

when the President of the United States reports to the Congress that on the success in training or lack of success in training the Iraqi security forces, that that report not be made available to the leadership of al Qaeda by way of the Internet.

The amendment that I am going to offer when we defeat the previous question, Mr. Speaker, is an amendment that will allow us to say that we will strike the provision that says that the report from the President to the Congress is provided on the Internet for the world to see. We should not be feeding our enemies, those who want to kill us, with this kind of information.

And so, Mr. Speaker, I'm going to urge defeat of the previous question, and when we defeat that, I urge support of my quest to make the amendment in order that will allow us to prevent the President's report from getting on to the Internet for our enemy to see, and if by chance I am not successful, I urge defeat of the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I do not want to contradict my colleague from California, but we do not know the pain of this war. Members of Congress know it a little better than most people because we try to comfort the bereaved and visit the ones who are maimed, but we don't really know the pain of this war. We can't know about the 35,000 or more young people with life-altering wounds, people 18 and 19 years old who will live with them for the very rest of their lives.

We don't know the loss other people have sustained because nothing much is required of us except to pay the bill of \$10 billion a month, mostly borrowed from China, so we can finance this war.

There is no compelling reason why we should go on forever with this. Nothing that we are asking the President to put on the Internet is anything but classified and who is going to believe it anyway.

If the President is running out of money for the troops, it is simply because he vetoed the money that he asked us for that we sent to him. The fault, the blame lies exclusively with him.

And with that I ask all of my colleagues to vote for this rule on both sides of the House. Obviously, numbers of them didn't want to come down and talk today. Please vote for this rule. Cleanse your conscience. Let's do a good thing today for those people who count on us in Iraq.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 387 OFFERED BY MR. DREIER OF CALIFORNIA

(1) Amend section 2 to read as follows:

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The

amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority the Committee member of Appropriations; (2) the amendment printed in section 6, if offered by Representative Dreier of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(2) At the end of the resolution, add the following:

SEC. 6. The amendment referred to in section 2 is as follows:

Strike section 1326(f) (relating to the public availability of information regarding the combat proficiency of Iraqi security forces).

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

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

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

Mr. 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 are postponed.

COMMUNICATION FROM THE HONORABLE FRED UPTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable FRED UPTON, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 9, 2007.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you pursuant to rule VIII of the Rules of the House of Representatives, that a judicial subpoena for trial testimony, issued by the United States Court of Federal Claims, has been delivered to my District Office.

After consulting with the Office of General Counsel, I will make the determinations required by rule VIII.

Sincerely,

FRED UPTON,  
Member of Congress.

PROVIDING FOR CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

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. 2082) to authorize appropriations for fiscal year 2008 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 chairman 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 except those arising under clause 9 of rule XXI. 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 in the House or in the Committee of the Whole. 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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. During consideration in the House of H.R. 2082 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

□ 1330

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Washington (Mr. HASTINGS). 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 may have 5 legislative days in which to revise and extend their remarks and 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, as the Clerk just read, House Resolution 388 provides for consideration of the Intelligence Authorization Act for Fiscal Year 2008 under a structured rule.

The rule makes in order a total of ten amendments, almost half of which will be offered by Members of the minority, including one which will be offered by the ranking member of the House Permanent Select Committee on Intelligence, Representative HOEKSTRA.

The rule also makes in order an amendment that I offered, along with my colleague on the Intelligence Committee, Representative ROGERS of Michigan, and our bipartisan amendment is a commonsense solution to holding the Office of National Director of intelligence accountable for its actions.

The House will have a chance to debate our amendment later today, and I hope my colleagues will support it.

I would like to point out that Members who wish to do so, as the Chair of the Intelligence Committee has pointed out previously, can go to the Intelligence Committee office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the national and military intelligence programs.

The importance of the intelligence community touches all Americans as our Nation's first line of defense against increasing world threats. Effective intelligence is the first method to protect our citizens and prevent debacles like the war in Iraq.

The underlying legislation authorizes funding for all United States intelligence agencies, including the national and military intelligence programs. It is the largest intelligence authorization bill ever considered by the House and takes significant steps to eliminate duplication and ineffectiveness in our intelligence agencies.

The bill increases funding to improve human intelligence, training and send additional intelligence analysts overseas to maximize their abilities. It also requires additional intelligence reports on North Korea and Iranian efforts to become nuclear capable. We also take significant steps to improve the collecting, deciphering and understanding of intelligence.

The effectiveness of our intelligence community is significantly jeopardized when the diversity of the intelligence community does not reflect the diverse

world in which we live. Women and minorities continue to be disproportionately underrepresented in the senior ranks and the core mission areas of analysis, human intelligence collection, and science and technology.

