my friend from Iowa, and I appreciate the points that he's been making.

You heard so much information today. It was a bit mind-boggling when you think about the number of people that were in the so-called summit today, and not only did they not have a copy of the bills that they were going to try to ram down America's throat, they seemed to be a little miffed when people like ERIC CANTOR and PAUL RYAN had data right at their fingertips to talk about, because it's very discomforting, I would imagine, if you get very indignant and say there's no money in any of these bills for abortion.

We heard the same thing right here on this floor just within feet of where my friend from Iowa is. We heard people say when we debated the House bill that there is no money in this bill for abortion. And I don't infer any evil intent or intent to deceive, but I know when people say that, since clearly they have no intent to deceive, they just hadn't read the bill before they came to the floor or went to the summit to try to convince people about.

And let's face it. It was called a summit today. Summit meaning height. It was the height of something. And we'll let the Speaker figure out for us what that height was, but it was the height of something, the summit of something.

□ 2300

But the President himself, I think he was within maybe 1 minute of taking 2 hours of all that time by himself. And I was certified as a mediator. I went through training and certification as an international arbitrator. I know something about coming together and mediating. And when you have one side sitting here and another side sitting over here and you say I am going to be fair-handed between the time, and you take individually more time beating up on the poor little guys over here who got even less time among that whole group. I am not sure how many there were on each side, but certainly over a dozen. And the one mediator takes 2 hours of the time just pushing his position, belittling the position of others. And any time he is corrected, since obviously he has no intent to deceive, so when he makes a mistake on exactly what the facts are, having somebody try to correct it and then having them interrupted, as my friend points out.

But like we had the discussion here on the floor, our friend BART STUPAK across the aisle had an amendment to take out the abortion provisions that would allow Federal funding for abortion. So gee, why in the world would you need an amendment to take out the abortion funding if there were no abortion funding in the bill? But, as I am sure my friend from Iowa knows, if you went to page 110 of the House bill, there is, and, of course, I have been through, I got tags all through this stuff as you can see, because I was trying to go through to see what was fact and what was fiction. But right here on page 110, subsection capital B, ''Abortions''—this is the topic—''Abortions for which public funding is allowed.'' And then it goes on and sets things out like that.

So when somebody comes to the floor and says there is no public funding for abortion in this bill at all, and we know also that the Senate refused to allow anything close to the Stupak amendment to cut out Federal funding, then we know that this same kind of language was in the bill that was going to survive and that they were going to work from. Because as I have heard my friend Mr. STUPAK say, if that language is not taken out with a Stupak-type amendment, he can't vote for it, nor can maybe 40 of our friends across the aisle. But ''Abortions for which the public funding is allowed.'' Now, you know people did not read that on the floor. And our Speaker did not know that that language was there. I am sure she didn't prepare the bill.

And we also know that they didn't read some of the other provisions. Because I am sure that when people from the President on down say, ''If you like your health care you are going to get to keep it,'' I am sure they didn't intend to deceive anybody. I am sure they didn't. But it also tells me they hadn't read the bill that is before us. And this language, from the best I can tell, as my friend pointed out earlier, from the 11-page summary and then the 19-page summary of the summary. Both of those can be obtained, of course, from the White House Web site. You can either look at their 11-page summary or their 19-page summary of the summary. But I can't find that this language is removed in their summary or summary of the summary. So if you look at page 91 of the bill, it's entitled, ''Protecting the Choice to Keep Current Coverage.''

This is the provision that will allow you to keep your coverage if you like it. So, being an old judge, chief justice, I kind of feel like I appreciate the representations, but as I used to tell the lawyers that argued before me, I appreciate your opinion, but I would really rather see the language for myself so I can read it and figure out what it really says.

So, you go look at the language itself, and voila, subsection A, ''Grandfathered Health Insurance Coverage.'' And it describes that, ''The term grandfathered health insurance coverage means individual health insurance coverage that is offered and in force and effect before the first day of Y1.'' That is the first date that the bill goes into effect. And then you have got two basic subparagraphs, number one, ''Limitation on new enrollment.'' And that says, and I will quote from that subsection, in order to keep your coverage if you like it, it says, ''The individual health insurance issuer offering such coverage does not enroll any individual in such coverage.''

Now, you get what that means. It means the two different gentlemen I have had over the last few weeks that approached me back in my district, and one of them said, ''I am not concerned at all about what you're doing about health care because I was part of a union and a part of a big corporation. I retired. They got me a great health care plan, and I'm pleased with it. And I'm not worried about anybody else.'' The other, as it turned out, had been part of the same union, part of the same company and retired. He was concerned, and he said, ''Tell me more about how I can keep my policy.''

For people like that, all they would have to do is read this individual provision. So the gentleman who said, I'm really not worried, I said, ''Well, let me ask you, since this says here that you can't keep your coverage even if you like it if another individual is enrolled in such coverage, I have to ask, does anybody ever get added to your health care coverage from your union that you were part of and retired from and now have this great retired medical policy?'' And he says, ''Well, yeah, people retire all the time.'' Bad news. That is really bad news, because that means they get added to the policy. That means under ''Limitation on New Enrollment,'' number one, you're eliminated from keeping your coverage and you get bounced over onto the Federal insurance exchange program.

