

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

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

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

The Clerk read the title of the resolution.

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

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

H. RES. 576

Resolved, That—

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

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

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

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

The Chair recognizes the gentleman from Connecticut.

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

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

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

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

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

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

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

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

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

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

□ 1445

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

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

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

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

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

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

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

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

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

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

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

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

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

which strains to minimize or ignore the functions and responsibilities that the DNI carries out—or at least I hope—routinely.

I am also stunned that the ODNI would acquiesce in advice that, if permitted to stand, would do such extraordinary damage. By conferring on the DNI the discretion to opt out of what is plainly mandatory, the Department of Justice neutered a statute governing intelligence community whistleblowing; overturned years of consistent practice; and, most damaging of all, called into doubt important protections from reprisal on which this whistleblower relied and other lawful whistleblowers in the IC have relied.

I can only imagine the chilling effect that the Department of Justice's approach will have on lawful IC whistleblowing and thus on the intelligence committees' ability to conduct oversight of intelligence activities.

Madam Speaker, let me end with a note about the state of play, which is fluid, to say the least. I understand that the executive branch may make some of the whistleblower's materials available to the committee this afternoon, but the details remain sketchy, and the committee may not yet receive, in complete and unredacted form, all the information that the acting DNI is obligated to furnish by law, and that we have sought by subpoena. The committee will settle for nothing less.

However, the situation is resolved, Madam Speaker, the House has no choice but to denounce the extraordinary lengths to which the White House and Justice Department have gone to cover up and obstruct.

Madam Speaker, I strongly support the resolution, as amended. I urge my colleagues to join me, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

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

Madam Speaker, I rise today in support of H. Res. 576, as amended.

This resolution, which mirrors a resolution passed by the Senate yesterday, expresses the sense of the House that the whistleblower complaint received by the intelligence community inspector general should be immediately transmitted to the congressional intelligence committees.

Madam Speaker, this complaint has given rise to fevered speculation and frenzied media reporting, much of which is based on a transcript of the President's phone call released today. It appears to be exaggerated, misleading, or outright false. It is also serving as a linchpin of a longstanding attempt by the Democrats to impeach President Trump and finally achieve their goal of overturning the results of the 2016 election. The media coverage and the Democrats' hysterical and politicized response to it is reminiscent

of countless episodes during the course of the Russia collusion hoax. Thus, Republicans look forward to actually reading the material on which the Democrats, from a position of ignorance, are basing their unrestrained accusations.

I should make the House aware that it is roughly 3 o'clock in the afternoon here in Washington, D.C., and at 4 o'clock this afternoon, in fact, the DNI is going to transmit the complaint to the Permanent Select Committee on Intelligence spaces where all the Permanent Select Committee on Intelligence members will have an opportunity to read it.

So, therefore, we have to ask ourselves: Why are we voting on a resolution that is asking for the very documents that are being sent over?

They are probably on their way right now, if they are not already here.

So, with that, I guess it gives an opportunity for the Democrats to come down and bash the President, which I know they enjoy doing, but in the meantime, we have no problem with this H. Res. 576, as amended. We appreciate the majority's accepting our amendment so that it mirrors exactly what the Senate passed last night.

Madam Speaker, in the meantime, I reserve the balance of my time.

Mr. HIMES. Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. SCHIFF), and I ask unanimous consent that he control that time.

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

There was no objection.

Mr. SCHIFF. Madam Speaker, I yield 2 minutes to the gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL of Alabama. Madam Speaker, this is a sobering moment in our Nation's history, when the rule of law and constitutional duty requires Congress to move swiftly to protect our national security and the integrity of our democracy.

In my time on the House Permanent Select Committee on Intelligence, I have been amazed and grateful for the work our intelligence community performs every day. We hold these men and women accountable to the rule of law and expect them to adhere to the principles of our Constitution.

In return, those great Americans expect their elected leaders to be held accountable to the same standard—above all, their Commander in Chief. President Trump's refusal to adhere to the whistleblower statute and his unwarranted attacks against one of these professionals flies in the face of that compact.

The statute is clear, Madam Speaker. The Director of National Intelligence shall provide the intelligence committee with all whistleblower complaints, especially those that the inspector general finds credible and of urgent concern.

It should not take this resolution or the threat of impeachment to convince

the President to uphold the law he swore to obey.

Madam Speaker, I urge my colleagues to support H. Res. 576, honor our oaths, and do the right thing.

Mr. NUNES. Madam Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. WENSTRUP), and I ask unanimous consent that he control that time.

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

There was no objection.

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

Madam Speaker, I appreciate this, and I am glad we are having the opportunity to bring this resolution to the floor.

At this time I am pleased that we are going to be able to get to the documents that are being requested in this resolution. I am pleased that if there is going to be a resolution that it is the one that the Senate put forward in a bipartisan fashion. This is what we asked for in the Rules Committee last night, and I am glad that it has come forward today.

The question in hand—and we have heard lots of comments, some of it rehashing old history, some of it rehashing history that was disproven by the Mueller Report—but at the same time we are questioning what the DNI's authority is in this situation, according to statute. I think it should be discussed.