Simply put, we still do not have an intelligence community that looks like our country or the world. Minorities make up 37 percent of the American population, yet only 21 percent of the intelligence community, and the numbers for African-Americans and Latinos is woefully below that number. This is a problem that is addressed in the underlying bill, which requires the development of a strategic plan to increase diversity within the intelligence community and mandates increased diversity among the rank and file of the community.

I am fond of saying in the Intelligence Committee hearings that it doesn't take more degrees than the thermometer to be a spy, but somebody back there decided that that must have been the case.

Another significant concern exacerbated by this lack of diversity is a deficiency of linguist abilities in the intelligence community. There are countless stories of intelligence tapes that had piled up in the months leading up to September 11 when the terrorist attacks occurred here. That was done because we didn't have anyone to translate them.

Experts and administrators lament the fact that we don't have enough Arabic, Farsi, Urdu or Dari speakers, and we always go in that direction, but we don't have enough Asian language speakers, either, in the intelligence community and the military.

How can we expect to completely correct that course without thoroughly modernizing the recruitment, selection and security clearance processes to quickly bring on board people with these critical skills? The underlying bill provides for the commonsense modernization of our security clearance procedures to address this growing problem, requiring that the system make more efficient use of those who are proficient in foreign languages or with cultural, linguistic or other subject matter expertise that is critical to national security. We must make these necessary modernizations to adapt to the ever-changing threats around us.

Finally, following the recommendations of 11 three- and four-star generals, the bill requests that the National Intelligence Council produce a National Intelligence Estimate on the national security impact of global climate change. Some of my colleagues on the other side of the aisle have expressed discontent with this provision, because they believe that enough research is currently under way about climate change. In doing so, in my judgment, they failed to recognize that climate change is impacting global security.

Just look at the Middle East, the battle for scarce resources among those

who have been displaced, particularly in Iraq, has the potential to generate sociopolitical environments that foster the creation of terrorist cells. If we can't even agree on the implications of climate change, it is obvious that more research is necessary, especially observing the impact of climate change on the movement of people and resources, and how that connects to terrorism.

Footnote right there, I pointed out in the Rules Committee that Iraq would be the classic example of what I am talking about. There are 2 million refugees, and it is almost like it is kind of hidden, that are displaced from their homes in Iraq. There are 400,000 to 500,000 internally displaced in Iraq. Yet, what we find is they are being pushed into Syria, Jordan and Egypt where there are already significant water resource problems. Someone tell me how that doesn't equate to an environment where terrorists will be produced.

If we can't agree on this, I can assure you that we are going to have significant problems in the future. Even the National Defense University has recognized these implications by prioritizing response to large-scale national disasters in some of its most recent training simulations. As scientists explore the connection between such disasters and climate change, it is imperative that the national security implications of such events be thoroughly understood.

I am glad that our committee addresses this issue in the bill. If we have learned anything from the failures of the war in Iraq, it is that reliable intelligence is critical to ensuring America's national security.

I am pleased to support this rule and urge my colleagues to do the same.

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

Mr. HASTINGS of Washington. I want to thank the gentleman from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in opposition to this restrictive rule.

The Intelligence Authorization Act generally receives strong bipartisan support. But let me be clear that the underlying bill does contain bipartisan provisions that are important to protecting our national security, make no bones about that.

However, the bill also contains a number of provisions that are of concern and could weaken our national security and intelligence capabilities by providing less than adequate resources and placing restrictions on our intelligence operations.

I am concerned that the Democratic leadership chose to include section 407 in the underlying bill. My friend from Florida talked at length about that provision, which would require our Nation's intelligence community to direct

its limited resources to a National Intelligence Estimate on global climate change.

I have to ask, what message are we sending to our allies and our enemies when Congress instructs our intelligence experts to stop what they are doing on issues that threaten American lives and, instead, focus on theoretical risks from global warming.

Furthermore, earlier this year, this House created a new Select Committee on Energy Independence and Global Warming to focus on the risks of global warming. This is in addition to several Federal agencies that are already analyzing climate change. Congress should let this panel that was created, and existing Federal agencies, focus on climate change so that our intelligence analysts can focus on materials of classified information and work to prevent threats against American lives.

But I am pleased, I have to say, with the Rules Committee last night because they made in order an amendment to be offered by the ranking member, Mr. HOEKSTRA, of the Permanent Select Committee on Intelligence, that will strike section 407 and allow our spies to be spies. I think we can have a very good debate on that. I think we ought to have that debate. I am pleased that the Rules Committee made that amendment in order.

However, the Democratic leadership did deny several thoughtful amendments offered by Mr. CASTLE, Mr. FLAKE, Mr. ROGERS of Michigan and Mrs. WILSON of New Mexico.

I urge my colleagues to oppose this restrictive rule, which only allows 10 out of 433 Members of the House to offer their ideas on how to better strengthen our intelligence community.

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

□ 1345

Mr. HASTINGS of Florida. At this time, I am very pleased to yield 2 minutes to the distinguished chairman of the Permanent Select Committee on Intelligence, my good friend from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank my colleague and good friend from Florida for yielding me time on this very important rule.