The second limitation might affect some other Americans who like their insurance and would like to keep it. It is this. The title is, ''Limitation on changes in terms or conditions.'' I am just reading from the bill. I'm not making this up. ''The issuer does not change any of its terms or conditions, including benefits and cost sharing.'' You get that? If the insurance company that has the policy you like, like these two gentlemen that retired from a major company after having their union negotiate a good policy, if any term or condition in their policy changes, if the benefits change at all, they add benefits, they take any benefits away, they say, well, you know

what, we found out this treatment was not safe so we're removing it from something we'll provide coverage for, you find out something is a brand new treatment that works, we add that, well, you've changed your benefits. And it says here you can't change your benefits if you're going to keep it. And if you change the copay, if you change the deductible, if you change the price of the policy, bad news. Under number two, you lose your policy and you get kicked over under the Federal insurance exchange program.

Now, I was intrigued today to hear one of our Democratic friends there at the White House summit give a wonderful example about the Federal insurance exchange program. He gave this example or something like this. I was listening to two or three things at the same time, I had hearings and meetings and things going on. But as I understood it, he said, ''Well, like when I want to go look for a flight or make travel arrangements, I will go onto Orbitz or Expedia or something like that. Well, that's all this Federal insurance program is. You know, it helps you find the best policy.''

Well, that is a wonderful point. I have been trying to find where the government owns Orbitz and Expedia. I can't find that they own those programs. The best I can determine, whether it's Travelocity, Orbitz, Expedia, whatever, I can't find the government owns any of those. I can't find that it is a Federal Orbitz, a Federal Expedia, Travelocity, whatever it is. I can't find that. Apparently, these are private companies. And apparently, from what he said, he likes what the private companies are doing.

Well, we want people in America to have choice. We want them to have the best choice. And I bet you if you asked Americans, and said, ''We're thinking about creating a travel agency, and the government will make all your travel arrangements for you. You just contact our government office. We're going to give you an option to all the other airlines, all the other travel agencies. We're just going to let the government do that because we feel like you are owed a public option when you travel.'' I wonder how many people would ever go to the Federal option, because it is not competitive.

□ 2310

The Federal Government never has to compete. It can run in the red. They don't care. Their salaries are not dependent on how well the company does.

And so I also want to point out that if you look here at section 501, the title of section 501 is ''Tax on Individuals Without Acceptable Health Care Coverage.'' ''Tax on Individuals Without Acceptable Health Care Coverage.'' And this place is supposed to care about the little guys, the guys that are out there working from dawn until dusk and some of them into the night to try to make enough money and then go to another job and moonlight to try to help the family, help the kids have what they need to get through school? And you're going to say, You know what? You make a little too much to be under the poverty line that will allow us to just give you free health insurance or health care, so under section 501, we're just going to have to tax you because you're not buying a Cadillac insurance policy.

But then again, we also know if you have a Cadillac insurance policy—which to me, Cadillacs are great cars. I used to have one before I ever came to Congress. I can't afford one now, but they were good cars. And, unfortunately, Cadillacs may not be what they used to be now that the government motors owns them or makes them.

But nonetheless, can you imagine the arrogance of a government that tells people, You're not buying as expensive of an insurance policy that I think you ought to have so I am going to tax you for it?

And in the summary, the President's plan points out—or the changes to the House and Senate bill says, in the summary, You know what? The medical device tax—what some of us referred to as the wheelchair tax. Of course, they initially stuck the medical device tax in there, and there was no threshold above which you had to be to pay an extra tax if you had the misfortune of needing a medical device. And so some began to refer to it as the tampon tax, because that meets the requirements of a medical device and it could be taxed. And the threshold of a hundred dollars is put in there.

So the President says, You know what? We may just create a whole new excise tax that everybody is going to have to pay. Sorry about that $250,000 exclusion I told you about at one time, but you're still going to have to pay more taxes. This is chock full of this stuff. That is why most Americans do not want this bill.

And if you look, there are all kinds of, still, pot sweeteners for Senators or Representatives that were reluctant. They changed some of those, but the pot sweeteners were in there to try to get their vote. They don't help all Americans. They sweeten the pot only for those votes that they think they need to get it passed. That is not right. That is not good for all Americans. That's not consistent with the equal protection that is promised to all Americans under the Constitution. You ought to have equal opportunity, and they don't have it.

I appreciate so much the time as my friend has yielded.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Mr. HOYER) for today.

Mr. DENT (at the request of Mr. BOEHNER) for today after 3 p.m. and for the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 4.

Mr. JONES, for 5 minutes, March 4.