In this situation where the DNI determined that this should not be sent to Congress, but also did not, in review of the complaint—because the complaint was given to DOJ for appropriate review, DOJ officials reviewed the complaint in light of legal issues identified by the IC IG in his cover letter and determined that no further action was warranted.

Tomorrow we are going to hear from the DNI in the Permanent Select Committee on Intelligence, which I think is appropriate.

As I pointed out last night in the Rules Committee, I don't think that the other side would be happy if we only heard from the DNI and not the IG. So it is appropriate that we do that.

He talked about the timely fashion of it. I think it is appropriate that you go through the Department of Justice and make sure you are doing everything right, and we need to hear from the DNI tomorrow.

We also have received the transcripts of the conversation between the President of Ukraine and the President of the United States. The President made supposedly, and is being accused of making, a mysterious promise to Zelensky in return for Ukraine reviving an investigation against Joe Biden and his son. In fact, there was no such promise. The President wanted allegations of corruption potentially involving an American official to be investigated.

GENERAL LEAVE

What I see in this transcript is the President of one country speaking to a President of another country about trying to eliminate corruption within their government.

The other comment that had been made is the President offered a quid pro quo related to military aid for Ukraine. There is no quid pro quo in that conversation. There is no mention of an aid package to Ukraine at all. It is not in there at all. So while one might want to keep saying that, it is not in there.

Another myth, the President urged President Zelensky to work with Rudy Giuliani to investigate Biden's involvement in securing the firing of a Ukrainian prosecutor eight times.

Fact: The President mentioned Rudy Giuliani in that conversation only after Zelensky mentioned him first and referred to Biden in only one exchange.

I, myself, have some confusion on what the rules are within the intelligence community and involving the executive branch. A couple of years ago in an open hearing, when we were discussing with John Brennan—this was in an open hearing—the former CIA director, obviously an expert in intelligence, when I asked him about the conversation between President Obama and President Medvedev where it was caught on tape where he said:

I'll have more flexibility after my election.

Medvedev said:

I stand with you, and I will let President Putin know.

I asked him if that was a red flag. His answer was:

I am not going to comment on a private conversation between two heads of state.

□ 1500

Since that time, I have wondered what the rules are within the intelligence community. Are conversations between two heads of state completely off-limits within the IC? I don't know. I have asked that question time and time again. I have asked some high-ranking officials who should know the answer to that, and I have gotten no answer.

What I have heard in the testimony here today, I heard someone say, "favor," "favor," in response to the potential of this President asking for a favor. I did not see that, and I don't know who made the quote. I would like some clarification on that.

Where we stand right now is kind of a recurring playbook. It is always moving the goalpost, right?

We want to see these documents.

Okay. The President has given you the documents.

Okay. We are going to see what the whistleblower had to say.

And now, what do we hear? Well, I am concerned that there may be more out there that we are not getting.

It is always moving the goalpost.

Listen, I speak in favor of this resolution. We should get to it, move on with the business of the country.

Madam Speaker, I reserve the balance of my time.

Mr. SCHIFF. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 576.

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

There was no objection.

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

Madam Speaker, we are here today because, over a month ago, a courageous employee or detailee or contractor within the intelligence community brought to the inspector general a complaint that the inspector general reviewed. He had 14 days to review that complaint.

The inspector general found that complaint credible, found that complaint urgent, and found that that complaint should be provided to Congress, as the whistleblower intended.

That complaint then went to the Director of National Intelligence, who had 1 week to review it. Then the statute says that complaint shall be provided to the committee—not "may," not "might," not "if the DOJ doesn't write an opinion," not "if the White House doesn't like it." It says "shall" transmit to the committee.

The reason Congress wrote the statute that way is that, particularly in the intelligence community, we are reliant on whistleblowers. Through the vast majority of our hearings, there are no witnesses. They are not conducted in open session. There are not outside stakeholders who can tell us that what this agency represented or that agency said is not correct.

We are reliant on the intelligence community to self-report, and most of the time they do. When they don't, we are completely reliant on whistleblowers. If the whistleblower process doesn't work, if the subject of a complaint by a whistleblower can be held up by the subject of that complaint—that is, if the whistleblower says that the impropriety that they have evidence of was committed by X person, and X person is given the discretion to decide whether Congress ever sees that report—that system is broken. That is certainly not how Congress intended it.

Presuming that this complaint involves the conversation that we are now witness to because some readout of that conversation was made public, that whistleblower may have been trying to communicate to Congress that the President of the United States was pressuring a foreign President to manufacture dirt on his political opponent for help in his Presidential campaign and doing so at a time when the President of the United States was withholding military support that we approved on a bipartisan basis.

Now we see that readout says that, after the Ukraine President expressed the need for further arms to the United States, our President said: We are

doing a lot for Ukraine. We are doing more for Ukraine than other countries. But you know something? There is not much reciprocity here. I have a favor I would like to ask. I want you to investigate my opponent, and I am going to have my Attorney General and my personal lawyer follow up with you.

This was the constant theme of the President's request to the President of Ukraine. It wasn't, what are the national security needs of Ukraine? It wasn't, what are the economic needs of Ukraine? It wasn't, what are the separatists doing in Ukraine?

It was: This is what I want from you. I have done so much for Ukraine. We have done so much for Ukraine. This is what we want of you.