I rise in support of this rule. The terrorist plot that was recently uncovered in New Jersey this past week shows that we cannot let our guard down in the effort to learn the plans and intentions of people who would do us grave harm.

The underlying bill, H.R. 2082, provides funding for the brave women and men of our intelligence community. I have visited with them in every corner of the world, and I am constantly amazed by their patriotism, their dedication to mission, and their commitment to doing our Nation's most sensitive and dangerous business, often without public acknowledgement or recognition.

Today, the United States faces a dynamic set of threats, challenges, and opportunities. We are at war in Iraq and Afghanistan. We face a growing terrorist threat. Countries like Iran and North Korea are working towards a nuclear bomb. And we face a number of other key challenges in Africa, Latin America, and from rising powers like Russia and China. These major challenges require a major effort by our government to collect, to analyze, and to disseminate intelligence, and to do so within the legal bounds of our Constitution and our national values.

This bill invests in human intelligence. It invests in analysis and analysts. It funds key counterterrorism operations and sensitive collection programs. And it improves critical oversight in key areas such as the overuse of contractors and the lack of qualified linguists in the intelligence business.

This bill was developed on a bipartisan basis. And although there may not be agreement on every single point, there is agreement on all the major points. This rule will allow a full debate on many of the key issues before us, and I, along with my colleagues, should welcome this debate. So I urge my colleagues to vote "yes" on the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentlelady from New Mexico, a member of the Intelligence Committee, Mrs. WILSON.

(Mrs. WILSON of New Mexico asked and was given permission to revise and extend her remarks.)

Mrs. WILSON of New Mexico. Mr. Speaker, I am here to urge my colleagues to oppose the rule and to oppose the previous question on the rule for the Intelligence authorization bill today.

I offered an amendment in the Rules Committee that was similar to one that I offered in the Intelligence Committee that would modernize our foreign intelligence surveillance laws so that we can listen to the terrorists trying to kill us, while protecting Americans' civil liberties.

Every member of the House Intelligence Committee knows that the Foreign Intelligence Surveillance Act is not working, and so does the Speaker of the House. In fact, she has been briefed on this earlier than any of us have, since shortly after 9/11.

Last week, in unclassified session in front of the Senate Intelligence Committee, Admiral Mike McConnell, the Director of National Intelligence, urged the Congress to modernize our intelligence surveillance laws. He told us and the world, "We are actually missing a significant portion of what we should be getting." We are missing a significant portion of what we should be getting.

In January of this year, the Attorney General of the United States wrote to the Congress and said there were new Foreign Intelligence Surveillance Court orders that were innovative, that

would put the President's terrorist surveillance program underneath the auspices of a judge in the Foreign Intelligence Surveillance Court. They are innovative, because the court is stretching the law like a twin sheet over a king-sized bed. And every member of the Intelligence Committee knows just how fragile the legal framework is in this arrangement. Yet, a single judge in a nonadversarial secret setting has said it is okay to go forward on this basis because it is important to the country, and the Congress has failed to act. Will the next judge go along?

Every one of us knows there is a problem. Here is the problem:

In 1978, almost all local calls were on wire and almost all long distance calls were transmitted by microwave over the air. The FISA law distinguishes between collection over a wire and collection over the air. You don't need a FISA warrant to collect signals over the air. And that is where long-haul communications were in 1978.

Now, in 21st-century communications, the situation is completely reversed. Most long-haul communications are on wire and most local calls are over the air. 230 million Americans have cell phones, but the FISA law we operate under is stuck in the 1970s, while we are trying to protect this country from terrorists who are exploiting the 21st-century technology that was invented by this great country. We are tying the hands of our intelligence agencies while our enemies are using these communication systems to plot to kill Americans.

But the rule is even worse than that. The committee has ruled in order an amendment by Mr. FLAKE and Mr. SCHIFF that insists, insists that our intelligence agencies must use this outdated 1978 law. What do you think the FISA judges are going to think when they see that pass the House of Representatives?

We are actually missing a significant portion of what we should be getting. What did we miss today? What are the terrorists plotting today? What are they talking about that is flowing over the wires that America built today? Who is going to die tomorrow because you won't let our Intelligence Committees listen to the foreign communications on a wire and you will not allow a debate on this floor on this very important issue?

I pray to God that we don't need another 9/11 Commission to look at what our failures were in intelligence. Because if we have to look at failures, if we have to look at whether we should have done something when we had a chance, then mark this vote on this day in history, when the Democrat majority in this House chose to tie our hands in the face of a determined enemy.

If we defeat the previous question on this rule, we will offer the amendment to modernize our intelligence surveillance laws to update them for 21st-century technology. A vote in favor of the

previous question on this rule is a vote to keep the FISA law frozen in time in 1978, while our enemies use 21st-century communications to plot to kill Americans.