Mr. MORAN of Kansas, for 5 minutes, March 4.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 25, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 4532. To provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Friday, February 26, 2010, at 9 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 4691, the Temporary Extension Act of 2010, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4691, THE TEMPORARY EXTENSION ACT OF 2010 AS INTRODUCED ON FEBRUARY 25, 2010

[Millions of dollars, by fiscal year]

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET IMPACT ON THE DEFICIT													
Net increase in the Deficit	8,605	750	286	275	195	105	75	10	0	0	0	10,218	10,303
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians [1]	1,040	0	0	0	0	0	0	0	0	0	0	1,040	1,040
Designated as Emergency Requirements [2]	7,565	750	286	275	195	105	75	10	0	0	0	9,178	9,263
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

[1] Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.
[2] Section 11 of the Temporary Extension Act of 2010 would designate all sections of the Act, except section 5, as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

Notes: Positive numbers for ''Net Impact on the Deficit'' denote an increase in the deficit. Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6230. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Importation of Hass Avocados From Peru [Docket No.: APHIS-2008-0126] (RIN: 0579-AC93) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6231. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Triticonazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0276; FRL-8808-6] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6232. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2008-0876; FRL-8804-2] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6233. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oxirane, 2-Methyl-, Polymer with Oxirane, Dimethyl Ether; Tolerance Exemption [EPA-HQ-OPP-2009-0675; FRL-8805-3] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6234. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2009-0273; FRL-8807-2] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6235. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, 2-ethylhexyl ester, polymer with ethenylbenzene and 2-methylpropyl 2-methyl-2-propenoate; Tolerance Exemption [EPA-HQ-OPP-2009-0699; FRL-8807-4] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6236. A letter from the Deputy Secretary, Department of Defense, transmitting report to Congress on Taiwan's Air Defense Force; to the Committee on Armed Services.

6237. A letter from the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries, Department of Defense, transmitting A report on the actual status of the D.O.D. Medicare-Eligible Retiree Health Care Fund along with recommendations that the Board deems necessary; to the Committee on Armed Services.

6238. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements-Costa Rica and Peru (DFARS Case 2008-D046) (RIN: 0750-AG31) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6239. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 45th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

6240. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

6241. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's ''Major'' final rule — HOPE for Homeowners Program; Statutory Transfer of Program Authority to HUD and Conforming Amendments To Adopt Recently Enacted Statutory Changes [Docket No.: FR-5340-I-02] (RIN: 2502-AI76) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6242. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's ''Major'' final rule — Fair Credit Reporting Risk-Based Pricing Regulations [Regulation V; Docket No. R-1316] (RIN: 3084-AA94) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6243. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's ''Major'' final rule — Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access To Retain Talent Grant Program [Docket ID: ED-2009-OPE-0001] (RIN: 1840-AC96) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6244. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (RIN: 1210-AB30) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6245. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual performance report to Congress required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

6246. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Endocrine Disruptor Screening Program; Policies and Procedures for Initial Screening [EPA-HQ-OPPT-2007-1080; FRL-3899-9] (RIN: 2070-AD61) received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6247. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana [EPA-R08-OAR-2008-0307; FRL-8968-3] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6248. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Premanufacture Notification Exemption for Polymers; Amendment of Polymer Exemption Rule to Exclude Certain Perfluorinated Polymers [EPA-HQ-OPPT-2002-0051; FRL-8805-5] (RIN: 2070-AD58) received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6249. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0475; FRL-9104-7] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6250. A letter from the Deputy chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Closed Captioning of Video Programming [CG Docket No.: 05-231] received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6251. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Anchorage, Alaska) [MB Docket No.: 09-210] received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6252. A letter from the Chief of Staff, Media Bureau, Federal Communications Commissions, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maupin, Oregon) [MB Docket No.: 09-130] received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6253. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 6, 2009, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6254. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period August 1 through September 30, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

6255. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the sixth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

6256. A communication from the President of the United States, transmitting a report pursuant to Section 3134 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on Foreign Affairs.

6257. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting FY 2011 Congressional Budget Justification/FY 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

6258. A letter from the Secretary, Department of Education, transmitting FY 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

6259. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6260. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting FY 2009 Treasury Agency Financial Report; to the Committee on Oversight and Government Reform.

6261. A letter from the Acting Comptroller, Government Accountability Office, transmitting the Office's Performance and Accountability Report for Fiscal Year 20097; to the Committee on Oversight and Government Reform.

6262. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual Performance and Accountability Report for Fiscal Year 2009, ending September 30, 2009; to the Committee on Oversight and Government Reform.

6263. A letter from the Director, Office of Management and Budget, transmitting the Office's report entitled, ''2009 Report to Congress on the Benefits and Cost of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities'', pursuant to 31 U.S.C. 1105 note; to the Committee on Oversight and Government Reform.

6264. A letter from the Assistant Attorney General, Department of Justice, transmitting annual report pursuant to the Military and Overseas Voter Empowerment Act, pursuant to Public Law 111-84, section 587; to the Committee on House Administration.

6265. A letter from the Chair, Election Assistance Commission, transmitting the Commission's FY 2009 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

6266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS96) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6267. A letter from the Deputy chief, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Naturalization for Certain Persons in the U.S. Armed Forces [CIS No.: 2479-09; DHS Docket No. DHS-2009-0025] (RIN: 1615-AB85) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6268. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Commerce in Explosives-Storage of Shock Tube With Detonators (2005R-3P) [Docket No.: ATF 15F; AG Order No. 3133-2010] (RIN: 1140-AA30) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6269. A letter from the Secretary, Department of Energy, transmitting a report entitled ''Final Cost and Performance Goals for Coal-Based Technologies''; to the Committee on Science and Technology.