The idea that a complaint with these allegations, if indeed this complaint is about this call, would be withheld from Congress and would be withheld on the basis of an opinion written by the Attorney General, someone who was mentioned in that very conversation, screams of conflict of interest, if not far worse.

When we brought this resolution up a month after this complaint was filed, and we brought it up in the Rules Committee last night, the argument was that this is premature. The argument here today is that this is postmature. I guess this is never mature. It is never mature for the Congress to insist that the Director follow the law.

Apparently, we need second opinions on whether "shall" really means "shall." That is why we are here.

If we don't validate the whistleblower process, if we leave the whistleblower unprotected, even as the President suggests that the whistleblower has somehow betrayed his or her country, that system is broken, meaning corruption will not be exposed. The corruption here involves the suborning of our national security to our President's political needs. That is what is at stake here.

Madam Speaker, that is why I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. WENSTRUP. Madam Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), the renowned minority whip.

Mr. SCALISE. Madam Speaker, I thank the gentleman from Ohio (Mr. WENSTRUP) for yielding.

As we are talking about this resolution, and as my colleagues from Ohio and from California earlier talked about, as we speak, the White House is actually transmitting the documents that are mentioned in the resolution.

The White House has been going overboard, doing more than has been done before, to make sure that Congress has all the information it needs about this issue.

I think what really is at question is where this all leads to, and I think we know where it all leads to. This all started with an intention by many in the majority. When they took the majority, it was that they were going to

try to work to impeach the President. Many of them talked about it. They didn't even have the gavels in their hands yet, and they were talking about impeaching the President.

The chairman of the Committee on the Judiciary said he wants to bring Articles of Impeachment to the House floor by the end of this year. Keep in mind, there is not a single Article of Impeachment that they have listed because there have been no crimes.

They thought the Mueller report was going to give them the crimes. It turned out it showed there was no collusion. Instead of wrapping it up, they move on to look for something else.

It is not the job of a prosecutor, by the way, to hope to go indict somebody and then look around to see if they find evidence. They are supposed to follow facts. If the facts lead them there, that is where they go. That is not happening here.

When you saw the Speaker of the House yesterday saying that the President committed crimes, please name one crime that has been listed.

We have seen the report now, the transcript of a conversation between President Trump and President Zelensky of Ukraine. There are a lot of niceties here, the President congratulating him on winning an election. There is not a single quid pro quo, which we were told there would be. There is not an exertion of pressure, which we were told there would be.

Now, they bring up Joe Biden. Joe Biden, himself, has said that he exerted pressure on the Ukrainians, bragged about the fact that he withheld \$1 billion in aid from the Ukrainians.

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

Mr. WENSTRUP. Madam Speaker, I yield the gentleman from Louisiana an additional 1 minute.

Mr. SCALISE. Madam Speaker, I thank the gentleman from Ohio.

Again, when we talk about something as serious as impeachment, and obviously, that is where they have said they would go, the Speaker said she wants to get the committee working toward an impeachment inquiry.

Why? Why, Madam Speaker, haven't they brought a vote here on this House floor to start an impeachment inquiry? They are scared to death of having a vote on this House floor on impeachment. Yet, they keep moving down that train track.

It is a reckless track, when they say that they are going to bring impeachment. Even the people who have read this, not one of them has pointed out a high crime or misdemeanor that is in here.

The quid pro quo that they promised doesn't exist. These are the same people who promised that there was collusion, with the Mueller report, and there was no collusion.

Instead of moving on, they keep going down the impeachment path. People are sick and tired of the constant harassment of the President.

Go read the transcript, and you will see, again, a President congratulating another President who was elected on a platform to root out corruption, and he is working to root out corruption. We ought to cheer that.

Instead of doing this, we ought to be focused on things like USMCA, lowering drug prices, solving real problems. Let's move on.

Mr. SCHIFF. Madam Speaker, with respect to my colleague, the only corruption the President seems to be concerned about is corruption that he is not involved with, and that seems to be an increasingly narrow category.

Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Madam Speaker, I rise today in support of this resolution demanding that the administration release the whistleblower complaint to Congress.

Every American ought to be extremely concerned by circumstances surrounding this urgent complaint and outraged that this President and members of his administration are hiding it.

Congress has a constitutional duty, Madam Speaker, to obtain this information by the deadline required by law. The administration is blocking our ability to gather the information necessary to respond to the public's needs. In this case, these needs are inseparable from our security, our safety, and the well-being of our Nation.

Congress is entitled to the full complaint, not only for the sake of national security, Madam Speaker, but to ensure that our ability to hold public servants accountable remains.

This isn't about partisan politics. This is about protecting our democracy and its people.

Madam Speaker, I urge all of my colleagues to support this resolution.

Mr. WENSTRUP. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SPANO).

Mr. SPANO. Madam Speaker, I rise today to express my disappointment at what the House is devoting its time to this afternoon. It is certainly not the issues that my constituents elected me to come to Washington to advocate for on their behalf.

We are not on the floor today talking about how we can improve care and services for veterans. We are not talking about how to fix the crumbling infrastructure, how to fix the broken immigration system. We are not talking about how to modernize and personally tailor healthcare. We are not on the floor talking about how we can continue to implement policies to further strengthen our booming economy.