I urge my colleagues to vote “no” on the previous question and “no” on the rule.

Mr. Speaker, I urge my colleagues to oppose the Rule for debate and the previous question on the Intelligence Authorization Bill today.

This vote is more important than most procedural things we do around here.

I offered an amendment in the Rules Committee that would modernize our Foreign Intelligence Surveillance Laws so that we can listen to the terrorists trying to kill us and protect the civil liberties of Americans.

Every member of the House Intelligence Committee knows that the FISA law is not working, and so does the Speaker of the House. She has been briefed on these matters since shortly after 9/11—long before any of us were.

Last week, in unclassified session in front of the Senate Intelligence Committee, Admiral Mike McConnell, the Director of National Intelligence urged the Congress to modernize this law. He told us and the world, “We are actually missing a significant portion of what we should be getting.”

In classified session, the details of the problems are even worse.

On January 17, 2007 the Attorney General told the Congress that there were new Foreign Intelligence Surveillance Court orders that are “innovative”.

They are “innovative” because the court is stretching the law like a twin sized sheet to cover a king sized bed.

And every member of the Intelligence Committee knows just how fragile this legal arrangement is.

Yet, a single judge in a non-adversarial secret session allowed it is important to the security of the country and because the Congress has failed to act.

Will the next judge continue to stretch the law?

#### THE PROBLEM

In 1978 almost all local calls were on wire and almost all long-haul calls were over the air.

The FISA law distinguishes between collection on a wire and collection out of the air.

You don't need a FISA warrant to collect foreign intelligence over the air.

Now, in 21st century communications, the situation is completely reverse.

Most long-haul communications are on a wire and local calls are in the air.

But the calls we want, for foreign intelligence information, are on the wires and fiber optic cables.

The FISA law we operate under is stuck in the 1970s while we are trying to protect this country from enemies that use 21st century communications.

We're tying the hands of our intelligence agencies while our enemies are using the communications systems we built to plot to kill us.

#### BUT IT GETS WORSE

But the rule is even worse than that.

The committee has ruled in order an amendment by Mr. FLAKE and Mr. SCHIFF that says our agencies must use this outdated 1978 law.

The Democrat leadership will insist that we turn our backs on 21st century terrorists, using 21st century communications and pretend we can be frozen in a 1978 world.

“We are actually missing a significant portion of what we should be getting,” said our Director of National Intelligence.

What did we miss today?

What are the terrorists plotting today?

Who is going to die tomorrow because you won't let our intelligence agencies listen to foreign communications on a wire?

I pray to God we never need another “9/11 Commission” that looks at how we failed to protect ourselves when we could have done something.

If we do, mark this vote, this day in history, when the Democrat majority in this House chose to tie our hands in the face of a determined enemy.

A vote in favor of the previous question on this rule is a vote to keep the FISA law frozen in time in 1978 while our enemies use 21st century communications to plot to kill Americans.

I urge my colleagues to vote “no” on the previous question and “no” on the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 5 minutes to the distinguished gentleman from California, my friend Ms. HARMAN, who is the previous ranking member of the Select Committee on Intelligence, and is a member of the newly appointed Special Intelligence Oversight Panel.

Ms. HARMAN. Mr. Speaker, I thank Mr. HASTINGS for yielding to me and commend him for his continued service both on the Intelligence Committee and on the Rules Committee.

As you heard, I served the past 8 years on the Intelligence Committee, the last 4 as ranking member. I loved that opportunity, and I remain passionate about the issues. I believe that there is nothing more central to our roles in Congress than to keep our country safe. And that committee has crucial jurisdiction.

I would respectfully disagree with the comments of the last speaker, Mrs. WILSON. I have been briefed longer than she has on how the so-called NSA program operates. I believed then and I believe now that it can and must fully comply with FISA, a law that has been modernized 12 times since 9/11 through changes we have made which I supported in the PATRIOT Act.

Mr. Speaker, I rise in support of the rule and of H.R. 2082. In my current role as Chair of the Homeland Security Intelligence Information Sharing and Terrorism Risk Assessment Subcommittee, I continue to review intelligence reports and to talk to our key security professionals. And, Mr. Speaker, I am concerned. We have surged our intelligence resources into Iraq, where they are necessarily focused on the tactical needs of warfighters. Meanwhile, al Qaeda has gained strength and is inspiring new cells worldwide. We have taken our eye off the ball. That ball is al Qaeda.

Mr. Speaker, we should all be worried that terrorist cells are here in the

United States, right now, waiting for the right moment to strike. We have yet to develop a truly effective system for sharing time-sensitive intelligence about terror plots with first responders, whom I would like to believe could be first preventers.