6270. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue: Cost Sharing Stock Based Compensation Directive #2 received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6271. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

6272. A letter from the Secretary, Department of Defense, transmitting disaster relief operations related to the Haiti Earthquake; jointly to the Committees on Armed Services and Financial Services.

6273. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) January 2010 Quarterly Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

6274. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled ''Report to Congress on Iran-Related Multilateral Sanctions Regime Efforts'' covering the period from Febuary 17, 2009 to August 16, 2009, pursuant to Public Law 104-172; jointly to the Committees on Foreign Affairs, Financial Services, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1109. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration (Rept. 111–420). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1113. Resolution providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 111–421). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself and Mr. SMITH of New Jersey):

H.R. 4689. A bill to establish the Office of the National Alzheimer's Project; to the Committee on Energy and Commerce.

By Mr. PERLMUTTER (for himself, Ms. WATERS, Mrs. HALVORSON, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. HODES, Mr. HIMES, Mr. SIRES, Mr. CARSON of Indiana, Mr. ELLISON, Mrs. CHRISTENSEN, Mr. CARNAHAN, Mr. HOLT, Mr. COHEN, Mr. COURTNEY, Mr. MCDERMOTT, Mr. QUIGLEY, Ms. SCHWARTZ, Mr. TONKO, and Mr. SARBANES):

H.R. 4690. A bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. CONYERS, and Mr. OBERSTAR):

H.R. 4691. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Transportation and Infrastructure, Financial Services, Small Business, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI (for himself, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, Mr. MANZULLO, Ms. SUTTON, Mr. EHLERS, Mr. HARE, Mr. DINGELL, Mr. MICHAUD, Ms. KAPTUR, Mr. SCHOCK, Mr. VISCLOSKY, Mr. WILSON of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. KAGEN, Mr. STUPAK, Mr. LYNCH, Mr. LOEBSACK, Mrs. DAHLKEMPER, Mr. ELLISON, Mr. ELLSWORTH, Mr. PERRIELLO, Mr. KILDEE, Mr. PETERS, Ms. SHEA-PORTER, Mr. TAYLOR, Mr. SARBANES, and Mr. JOHNSON of Illinois):

H.R. 4692. A bill to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the

Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAHLKEMPER (for herself, Mr. BISHOP of Georgia, Mr. GALLEGLY, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. ALTMIRE, Mr. SHUSTER, Ms. JACKSON LEE of Texas, Mr. HOLDEN, and Mr. CARNEY):

H.R. 4693. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Mr. HIMES, Mr. POLIS of Colorado, Mr. GONZALEZ, Ms. ESHOO, Ms. ZOE LOFGREN of California, Ms. CHU, Mr. LYNCH, Mr. HINOJOSA, Mr. BACA, Ms. MOORE of Wisconsin, Mr. PERRIELLO, Mr. AL GREEN of Texas, Ms. CLARKE, and Mr. MOORE of Kansas):

H.R. 4694. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to provide financial assistance to community development financial institutions to help defray the costs of operating small dollar loan programs, and for other purposes; to the Committee on Financial Services.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. HONDA, Mr. SABLAN, and Mr. PIERLUISI):

H.R. 4695. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to provide financial assistance to local educational agencies that educate alien children admitted to the United States as citizens of one of the Freely Associated States; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 4696. A bill to expand the availability of health savings accounts, to eliminate restrictions on the deduction for medical expenses, and to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAO (for himself, Mr. NYE, Mr. CASSIDY, Mr. TAYLOR, and Mr. POSEY):

H.R. 4697. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income remediation payments for hazardous drywall; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. DENT, Mr. HINCHEY, Mr. HOLT, and Mr. SESTAK):

H.R. 4698. A bill to direct the Secretary of the Interior to establish a program to build upon and help coordinate funding for restoration and protection efforts at the Federal, regional, State, and local level for the four-State Delaware Basin, including all of Delaware Bay and portions of Delaware, New Jersey, New York, and Pennsylvania, located in the Delaware River watershed, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY of Indiana:

H.R. 4699. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified motor vehicle taxes for motor homes; to the Committee on Ways and Means.

By Mr. KAGEN (for himself, Mr. FOSTER, Ms. SHEA-PORTER, Mr. BOSWELL, Mr. LOEBSACK, Mr. PERRIELLO, Mr. BRALEY of Iowa, Mr. LIPINSKI, Mr. KLEIN of Florida, Mr. PERLMUTTER, Mr. DEFAZIO, Mr. HASTINGS of Florida, Mr. STUPAK, Mr. COHEN, Ms. PINGREE of Maine, Mr. WELCH, Ms. MCCOLLUM, and Mr. HODES):

H.R. 4700. A bill to provide for transparency in health care pricing, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 4701. A bill to amend the Internal Revenue Code of 1986 to provide relief to certain married couples who would otherwise be ineligible for the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4702. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers a credit against income tax for up to $1,000 of charitable contributions; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, Mr. MCKEON, Mr. GALLEGLY, Mr. HUNTER, Mr. ROHRABACHER, Mr. CAMPBELL, and Mr. DANIEL E. LUNGREN of California):