Instead, we again find ourselves on the House floor talking about President Trump and his administration.

Sound familiar? This morning, in the interest of full transparency, the Trump administration released the complete memorandum outlining the telephone conversation between the President and the Ukrainian President,

just as the President promised he would do yesterday. But before reading the transcript, my colleagues on the other side of the aisle prejudged the memo and called for impeachment.

Did the Speaker wait to see and review this information? No. Instead, she went before the American people to announce that the House would begin the formal impeachment inquiry into President Trump.

Well, I read the transcript, and I don't see the bombshell that the Democrats promised. There is no quid pro quo, no this for that. Nowhere does the President say that he will withhold military aid unless the Ukrainian investigation continues. It is simply not there.

Rushing to judgment and overpromising, if it sounds familiar, that is because it is. We waited nearly 2 years for Special Counsel Mueller to finish his report on the 2016 election. Over and over, we heard Democrats promise the report would lead to President Trump's impeachment. After a disappointing report and an even more disappointing appearance by the special counsel before Congress, they went fishing for new reasons to attack the President.

What happened to the standard of innocent until proven guilty in this country? I learned that in law school. How have we strayed so far from this fundamental principle?

The Democrats are operating under the presumptive belief that the President is guilty. They believe if they look long enough and hard enough, maybe, just maybe, they will uncover something, anything, that they can impeach him for.

This is wrong, and I will not support their efforts. I will not stand by silently while it happens. If my colleagues on the other side of the aisle truly believe that this warrants impeachment, and if they are not willing to wait 1 day to read the transcript, then why are they sending us back to our districts for the next 2 weeks?

The majority leader said this morning there are no plans to cancel the recess because it is important Members go home to their constituents and explain what we are doing. In other words, they still need to convince the American people that today's revelations, which didn't live up to their promises, should lead to President Trump's removal from office.

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

Mr. WENSTRUP. Madam Speaker, I yield the gentleman from Florida an additional 1 minute.

□ 1515

Mr. SPANO. Madam Speaker, I call on the Democrat leadership to keep us in session the first 2 weeks of October, if this is as urgent and as serious as they are telling the American people.

I will not support the political impeachment that Democrats are incessantly pursuing. I implore this House

and its leadership to put this behind us once and for all and get to work, get to work and do the important work that the American people sent us here to do.

Mr. SCHIFF. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, a point of clarification: Quid pro quo exists on its face in what we reviewed just today. But, for the record, criminal conduct does not have to be quid pro quo.

The President asked a foreign government to investigate his political rival and interfere in our election.

The response by my friends across the aisle has also confirmed something else I have had a suspicion about: They have an extraordinary sense of humor. They imagine that this administration would have released this whatever it is this morning relating to a transcript, the complaint, and allowed the DNI to formally testify and the complaining witness to testify just because the President thought we should know, not because there was a complaining witness.

Without the complaining witness, no one knows about this—without their courage. That emphasizes the point of how important complaining witnesses are, because, without their courage, we don't know about wrongdoing or there are further leaks, both of which put our country at risk.

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

Let me make a few comments, if I can.

This was reviewed by the criminal division of DOJ today that found no violation whatsoever.

Let me make another point, because I have heard accusations along the way that certain entities here in Congress don't care about whistleblower protections.

We do care. We care about the whistleblower process. We care about their protections. Let's be perfectly clear on that. As Republicans, and sitting on the intelligence committee, we recognize the value of this process. We are for it.

We have heard a lot of comments, yesterday especially, that were made that would imply guilty until proven innocent when we haven't even seen the whistleblower claim. We just got the transcripts of the President with the President of Ukraine today, and we don't even know the circumstances of the claim.

I don't know if anyone on the other side has had contact with the whistleblower, but I know nothing about this whistleblower except that there is a whistleblower. And I have not seen the complaint, and I look forward to seeing it.

We have been through a lot as a country. Time and time again, our country gets challenged—challenged from outside, challenged from within. We have been through a lot.

As Mr. SPANO alluded, we are about ready to go home. Yet we have got an urgent matter on our hands, we have been told; yet leadership is saying: But just go home.

Well, if this is such an urgent matter, why are we going home?

And I also will bring up the point again that tomorrow we are scheduled to hear from the DNI. Let's give that process its due, and let's know facts before we speak and before we pass judgment. That is all we are asking to do.

Madam Speaker, I reserve the balance of my time.

Mr. SCHIFF. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. Madam Speaker, I thank the chair of the committee for yielding.

Madam Speaker, this is a powder keg. This is not as my colleagues on the other side are trying to suggest it is, but they are dealing with alternative facts.

As co-chair of the Whistleblower Caucus, I can point to the fact that \$54 billion has been returned to the taxpayers of this country because men and women had the courage to stand up and point out tax evasion, fraud, abuse, and waste.

Now, we have a whistleblower here who was defined as not being a whistleblower by the Attorney General, and now we are all saying he is a whistleblower. He doesn't even have the protections of a whistleblower based on the analysis by the Attorney General.

One thing is very clear here, Members: But for the fact that this whistleblower came forward, but for the fact that the inspector general found that it was both credible and urgent, and but for the fact, after the DNI did not deem it to be sent to the committee, it was the inspector general who had the courage to contact the chair of this committee to inform him that there was a whistleblower pending that brought this all to the fore.