Even at the Federal level, a variety of data bases, classifications, and pseudo-classification systems could still, 5½ years after 9/11, prevent us from connecting the dots. We have yet to develop an adequate strategy to counter radicalization in our prisons and in our communities. The events at Cherry Hill, New Jersey, earlier this week are the latest example. And we have not yet broken into the inner circle of the senior al Qaeda leadership even though we have been at this for more than 5 years. These problems are urgent as we could be attacked at any time.

I recently reviewed the classified annex to this bill and continue to pay special attention to our technical satellite programs. Changes to these programs cannot be discussed in an unclassified setting such as this; but I want to reiterate my long-held view that the women and men who build these systems constitute a major strategic asset of the United States. Rocket scientists do not grow on trees, and we must keep them highly trained and highly motivated. Without their help, we could literally lose our ability to see, hear, and communicate.

Finally, I strongly support the effort to develop a National Intelligence Estimate on climate change. Changes in our climate will affect critical resources such as water, food, and arable land, as we are seeing now in Darfur and in many parts of Africa. Droughts affect the stability of governments, and the stability of governments is one of the key things we need to know about through our intelligence. This isn't bugs and bunnies, or even Bugs Bunny. It is survival or destruction. And if we make responsible moves now, our grandchildren will benefit.

Mr. Speaker, by supporting this legislation, the Congress stands with the extraordinary women and men of our intelligence community who often serve in austere locations on unaccompanied assignments. I am one of the few here who know these people and know where they serve. I say to them, our Nation owes you our gratitude; hopefully, this bill provides the support and tools you need as well as honors your sacrifice.

I urge support of the rule. I urge support of the underlying legislation, and I thank the gentleman for yielding to me.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H. Res. 388, the rule for consideration of the fiscal year 2008 Intelligence Authorization Act.

As a former member of the House Select Committee on Intelligence, I strongly believe we must enact all of the 9/11 Commission's intelligence recommendations, even those that apply to our own congressional committees.

In its final report, the 9/11 Commission concluded that: "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by the current congressional rules and resolutions, we believe the American people will not get the security they want and need."

The bipartisan 9/11 Commission Report and the subsequent 9/11 Public Disclosure Project recommended three alternatives for reforming congressional oversight of intelligence. These options include: one, establishing a Joint Committee on Intelligence modeled after the old Joint Committee on Atomic Energy; two, establishing House and Senate Committees on Intelligence with authorizing and appropriating authority; or, three, establishing a new Appropriations Subcommittee on Intelligence.

□ 1400

In the wake of the terrorist attacks of 2001, Congress enacted a large majority of the Commission's recommendations. However, as it turns out, it has been those recommendations that apply directly to the tangled rules and procedures here in the United States Congress that have been left unfinished.

Earlier this year the Democratic leadership attempted to apply a Band-Aid to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. This is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that, "tinkering with the existing committee structure is not sufficient."

This week I offered a simple amendment to the bill before us, calling for a sense of Congress that this House should act to implement these crucial 9/11 recommendations, but it was denied under this rule.

Mr. Speaker, the American people have insisted that we implement all of these important recommendations, even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support and leadership they need.

I urge the defeat of the rule.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to inform each side of the remaining amount of time?

The SPEAKER pro tempore. The gentleman from Florida has 14½ minutes, and the gentleman from Washington has 19 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time

to yield 4 minutes to my good friend from New Jersey, with whom I serve on the Select Committee on Intelligence, and he is the Chair of the Special Intelligence Oversight Panel, Mr. HOLT.

Mr. HOLT. Mr. Speaker, I thank my friend and colleague from Florida. It is indeed a pleasure and an education to serve with him on the Intelligence Committee.

And I rise today in support of this rule and the underlying bill. Although this bill is not the full reform that I think is needed, it does contain many features that, if enacted, will improve the operation and oversight of the intelligence community.

I'd like to address one amendment that has been made in order, and I thank the Rules Committee for accepting for consideration an amendment that I offer that seeks to address an issue that's been one of the highest concerns for both this committee and the Congress, and that is, protecting the security and the cover of intelligence officers.

This grows out, in part, of the well publicized outing of a former CIA officer. For nearly 4 years, I have led the effort within the committee and in this body to determine the facts surrounding this case, as well as its consequences for the security of our Nation.

In previous Congresses, on eight separate occasions, in committee and on this floor, the then majority voted down every effort to obtain information on the matter. As I repeatedly noted at the time, Mr. Fitzgerald's criminal inquiry could never address some of the key questions that we sought to have answers for.

For example, how and why did Ms. Plame's cover status become known to those with no legitimate need to know?

How much damage was done to our intelligence collection efforts as a result of the outing of Ms. Plame?

What measures has the CIA and has the now Director of National Intelligence taken to prevent similar compromises in the future?

We still need answers to these and other questions. The amendment I am offering today that I will offer, would require the President, through the Director of National Intelligence, to report annually to the Congress on the need for any modification to the Intelligence Identities Protection Act to improve the legal protections for covert agents. This report, along with other oversight that the committee will undertake, and that I hope to undertake through the Select Intelligence Oversight Panel, will help us establish exactly what measures need to be taken to minimize the chances of such compromises of the identities of covert operatives in the future.