H.R. 4703. A bill to prohibit the further extension or establishment of national monuments in California except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. MASSA:

H.R. 4704. A bill to provide public safety officer disability benefits to officers disabled before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mr. MCHENRY (for himself, Mr. KLINE of Minnesota, Mr. GALLEGLY, Ms. GRANGER, Mr. BRADY of Texas, Mr. HENSARLING, Mr. POSEY, Mr. GOHMERT, Mr. LAMBORN, Mr. WAMP, Mr. PRICE of Georgia, Mr. BARTLETT, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey):

H.R. 4705. A bill to require the Secretary of the Treasury to redesign the face of $50 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. OWENS:

H.R. 4706. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs; to the Committee on Ways and Means.

By Mr. SCHAUER:

H.R. 4707. A bill to extend the emergency unemployment compensation program through the end of fiscal year 2010; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. HELLER, Mr. BILBRAY, Mrs. MYRICK, and Mr. JONES):

H.R. 4708. A bill to amend titles XIX and XXI of the Social Security Act to require citizenship and immigration verification of eligibility under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. TONKO (for himself, Mr. HARE, Mr. HONDA, Ms. NORTON, and Mr. SIRES):

H.R. 4709. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education; to the Committee on Education and Labor.

By Mr. SKELTON (for himself, Mr. PETERSON, and Mrs. EMERSON):

H.J. Res. 76. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. BLUMENAUER, Mr. WU, Ms. NORTON, Ms. BORDALLO, and Ms. RICHARDSON):

H. Con. Res. 240. Concurrent resolution expressing support for designation of the fourth week in April as ''National Streetscaping Week''; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself, Mr. AKIN, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mrs. EMERSON, Mr. GRAVES, and Mr. LUETKEMEYER):

H. Con. Res. 241. Concurrent resolution congratulating Silver Dollar City and Herschend Family Entertainment Company on the 50th anniversary of the opening of Silver Dollar City, a turn-of-the-century theme park that celebrates the spirit, ingenuity, and artistry of early America; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Mr. PAYNE, Ms. KILPATRICK of Michigan, Mr. COHEN, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Mr. CLEAVER, Mr. HONDA, Mr. SIRES, Ms. FUDGE, and Mr. PERRIELLO):

H. Con. Res. 242. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mr. SABLAN):

H. Con. Res. 243. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; to the Committee on House Administration.

By Ms. FALLIN (for herself, Mr. BOREN, Mr. COLE, Mr. LUCAS, and Mr. SULLIVAN):

H. Res. 1110. A resolution commending the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for their efforts to modernize agriculture and sustainable farming practices in Afghanistan and their dedication and service to the United States; to the Committee on Armed Services.

By Ms. MARKEY of Colorado (for herself and Mr. EHLERS):

H. Res. 1111. A resolution designating March 2, 2010, as ''Read Across America Day''; to the Committee on Education and Labor.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. SHUSTER, Mr. HOLDEN, Mr. GERLACH, Mr. DENT, Mr. SESTAK, Mr. TIM MURPHY of Pennsylvania, Mrs. DAHLKEMPER, and Mr. WOLF):

H. Res. 1112. A resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on Education and Labor.

By Ms. GRANGER (for herself and Mr. BOREN):

H. Res. 1114. A resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself, Mr. BILBRAY, Ms. ROS-LEHTINEN, Mrs. DAVIS of California, Mr. ISSA, and Mr. FILNER):

H. Res. 1115. A resolution expressing appreciation for the profound dedication and public service of Enrique ''Kiki'' Camarena on the 25th anniversary of his death; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. CARNAHAN, and Mr. BURGESS):

H. Res. 1116. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California (for herself and Mr. HERGER):

H. Res. 1117. A resolution commending and congratulating the California State University system on the occasion of its 50th anniversary; to the Committee on Education and Labor.

By Mr. MCCAUL (for himself, Ms. ROS-LEHTINEN, Mr. POE of Texas, Mr. INGLIS, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. OLSON, Mr. KIRK, Ms. JACKSON LEE of Texas, Mr. ROYCE, Mr. SMITH of New Jersey, and Mr. WOLF):

H. Res. 1118. A resolution expressing the concern of the House of Representatives over the Government of Iran's continued oppression of its people and calling on the Administration to take further measures in support of those oppressed by the current Iranian regime; to the Committee on Foreign Affairs.