So let's be very clear: There was a concerted effort by the administration to shut down this whistleblower, to restrict the money that was supposed to go to Ukraine on June 18—or July 18.

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

Mr. SCHIFF. Madam Speaker, I am proud to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker.

Ms. PELOSI. Madam Speaker, I thank the chairman for yielding, and I commend him for his great patriotism, for the equanimity that he brings to all that he does with great wisdom and judgment.

Madam Speaker, just over a week ago, when our Nation observed the anniversary of the adoption of our Constitution, on that very day, news broke of great allegations which were a threat to our Constitution.

On that day, the intelligence community inspector general formally notified Congress that the administration

was forbidding him from turning over a whistleblower complaint that he found to be of “urgent concern” and “credible.”

The administration's refusal to turn over the full complaint is a violation of the law, which is unequivocal, stating that the DNI, the Director of National Intelligence, shall provide Congress with the full complaint.

I repeat, that obligation is mandatory.

Shortly thereafter, the American people learned of a phone call from the White House calling upon a foreign power to intervene in the upcoming election. Today's release of the notes of the call by the White House confirms this behavior, which undermines the integrity of our elections, the dignity of any Presidency, and our national security.

Let us repeat the facts:

The intelligence community inspector general, who was appointed by President Trump, determined that the complaint was both of “urgent concern and credible,” and its disclosure “relates to one of the most significant and important of the Director of National Intelligence's responsibilities to the American people.”

I want to talk a moment, Madam Speaker, if I may, about whistleblowers.

First, let me say what an asset the intelligence community is to the security of our country. We talk about our men and women in uniform, and we praise them. We could never thank them enough. Our intelligence community personnel are a significant part of the national security of our country.

Whistleblowers, in any part of the government, are important, but whistleblowers can be defined as an act of reporting waste, fraud, abuse, and corruption in a lawful manner to those who can correct the wrongdoing.

The intelligence community has publicly recognized the importance of whistle blowing and supports protections for whistleblowers who conform to guidelines to protect classified information.

This is a very important balance, and when laws were written—and I was there for it as a member of the committee and as ranking member and part of the Gang of Four, before I even became part of the leadership. I saw the evolution of these laws and then the improvements on them, with further protection for whistleblowers.

I was also there for the creation of the Office of the Director of National Intelligence and the relationship between the two, and it is a careful balance of protecting whistleblowers but also protecting our national security and our intelligence—our intelligence.

So, in any event, one of the bills we wrote was the Intelligence Community Whistleblower Protection Act. The law plays a vital role in our democracy. It enables our system of separation of powers to maintain the rule of law by making sure that the abuses of unlawful actions are known, first through

the inspector general of the intelligence community, and then the congressional intelligence committees, House and Senate, which can act upon it.

The statute does not permit the DNI to second-guess the inspector general's determination of any complaint he finds to be "credible." At no point in the history of this law has a DNI ever refused to turn over a whistleblower's complaint that has been found by the IG as "credible." Refusing to do this is a violation of the law.

Our national security depends on this framework. This vote today is about more than just any one President. This resolution is about the preservation of our American system of government.

Once we pass this resolution—and I acknowledge that we are joining the Senate, which passed it without objection yesterday, unanimously—the DNI will be faced with a choice: to honor his responsibility to help preserve our Republic or to break the law.

This resolution passed by unanimous consent—I repeat—in the Senate. Every Member, Democratic and Republican, should join us in passing this in the House.

While we await the release of the full complaint, we reiterate our call for the release of the full transcript of the call between President Trump and the Ukrainian President and reiterate our call to protect whistleblowers from retaliation.

Madam Speaker, I urge a bipartisan vote to defend our national security and to protect our democracy.

Mr. WENSTRUP. Madam Speaker, I continue to reserve the balance of my time.

Mr. SCHIFF. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. SWALWELL).

Mr. SWALWELL of California. Madam Speaker, the gentleman from Ohio had asked earlier: Where does it say in the President's notes—and these are notes; this is not a transcript—the word, "favor"?

Page 3, I would direct the gentleman: "I would like you to do us a favor," the President of the United States says.

And the problem with this mob-like tactic is that, when you ask someone to do a favor, you owe that person something in return. And, when that person is a foreign leader, that means, as President of the United States, one day you will have to put a foreign leader's interests ahead of America's interests.

This is only the tip of the iceberg, this note that the President has released, and that is why it is important that we hear from the whistleblower.

It is also important to note that Ukraine depends on the U.S. economically, militarily, and the credibility we afford to them when we support them. So, you don't need to be explicit with them when you tell them that you need a favor and you are withholding military funds.

In this case, the whistleblower did everything right; so now it is time for

the Acting Director of National Intelligence to do the same.

Mr. WENSTRUP. Madam Speaker, I continue to reserve the balance of my time.

Mr. SCHIFF. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. CASTRO).

Mr. CASTRO of Texas. Madam Speaker, I, too, look forward to reviewing the whistleblower's complaint, shortly.