These men and women take enormous risks on our behalf. We owe it to them to ensure their identities are protected from the exposure, both from hostile intelligence services but even from those within our own government

who would seek to retaliate against them for speaking truth to power.

This reporting requirement would be an amended version of what the President is already required to do, but has failed to do every year. We seek to have the President show more diligence in protecting the cover of these employees.

Let me reiterate that this amendment represents only one step in the process. The chairman of the committee has assured me that there will be oversight and legislative action on this issue in addition to that which we are taking today.

I would also like to comment that it is astonishing in the debates leading up to this in committee and here on the floor today that there would be so much attention being paid to the request for a national intelligence estimate on climate change. A preliminary assessment is already in the works. We should want the intelligence community to be considering everything that affects our national security, be it demographics or climate or droughts. I am astonished that there would be any resistance to having such a national intelligence estimate. So I am pleased that the committee has put that in this bill, and I look forward to its passage.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding.

I rise to commend the majority for including, under the rule, the amendment that will be offered later by Mr. HOEKSTRA, the ranking minority member, former chairman of the committee, to strike section 407 of the bill. This is the section of the bill that so many people have commented on so far today that will now task our national intelligence resources to start looking at the issue of climate change.

To me there is a great irony in this happening here today because for many years we have heard criticism from Democrats over and over again on the so-called inefficiencies, inadequacies of our national intelligence capabilities, specially as it related to WMD in Iraq and their failure to get an accurate picture of that. And now we see today an expansion of their duties and responsibilities.

I believe most Americans look for our intelligence agencies not to be engaged on the issue of climate change but more directly to be involved in the business of protecting American safety and security, protecting our national assets, protecting the American people.

Furthermore, one of the other things that strikes me as greatly ironic about this is, we have an extensive array of Federal agencies currently studying this issue. We have NOAA, the National Oceanic and Atmospheric Administration, which has a wide array of satellites and scientists that are constantly studying both short-term and

long-term implications of climate change.

We have, additionally, NASA engaged on this issue, with three major Earth-observing satellites on orbit studying the issue of the Earth's climate.

And as well, there are multiple programs run by the National Science Foundation; they have the Geosciences Directorate (GEO), the Office of Polar Programs (OPP), the Atmospheric Science Subactivity, the ATM. And, ladies and gentlemen, I haven't even touched on the EPA and all the work that they are doing on this issue.

To me, this issue is controversial. There is a sizeable number of Americans who feel that the severity of the problem of climate change does not justify some of the extreme actions that many people in the radical environmental community are trying to propose today, and I just can't help but feel this is a political issue to try to hijack our intelligence assets to get them on the global warming bandwagon so we could have draconian changes in American policy that could adversely affect our economy and our Nation.

So I thank the majority for putting the Hoekstra amendment in order. Mr. HOEKSTRA, the former chairman, now ranking member, is very knowledgeable on intelligence policy.

I intend on supporting the Hoekstra amendment. I encourage all my colleagues to listen carefully to that debate.

Mr. HASTINGS of Florida. Mr. Speaker, I now yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in extending time.

I, too, am perplexed by the debate that is being advanced in terms of being able to focus on the national security implications of the threat of global warming. I sat on the committee, the Special Committee on Global Warming and Energy Independence, as we listened to three and four star admirals and generals, as we listened to the former head of the CIA talking about the defense implications for the United States of Global Warming.

These men were not radical environmentalists. These are respected experts who have led a lifetime of service to protecting the integrity, the defense, the security of the United States. They are deeply concerned that our dependence on foreign oil from unstable areas of the world. The overwhelming scientific consensus that climate change, global warming is a reality, led them to argue in the most strong terms that we need to be serious about it. Item after item, about the strategic implications, about what happens to defenses of the United States, to instability around the world of water-stressed areas, to new disease patterns, these are not arcane, philosophical issues. This isn't environmental fringe. This is

the nuts, and bolts of the future, of our country.

It has already been made clear that we already have a great deal of work that is underway. What this would require is assembling it under the guise and guidance of people who are experts in national security to put it in the national security context.

Other major countries around the world are grappling with this. I think the Rules Committee was entirely appropriate to put what I think is a misguided amendment on the floor because I think it is time for people who care about the future of the country, who are looking at the evidence, to have an honest and thoughtful debate.

But to somehow dismiss this as the province of radical environmentalism or a detraction from the hard work of planning for America's security future is, I think, sadly misplaced.

I appreciate what the Rules Committee has done. I support the rule and look forward to the debate later.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, we have a process here with regard to legislation and how it moves through the Congress. In particular, the rules were changed in January, some very welcome changes to the rules with regard to earmarks.