By Mr. PETERS (for himself, Mr. BRADY of Pennsylvania, Mr. INGLIS, Mr. LAMBORN, Mrs. MILLER of Michigan, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. UPTON, Mr. DINGELL, Mr. SCHAUER, Mr. MOORE of Kansas, Mr. AL GREEN of Texas, Mr. LATOURETTE, Mr. MICHAUD, Ms. SUTTON, Mrs. HALVORSON, Ms. PINGREE of Maine, Mr. KISSELL, Mr. CAMP, Mr. LARSEN of Washington, Mr. HEINRICH, Mr. SCHIFF, Mr. BRIGHT, Mr. KILDEE, Mr. QUIGLEY, Mr. KLEIN of Florida, Mr. LEE of New York, Mr. BACHUS, Mr. NYE, Mr. MURPHY of New York, Mr. BOCCIERI, Mr. CHANDLER, Mr. AKIN, Mr. SMITH of Washington, Mr. MASSA, Mr. KRATOVIL, Ms. GIFFORDS, Mr. MAFFEI, Mr. ELLSWORTH, Mr. SNYDER, Mr. ADLER of New Jersey, Ms. SHEA-PORTER, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, and Mr. OWENS):

H. Res. 1119. A resolution expressing the sense of the House of Representatives that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Mr. POE of Texas:

H. Res. 1120. A resolution recognizing the 174th anniversary of the independence of the State of Texas; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. WILSON of Ohio, Mr. JORDAN of Ohio, Mr. LATOURETTE, Mrs. SCHMIDT, Mr. LATTA, Ms. SUTTON, Ms. FUDGE, Mr. BOCCIERI, Mr. TIBERI, Mr. DRIEHAUS, Mr. AUSTRIA, Mr. BOEHNER, Ms. KILROY, Mr. SPACE, and Mr. KUCINICH):

H. Res. 1121. A resolution congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

232. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution 860 urging the Federal Deposit Insurance Corporation (FDIC) to show temperance in the application of asset valuation to minority owned banks; to the Committee on Financial Services.

233. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 406 urging the Congress of the United States to immediately consider House Resolution No. 2499; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. ESHOO, Mr. HUNTER, and Mrs. MCCARTHY of New York.

H.R. 182: Mrs. MALONEY.

H.R. 470: Mr. REHBERG.

H.R. 476: Mr. ABERCROMBIE.

H.R. 482: Ms. WASSERMAN SCHULTZ and Ms. NORTON.

H.R. 649: Mr. KLINE of Minnesota.

H.R. 673: Mr. MICHAUD.

H.R. 675: Mr. MICHAUD.

H.R. 840: Mr. WELCH.

H.R. 886: Mr. CARNAHAN, Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. BARTLETT, Ms. LINDA T. SÁNCHEZ of California, Mr. TERRY, Mr. MCGOVERN, Mr. PETRI, and Mr. PUTNAM.

H.R. 949: Ms. PINGREE of Maine, Mr. DAVIS of Tennessee, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CONYERS.

H.R. 994: Mr. MARCHANT.

H.R. 1074: Mr. MICA and Mrs. MCMORRIS RODGERS.

H.R. 1079: Ms. KILROY and Mr. WALZ.

H.R. 1085: Mr. POMEROY.

H.R. 1126: Ms. SUTTON and Mr. FATTAH.

H.R. 1132: Mr. FRANK of Massachusetts, Mr. GARY G. MILLER of California, and Mr. SIRES.

H.R. 1188: Mr. ADLER of New Jersey and Mr. SHIMKUS.

H.R. 1189: Mrs. DAHLKEMPER.

H.R. 1194: Mr. ELLISON, Mr. SCHOCK, and Mr. WALZ.

H.R. 1229: Mr. AUSTRIA.

H.R. 1240: Mr. GRIFFITH and Mr. GUTIERREZ.

H.R. 1310: Mr. MICHAUD.

H.R. 1378: Mr. MAFFEI.

H.R. 1490: Mr. WAXMAN and Mr. CLEAVER.

H.R. 1526: Mr. SCHAUER and Mrs. MCCARTHY of New York.

H.R. 1618: Mr. BACHUS.

H.R. 1796: Mr. HIGGINS.

H.R. 1799: Mr. JORDAN of Ohio and Ms. DEGETTE.

H.R. 1806: Mr. BISHOP of New York, Mr. NADLER of New York, Ms. MARKEY of Colorado, and Mr. BISHOP of Georgia.

H.R. 1826: Mr. BUTTERFIELD.

H.R. 1884: Mr. LEWIS of Georgia.

H.R. 1903: Mr. REHBERG.

H.R. 1912: Mr. QUIGLEY, Mr. CAMPBELL, and Mr. DEFAZIO.

H.R. 1925: Ms. SLAUGHTER, Ms. JACKSON LEE of Texas, and Ms. CHU.

H.R. 1990: Mr. HALL of New York and Mr. EDWARDS of Texas.

H.R. 2014: Mr. HEINRICH and Mr. FORBES.

H.R. 2021: Mr. REHBERG.

H.R. 2104: Mr. SCHAUER.

H.R. 2112: Mr. ROGERS of Kentucky.

H.R. 2262: Mr. KENNEDY and Ms. NORTON.

H.R. 2478: Mr. CAO.

H.R. 2480: Mr. MAFFEI.

H.R. 2493: Mr. WILSON of South Carolina and Mr. HOEKSTRA.

H.R. 2625: Mr. DOGGETT and Mr. BAIRD.

H.R. 2733: Ms. KILPATRICK of Michigan and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2766: Mr. FILNER.

H.R. 2831: Ms. SHEA-PORTER.

H.R. 2849: Mr. WELCH.