I want to start by saying thank you to the whistleblower. We don't know if it is a man or a woman, the person's identity, yet, but I want to say thank you for having the courage and the bravery to come forward and reveal—at least in terms of what we have seen from the transcript—abuse of power by the President of the United States.

We must protect a whistleblower who comes forward and puts himself or herself and their career on the line. I hope that this Congress will be committed to doing that.

These are very serious charges, an abuse of power that includes coercing a foreign leader into digging up dirt against a political rival for the President's political gain, to win reelection; asking a personal lawyer, his personal lawyer, to go along with this.

It appears as though the State Department and, perhaps, the Secretary of State may also be implicated in this scandal.

Madam Speaker, I look forward to passing this resolution. I hope all will support it.

□ 1530

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

Mr. SCHIFF. Madam Speaker, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Madam Speaker, this resolution really raises a question to each one of us who is a Member of Congress; and that question is: Do we believe in the separate, independent authority of the legislative branch to conduct oversight?

The contents of this resolution and the whistleblower report, to be sure, are extremely explosive and important. But the question that we have to ask, as a Congress, Republicans and Democrats, is: Are we willing to stand up for the constitutional authority of the House as a representative branch of government?

That is the constitutional question. This resolution goes to the heart of our responsibility. We must pass it in order for us to be a coequal branch of government.

Mr. SCHIFF. Madam Speaker, I yield the balance of my time to the gentleman from Connecticut (Mr. HIMES), and I ask unanimous consent that he may control that time.

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

There was no objection.

Mr. HIMES. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. SEAN PATRICK MALONEY).

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, if I understand, the Republican argument is that the document doesn't contain an explicit quid pro quo.

Well, let me remind my friends, you don't need to state an explicit quid pro quo to break your oath. You don't need to state an explicit quid pro quo to break the law. You don't need to state an explicit quid pro quo when you have conducted the quid pro quo, when you have withheld the military aid.

You don't need to state an explicit quid pro quo when you have launched a cover-up by violating the law by refusing to produce the whistleblower complaint as you are required to do.

All of these actions are contained in the recent statements of the President and in the plain language of the White House document. And the idea, the idea that we can't wait a day to get the transcript ignores the fact that, for three weeks, they have ignored the law in producing the whistleblower complaint; and we would not have it ever if it weren't for the actions of the Democrats in this House.

And the talking point that this issue should hinge on the explicitness of the quid pro quo is nothing more than a smokescreen to hide the fact that the President's conduct is a violation of the law, and a violation of his oath, and more than justifies the production of the whistleblower complaint and the launching of an impeachment inquiry.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. WENSTRUP. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. Madam Speaker, I thank the gentleman from Ohio (Mr. WENSTRUP) for yielding the time.

I listened to what my friend just came to the well to say, and it sounds as if we are not working on a non-binding House Resolution today. It sounds as if we are working on Articles of Impeachment today. If folks want to get on to Articles of Impeachment, get on with it.

I want to associate myself with my friend from Vermont who said this is an Article I, Article II question. And I want to ask my colleagues, again, if you are ready to get going with impeachment articles, bring them, and let's have that debate on the floor.

This is a nonbinding resolution that says to our coequal branch of government, we have an oversight responsibility, and we want to see some paperwork. Now, the Senate already passed the same nonbinding resolution yesterday. We are not breaking any new ground here.

But, yes, if the Intelligence Committee wants to review documents in a closed session, they ought to have access to those documents. That is not a complicated question.

I want to ask my colleagues how we are advantaged as an institution by turning this into an us against them.

Again, when you get ready to go down the Articles of Impeachment, it is going to be an us against them. I have seen no crimes and lots of hearings. I have heard lots of promises and absolutely no there, there.

But we have an opportunity, I dare say, an obligation, to conduct ourselves in a way that, forbid the thought, should one day our Nation have to go down that path, we have the credibility to lead that discussion.

You have an hour of debate here that we can absolutely use, and the Speaker can continue to admonish Members not to engage in personalities with the President. We can absolutely conduct ourselves in that way if that is what we would like.

Or we could follow the pathway of the United States; do this in a bipartisan way to say we have got a coequal branch of government that has a right to see these documents and be done with it.

I will remind my colleagues who are raising their constitutional ire today that this institution held President Obama's Attorney General in both civil and criminal contempt, and we got no support, save 17 Members, to make that happen.

Mr. HIMES. Madam Speaker, may I inquire as to the time remaining for the majority.

The SPEAKER pro tempore. The gentleman from Connecticut has 6½ minutes remaining.

Mr. HIMES. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. DEMINGS).

Mrs. DEMINGS. Madam Speaker, Republican President Teddy Roosevelt said that "patriotism means to stand by the country." It does not mean to stand by the President at any cost.

The whistleblower is a patriot who stood up for their country. It is time for Americans of good conscience, starting with every member of this committee, to follow in that patriot's footsteps and unite behind the belief that no one is above the law.

The President has abused the powers of his office. Perhaps he is afraid of losing the next election. Perhaps it is just who he is.

When the President of Ukraine brought up a request to buy military equipment from the United States, the President said—and yes, it is quite clear—"I would like you to do us a favor."

But even worse, press reports indicate that the whistleblower's complaint was far more extensive than any one call.

The ongoing cover-up by this White House has prevented us from immediately reviewing the report that is required by law.