We said that if you are going to have an earmark in a bill, or in a report, that you need to state that you do not have a financial interest in that earmark, and then you need to submit that earmark, or it has to be submitted with the report so that Members can actually see that and see that there is no financial interest, see if it has merit or warrant.

This process is not being followed here. We were told initially that there were no earmarks in the bill, and then those of us who went up to view the classified annex did not see a list. There was no list available there. We were told later that it was with the Clerk's Office. Then with the Parliamentarians.

It turned out that we finally did get the list, and here it is, 26 earmarks in the bill. But the list was not made public. It was not given to us until 5 hours after the deadline that the Rules Committee had established to submit your amendments.

So somebody who wanted to amend the bill or actually challenge or to highlight or to discuss the earmarks that are mentioned here and listed here did not have an opportunity to craft an amendment.

Again, this list was received, it was made public 5 hours after the Rules Committee already shut down the amendment process. This rule cannot go forward like this. We cannot continue to do business like this.

□ 1415

We all know the problems that we have had with the appropriations proc-

ess with the earmarking, the scandals that have gone on. The earmarking process is secretive enough, it seems, in the Congress without adding the layer of the Intelligence Committee. Then there are things that you can't even discuss on the floor, that we can't discuss openly; so it makes it even more difficult.

Members need not be reminded that Duke Cunningham now sits in prison because of earmarks he largely got in the intelligence process, in the Intelligence Committee. We cannot allow that to happen again. We have to have a process that makes sure that that cannot happen. And that process is not happening right now, when you don't get lists until long after the process, when you can't challenge them on the floor. And then we have the problem here in open session where you can't even challenge the earmark and talk about what the earmark is actually about because you are in open session and you might be talking about classified things.

So for that reason I am announcing now that I will offer a motion to move into secret session after these votes are concluded.

Let me just remind the Members, if you want a process where you know what is going on, we have to move into secret session. If you vote against the motion to go into secret session, you are, in essence, saying let's just let it go; I don't care what is in there.

I would challenge those who want to see what is going on to go up and view the classified annex. You may or may not be able to find out what these earmarks are about. But with this process, the way it is, we will never know, and we can't continue this.

I applauded the majority's move to new earmark rules in January. They were, I felt, stronger than what we did when we were in the majority. I think they should have been stronger, but they were better than what we did, and I said so. But we aren't following those rules.

We have already highlighted a few times that if the majority submits a list of earmarks, incomplete or complete, or simply states there are no earmarks in a bill, there is no parliamentary recourse for the minority or for anyone on the floor. We have to accept at face value that there are no earmarks or that the list is complete. That is wrong. That is something that has to change.

But when we are dealing with the Intelligence Committee on something this important, we can't let this process go forward without adopting some of the reforms that we have said that we are going to adopt.

So for that reason I will offer a motion for a secret session at the appropriate time, and I would urge a vote against this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I say through the Chair to my friend from Washington that I thought that we were having our last speakers

but I didn't know the nature and substance of his last speaker's remarks toward that end.

Mr. Speaker, I yield 4 minutes now to the distinguished Chair of the Select Committee on Intelligence, who has comments regarding Mr. FLAKE's comments.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to assure my friend and colleague from Arizona that, being sensitive to the issues that he mentioned about one of our former colleagues that, regrettably, now sits in prison, the Intelligence Committee worked very closely with the Parliamentarians, the Committee on Standards and Official Conduct, and other committees of the House on earmark disclosures.

I am at a loss as to who informed the gentleman that there would be no earmarks, but I think the gentleman now knows that the Government Printing Office made an error in omitting the earmarks and that is why the delay in putting them up on their Web site.

Be that as it may, this committee followed the requirements of the House for each Member receiving an earmark to certify that neither he or she nor his or her spouse would benefit financially from any kind of action. We complied with all the requirements, all the rules, and all the regulations.

As I said, we did this in a very transparent and bipartisan way because we did not want to leave any impressions that things were not done according to the rules that had been set out. Everything that we did with this process followed the rules and the process. Where the glitch came was where the printing was done. There was an error committed by the Government Printing Office, and that is why there was a delay in posting the earmarks.

Again, I am at a loss as to who informed the gentleman that there were no earmarks, because it certainly wasn't anyone from the committee that I am aware of.

Mr. FLAKE. Mr. Speaker, will the gentleman yield?

Mr. REYES. I would be glad to yield to the gentleman.

Mr. FLAKE. Mr. Speaker, I believe the requirement in the House rules is that the report be filed 72 hours before it is brought up. Actually, those of us who went up to view the classified annex, I asked for the list, if there was a list of earmarks, and I was told there was none.

Mr. REYES. Reclaiming my time just to explain to you that our process in the committee is that you would be provided support from the Republican staff.

If they misinformed the gentleman about the issue of earmarks, I don't know why they would do that because clearly staff on both sides knew that there were earmarks.

I will continue to yield.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding.