H.R. 2850: Mr. MCGOVERN and Mr. OLVER.

H.R. 2906: Mr. ISRAEL.

H.R. 2941: Mr. KIRK.

H.R. 2979: Ms. NORTON, Ms. FUDGE, and Mr. FILNER.

H.R. 3024: Ms. HERSETH SANDLIN and Mr. MANZULLO.

H.R. 3189: Mr. OWENS.

H.R. 3249: Ms. LEE of California, Mr. FALEOMAVAEGA, and Mr. AL GREEN of Texas.

H.R. 3329: Mr. KENNEDY.

H.R. 3339: Mr. MATHESON, Ms. BERKLEY, Mr. DICKS, and Mr. SCHRADER.

H.R. 3349: Mr. HALL of New York, Mrs. KIRKPATRICK of Arizona, Ms. RICHARDSON, Mr. WALZ, and Mr. PETERSON.

H.R. 3363: Mr. SULLIVAN.

H.R. 3380: Mrs. MALONEY, Ms. PINGREE of Maine, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. SARBANES, Mr. GALLEGLY, Mr. PETERS, Mr. KISSELL, Mrs. MILLER of Michigan, Mr. KENNEDY, Mr. GRAYSON, Mr. CARNEY, Mr. KAGEN, Mr. STARK, Mr. BILIRAKIS, and Mr. ABERCROMBIE.

H.R. 3381: Mr. ENGEL.

H.R. 3401: Mrs. NAPOLITANO, Mrs. MALONEY, and Mr. MORAN of Virginia.

H.R. 3408: Ms. NORTON and Mr. JOHNSON of Georgia.

H.R. 3502: Mr. TIERNEY, Mr. BOCCIERI, Mr. ANDREWS, Mr. FLEMING, and Mrs. LOWEY.

H.R. 3526: Mr. HASTINGS of Florida.

H.R. 3571: Mr. MCCLINTOCK.

H.R. 3577: Mr. SESTAK.

H.R. 3586: Mr. TIBERI.

H.R. 3731: Mr. PALLONE, Ms. WOOLSEY, Ms. PINGREE of Maine, Ms. CLARKE, Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. RAHALL, Mr. BAIRD, Mr. MEEKS of New York, Mr. CUELLAR, Mr. JACKSON of Illinois, Mr. KISSELL, Mr. MCGOVERN, Mr. SHULER, and Ms. BORDALLO.

H.R. 3758: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 3851: Mr. SESTAK.

H.R. 3936: Mr. KAGEN, Mr. TONKO, and Mr. SPACE.

H.R. 3955: Mr. BACA.

H.R. 3995: Mr. MICHAUD.

H.R. 4053: Mr. KILDEE.

H.R. 4098: Mr. DAVIS of Illinois and Ms. CHU.

H.R. 4133: Mr. POE of Texas, Mr. PAUL, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. GRIFFITH, and Mr. WITTMAN.

H.R. 4196: Mr. KENNEDY and Mr. RANGEL.

H.R. 4197: Mr. WELCH.

H.R. 4214: Ms. WATERS, Mr. DREIER, Mr. HUNTER, Mr. COSTA, Mr. FILNER, Mrs. DAVIS of California, and Ms. SPEIER.

H.R. 4226: Mr. CARNAHAN, Mr. ISRAEL, Mr. MCGOVERN, and Mr. ELLISON.

H.R. 4241: Mrs. MCCARTHY of New York and Mr. GORDON of Tennessee.

H.R. 4255: Mr. HARE and Mr. GOODLATTE.

