

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 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 con-

tinuing 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 con-

tinuing 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. 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 went 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 sus-

pensions—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 gentleman 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 reinstate 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 THORBERRY, 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