Yes, I reviewed and asked during that time if there were. I would say if it is

the case that a computer glitch led to no printing of the list, then you would think that the Rules Committee would say, okay, maybe we should move the process back and allow Members to offer amendments on specific earmarks.

Mr. REYES. Mr. Speaker, reclaiming my time, it is my understanding that the gentleman was offered an opportunity to do that and rejected it.

Mr. FLAKE. An unspecified opportunity. If the gentleman will continue to yield, Mr. Speaker, I actually offered an amendment that was rejected by the Rules Committee just encompassing all earmarks that might be in the bill because I wasn't given a list. I had no idea if there were any earmarks. And that was rejected.

The problem we have here in open session and the reason I will be calling to move into secret session is that in open session it is difficult to actually discuss what the earmark might be about.

Mr. REYES. I am being again reassured by staff, reclaiming my time, Mr. Speaker, that the gentleman was offered, less than an hour ago, unanimous consent to allow him to have an amendment.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, what I was offered about 30 minutes ago was an opportunity to offer perhaps a few amendments with regard to specific earmarks. It was never clear how many amendments I would be allowed to offer or on which of these earmarks. Until that is clarified, there is no reason to move forward.

And, also, let me point out again unless you are in secret session, you can't discuss exactly what the earmark might be about; so you might run afoul of any statements that you have signed or any confidentiality agreements that we are under in terms of classified information. And when I actually went up with the list to look at the classified annex again and pointed at certain earmarks, I was told that we are not sure what that was about. That was requested by a Member who is not on the committee. We don't know. And until we can have that Member actually stand up and be able to say what that earmark is about, whether it goes to a private company, whether it goes to an agency, we just don't know.

Mr. REYES. Mr. Speaker, will the gentleman yield?

Mr. FLAKE. Yes.

Mr. REYES. Mr. Speaker, let me again reassure the gentleman that every single earmark here followed the House rules. Every Member that has an earmark certified, like every Member is required to in the House, that they had no specific interest, that the spouse had no specific interest with the company or companies where the money was going.

Mr. FLAKE. I don't sit on the Intelligence Committee; so there may be

some disagreement there about whether the ranking member was informed or not, and I think that will probably come to light later.

But in this case, if we had followed the rules, we would have had the list before the Rules Committee shut down the amendment process because you need to be able to offer amendments on specific earmarks. And in this case, unless a Member can go up and view the classified annex and come away with an assurance or some kind of comfort level that the earmark under question is for the intended purpose or it should be in the intelligence bill, then we are at a loss when we come to vote. I think our constituents expect us to be informed, and when we can't even go up and view the classified annex and be informed, then there is a problem.

Mr. REYES. Will the gentleman yield?

Mr. FLAKE. Yes, I will yield.

Mr. REYES. Once again, Mr. Speaker, let me reassure my good friend and colleague from Arizona that the report, along with all the listing of earmarks, was filed appropriately, timely with the Rules Committee. Where the glitch occurred was in the printing.

But be that as it may, I want to tell you again, reassure you, that we did not handle the process in the Intelligence Committee any different than any other committee in the House, and I would hope the gentleman would understand that.

Mr. FLAKE. My office has a timeline, actually, if anyone is interested, and when we requested the list of earmarks, when we finally got it, what we were told by which office, and I can tell you this is no way to run a process, particularly given the recent history of problems that we have had in this regard. And that is why I am concerned, and that is why I feel we can't do that in an open session like this. We have to go to secret session.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. FLAKE. Yes, I will.

Mr. HASTINGS of Florida. Mr. Speaker, does the gentleman have now an amendment prepared that he is ready to offer?

Perhaps it would be that we could ask unanimous consent that your amendment be allowed to go forward.

Mr. FLAKE. Reclaiming my time, I would not, given that I cannot discuss some of what I need to discuss in open session, given what has transpired. I don't think that we can. That is why we need a closed session.

I will offer the motion, and if you don't feel that we need to go into closed session, then you can vote against it.

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

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

Mr. Speaker, I will be asking for a "no" vote on the previous question so

that I can amend this rule to allow the House to consider an amendment offered by Representative HEATHER WILSON of New Mexico and provide the appropriate waivers for that amendment.

The Wilson amendment would modernize the Foreign Intelligence Surveillance Act to enhance the ability of our Nation to protect itself in times of war and elevated national security threats. And I think that point was made very,

very eloquently by the gentlewoman from New Mexico.

Yesterday, the Rules Committee met and rejected on a party-line vote the Wilson amendment.

Mr. Speaker, I want to advise my friend from Florida that I just got a request for time here, and that is being discussed right now, that I was not aware of.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Washington has 7½ minutes remaining. The gentleman from Florida has 4 minutes remaining.

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

**NOTICE**

*Incomplete record of House proceedings.*

*Today's House proceedings will be continued in the next issue of the Record.*