H.R. 4268: Mr. NADLER of New York and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4296: Ms. RICHARDSON.
H.R. 4301: Mr. HONDA and Mr. TANNER.
H.R. 4302: Mr. WALZ.
H.R. 4324: Mr. SCHAUER and Mr. COURTNEY.
H.R. 4346: Ms. RICHARDSON.
H.R. 4353: Mr. KIRK.
H. R. 4392: Mr. ENGEL.
H.R. 4394: Mrs. CHRISTENSEN.
H.R. 4396: Mr. SPACE.
H.R. 4400: Ms. HIRONO, Mr. WALZ, and Mr. AL GREEN of Texas.
H.R. 4410: Ms. JENKINS and Mr. HOLDEN.
H.R. 4446: Ms. FUDGE.
H.R. 4466: Mr. ELLSWORTH and Mr. WITTMAN.
H.R. 4493: Mr. KILDEE and Ms. HIRONO.
H.R. 4494: Mr. HARE and Ms. CORRINE BROWN of Florida.
H.R. 4524: Mr. KISSELL.
H. R. 4534: Mr. FARR.
H.R. 4538: Ms. ZOE LOFGREN of California.
H.R. 4539: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4548: Mr. LEE of New York and Mr. GARY G. MILLER of California.
H.R. 4553: Mr. MANZULLO and Mr. MAFFEI.
H.R. 4556: Mr. INGLIS, Mr. BONNER, Mr. LOBIONDO, and Mr. BURGESS.
H.R. 4558: Mr. CONYERS, Mr. EHLERS, Mr. SCHAUER, and Mr. MCCOTTER.
H.R. 4564: Mr. FILNER, Ms. MATSUI, Mr. GARAMENDI, Mr. HONDA, Ms. WATSON, Ms. HARMAN, Ms. WOOLSEY, Mr. BECERRA, Mr. GRAYSON, Mr. NADLER of New York, Ms. WATERS, Mr. THOMPSON of California, Mr. SARBANES, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. CARSON of Indiana, Ms. ZOE LOFGREN of California, Ms. SPEIER, Mr. FALEOMAVAEGA, Mr. SABLAN, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Ms. LEE of California, Mr. LUJÁN, Mr. GRIJALVA, Mr. KIND, Mr. WELCH, Mr. SHERMAN, and Mr. KLEIN of Florida.
H.R. 4568: Mr. HEINRICH and Mr. MCCOTTER.
H.R. 4581: Mr. CASTLE and Mr. KING of New York.
H.R. 4597: Mr. HARE, Mr. HOLT, and Mr. SARBANES.
H.R. 4598: Mr. ADLER of New Jersey, Mr. JOHNSON of Georgia, Ms. SUTTON, Ms. FUDGE, Mr. EHLERS, and Mr. COSTA.
H.R. 4616: Mrs. MALONEY.
H.R. 4638: Mrs. CAPPS.
H.R. 4645: Mr. FARR, Mr. PAUL, Mr. LARSEN of Washington, Mr. EDWARDS of Texas, and Mr. MATHESON.
H.R. 4650: Mr. CONYERS.
H.R. 4653: Mr. DUNCAN, Mr. HOEKSTRA, Mrs. EMERSON, Mr. REHBERG, Mr. KING of New York, and Mr. MCCOTTER.
H.R. 4665: Ms. SLAUGHTER.
H. Con. Res. 170: Mr. SCALISE and Mrs. LUMMIS.
H. Con. Res. 231: Mr. SCHOCK.
H. Res. 311: Ms. CLARKE.
H. Res. 416: Mr. SCOTT of Virginia.
H. Res. 440: Mr. WITTMAN.
H. Res. 777: Mr. SESTAK.
H. Res. 855: Mr. OWENS, Mr. WILSON of Ohio, Mr. WOLF, Mr. BILIRAKIS, Mr. RANGEL, Mr. CALVERT, Mr. NUNES, Ms. JENKINS, Mr. ROGERS of Alabama, and Mr. SPRATT.
H. Res. 857: Mr. LUCAS.
H. Res. 992: Mr. COFFMAN of Colorado and Mr. LAMBORN.
H. Res. 1018: Mr. TIERNEY.
H. Res. 1055: Mr. WAMP and Mr. POLIS of Colorado.
H. Res. 1075: Mrs. DAHLKEMPER.
H. Res. 1078: Mr. SCHIFF, Mr. BILIRAKIS, Mr. WILSON of South Carolina, Ms. ROYBAL-ALLARD, and Mr. HUNTER.
H. Res. 1079: Mr. GERLACH.
H. Res. 1080: Mr. CONAWAY and Mr. SABLAN.
H. Res. 1081: Mr. RUSH and Mr. BRADY of Pennsylvania.
H. Res. 1086: Mr. MARSHALL, Mr. GARAMENDI, Mr. ABERCROMBIE, Mr. ARCURI, Mr. BECERRA, Mr. BOCCIERI, Ms. MATSUI, Mr. GARY G. MILLER of California, Mr. LEWIS of California, Mr. LUJÁN, Mr. DANIEL E. LUNGREN of California, Mr. KENNEDY, Mr. KILDEE, Mr. ISSA, Ms. JACKSON LEE of Texas, Mr. GUTIERREZ, Mr. GALLEGLY, Mr. ENGEL, Mr. CONNOLLY of Virginia, Mr. CARDOZA, Mr. CALVERT, Mr. MCCLINTOCK, Mr. MOLLOHAN, Mr. ORTIZ, Mr. PASTOR of Arizona, Ms. PINGREE of Maine, Mr. PUTNAM, Mr. RAHALL, Mr. REYES, Mr. SALAZAR, Ms. VELÁZQUEZ, Mr. WAMP, Mr. THOMPSON of California, and Mr. SIRES.
H. Res. 1090: Ms. NORTON and Mr. SCOTT of Virginia.
H. Res. 1104: Mr. REICHERT.
H. Res. 1107: Mr. SESTAK, Mr. CARTER, Mr. SCHIFF, Mr. BERMAN, Ms. FOXX, and Mr. HODES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

103. The SPEAKER presented a petition of Town of Parma, New York, relative to Resolution No. 279-2009 urging Congress to pass the Community Choice Act; to the Committee on Energy and Commerce.

104. Also, a petition of Court of Common Council, Hartford, Connecticut, relative to supporting the Sustain Communities Act (S. 1619); jointly to the Committees on Energy and Commerce, Financial Services, and Transportation and Infrastructure.

105. Also, a petition of Board of Supervisors of the City and County of San Francisco, California, relative to supporting H.R. 1064 and S. 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act); jointly to the Committees on the Judiciary, Education and Labor, Energy and Commerce, and Financial Services.