Further, the administration must immediately move to ensure that the whistleblower is fully protected as required under law.

To my colleagues, history is about to be written at this moment. I ask you to think about your place in that his-

tory. Decide whether you want to defend and stand up for corruption or abuse of power or stand up for the country we all swore to protect.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

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

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

It may turn out that this resolution is unnecessary. I understand procedures are being made to provide the complaint, I hope, the full whistleblower complaint, to the Congress and, specifically, to the Intelligence Committee. If that is true, that is a good first step. It is a step, of course, that is remedying the blatant violation of law that this administration engaged in when they chose to stop the transmittal of that complaint to the Congress.

But I do want to take this opportunity to just clear up some things that were said, because these are serious matters, and it is important that the American people understand the truth.

Mr. SCALISE came before this body and ridiculed the majority, saying that we had promised a quid pro quo, a statement that is, of course, absurd on the face of it. We made no such promise. In fact, we have spent the day explaining that a quid pro quo is not necessary for the kind of extortion that is evident in the so-called transcript that we received today.

Bribery requires a quid pro quo; if you do this, I will pay you that. Extortion is simply saying you better do me a favor, or else.

So there was no promise of a quid pro quo. Neither is it necessary for this behavior to be well beyond the pale.

And I would remind my friends in the minority that we did not bring this moment upon the Congress. The inspector general came to this Congress of his own volition and, I would add, at significant personal risk, because of his concern over the actions of the administration.

It emerges today that the Acting DNI perhaps threatened to resign his position unless the Department of Justice gave a legal justification for his stance.

So we are not here because we want to be here. The Speaker of the House, as every Member of this Chamber knows, has resisted, until yesterday, even using the word impeachment because she is that focused on the sentiment of the American people and the consequences of that dramatic step.

So I do not want to hear from my friends in the minority that this has been a train that we have been barreling down.

We are not here because we are happy. We are here because there is a genuine threat to this republic and to this democracy. We were brought here by members of the administration who

raised their hand and said something is not right.

So this resolution and its contents may be remedied later this afternoon; I certainly hope so. But let's be clear about what really happened and how we got here, because I suspect this is not the final word in this discussion, and the American people deserve to know the truth.

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

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

Madam Speaker, I heard something before, that no one asks for a favor that doesn't want something in return. You know, when my wife asks me for a favor, I don't ask for something in return, I have got to tell you.

And I have to say, I agree with what Mr. WELCH had to say today. I thank the gentleman for his words. We do have an oversight, but we also have a process in our country.

So I am very curious to hear tomorrow, fortunately, in an open hearing, what the DNI has to say, and how he may have interpreted the law differently, or DOJ did. And I think that the American people deserve that, and I am glad it is going to be in an open hearing.

There is a lot we can talk about. We can go back and forth on this. But I will tell you, amongst my constituents, what I hear at home is that there is a lot of hypocrisy out here.

When you talk about having oversight, or quid pro quo, and you are only willing to look at one side of it, or one event of it, or one possible event of it, I should say, only willing to look in one direction, you lose the trust of the American people. You lose the trust of the American people.

When I was a child, I watched the Watergate hearings. Do you know what I was impressed with?

You had both sides of the aisle seeking the truth, regardless of who was in power or who was in question.

We haven't seen that for 3 years. So, let's get this resolution on the floor. It is a foregone conclusion. We are all in agreement. This is something we want brought forward. Half of it already has been, and the other half is being delivered at 4:00.

That is what we were here to debate today, this resolution. You wouldn't know it was a resolution we were all in favor of. So let's have our vote and move on.

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

Ms. JOHNSON of Texas. Madam Speaker, I rise to support H. Res. 576—Expressing the sense of the House of Representatives with respect to the whistleblower complaint of August 12, 2019, made to the Inspector General of the Intelligence Community.

Allegations that the President of the United States sought to enlist a foreign government to interfere in our democratic process by investigating one of his political rivals, and may have used the withholding of Congressionally appropriated military aid, days earlier as intimidation, is a clear problem. We must have all

of the facts so that we can do what is required under law and get to the bottom of what actually took place. This is not a partisan matter. It is an American matter that must be investigated so that we can continue to protect our democracy against outside attacks.

This resolution expresses the sense of the House that the whistleblower complaint received on August 12, 2019, by the Inspector General of the Intelligence Community should be transmitted immediately to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

Our Constitution demands respect for the rule of law. As a Member of Congress, I will continue to uphold our American principles and values. I urge passage of this resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 577, the previous question is ordered on the resolution, as amended.

The question is on the resolution.

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

Mr. HIMES. Madam 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.

□ 1545

HOMELAND SECURITY IMPROVEMENT ACT

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to House Resolution 577, I call up the bill (H.R. 2203) to increase transparency, accountability, and community engagement within the Department of Homeland Security, provide independent oversight of border security activities, improve training for agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ESPAILLAT). Pursuant to House Resolution 577, in lieu of the amendment in the nature of a substitute recommended by the Committee on Homeland Security printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-27, modified by the amendment printed in House Report 116-217, is adopted and the bill, as amended, is considered read.

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

H.R. 2203

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

SECTION 1. ESTABLISHMENT OF THE OFFICE OF THE OMBUDSMAN FOR BORDER AND IMMIGRATION ENFORCEMENT RELATED CONCERNS.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

“SEC. 711. OMBUDSMAN FOR BORDER AND IMMIGRATION ENFORCEMENT RELATED CONCERNS.

“(a) IN GENERAL.—Within the Department there shall be a position of Ombudsman for Border and Immigration Enforcement Related Concerns (in this section referred to as the ‘Ombudsman’), who shall—

“(1) be independent of Department agencies and officers;

“(2) report directly to the Secretary; and

“(3) have a background in immigration law, civil rights, and law enforcement.

“(b) FUNCTIONS.—It shall be the function of the Ombudsman to—

“(1) in coordination with the Inspector General of the Department, establish an independent, neutral, accessible, confidential, and standardized process to assist individuals (including aliens (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) in resolving complaints with respect to U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, a subcontractor, or a cooperating entity, which process shall include a publicly accessible website through which a complainant can check on the status of such a complaint;

“(2) identify and thereafter review, examine, and make recommendations to the Secretary to address chronic issues identified by the Ombudsman in carrying out the function described in paragraph (1);

“(3) establish a Border Oversight Panel in accordance with subsection (f); and

“(4) review compliance with departmental policies and standards of care for custody of aliens by U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, including any violations of applicable policy or standards of care involving force-feeding.

“(c) CONFIDENTIALITY.—The existence of a complaint, including the identity of any Department employee implicated in a complaint, shall be kept confidential by the Ombudsman and, in the absence of the written consent of an individual who submits a complaint, the Ombudsman shall keep confidential the identity of and any identifying information relating to such individual. Such confidentiality requirement may not be considered as a factor of whether or not information under this subsection may be disclosed under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

“(d) ANNUAL REPORTING.—Not later than June 30 of each year beginning in the year after the date of the enactment of this section, the Ombudsman shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report that includes, for the previous year, the following:

“(1) The number and types of complaints received under this section and for each complaint—

“(A) the component or subcomponent, subcontractor, or cooperating entity identified;

“(B) the demographics of the complainant; and

“(C) a description of the resolution of the complaint or the status of the resolution process.

“(2) Any complaint pattern that could be prevented or reduced by policy training or practice changes.

“(3) A description of any pattern of violations of any applicable policy or standards.

“(4) A description of each complaint received under this section with respect to which U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, a subcontractor, or a cooperating entity, as applicable, has taken action to resolve, and the time between receipt and resolution of each such complaint.

“(5) A description of complaints received under this section for which action has not been

taken after one year, and the period during which each complaint has been open.

“(6) Recommendations the Ombudsman has made under subsection (b)(2).

“(7) Other information, as determined appropriate by the Ombudsman.

“(e) APPOINTMENT OF BORDER COMMUNITIES LIAISON.—

“(1) IN GENERAL.—The Ombudsman, in conjunction with the Office for Civil Rights and Civil Liberties of the Department, shall appoint a Border Community Liaison (in this subsection referred to as the ‘Liaison’) in each U.S. Border Patrol sector on the northern and southern borders. Each Liaison shall report to the Ombudsman.

“(2) PURPOSES.—Each Liaison appointed under this subsection shall—

“(A) foster cooperation between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and border communities;

“(B) consult with border communities on the development of policies, directives, and programs of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement;

“(C) receive feedback from border communities on the performance of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

“(D) submit to the Ombudsman an annual report detailing their findings, feedback received from border communities, and recommendations to increase cooperation between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and border communities.

“(f) BORDER OVERSIGHT PANEL.—

“(1) ESTABLISHMENT.—The Ombudsman shall establish a Border Oversight Panel (in this subsection referred to as the ‘Panel’).

“(2) COMPOSITION.—

“(A) IN GENERAL.—The Panel shall be composed of 30 members selected by the Ombudsman.

“(B) CHAIRPERSON.—The Ombudsman shall be the chair of the Panel.

“(C) EXPERTISE.—Members of the Panel shall have expertise in immigration, local crime indices, civil and human rights, community relations, cross-border trade and commerce, quality of life indicators, or other experience the Ombudsman determines is appropriate, and shall include individuals who reside in or near border counties.

“(3) DUTIES.—The Panel shall evaluate and make recommendations regarding the border enforcement policies, strategies, and programs of the Department operating along the northern and southern borders of the United States to—

“(A) take into consideration the impact of such policies, strategies, and programs on border communities, including protecting due process, civil and human rights of border residents and visitors, and private property rights of land owners;

“(B) uphold domestic and international legal obligations;

“(C) reduce the number of migrant deaths; and

“(D) improve the safety of agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

“(g) STAFFING.—The Secretary shall take appropriate action to ensure the Ombudsman’s office is sufficiently staffed and resourced to carry out its duties effectively and efficiently.

“(h) TRAINING.—

“(1) IN GENERAL.—The Ombudsman shall conduct a yearly evaluation of all training given to agents and officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

“(2) CONTENTS.—Each evaluation under paragraph (1) shall include whether the training referred to in such paragraph adequately addresses the following:

“(A) Best practices in community policing, cultural awareness, and carrying out enforcement actions near sensitive locations, such as