Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—17

Burton (IN)
Chandler
Doyle
Ellison
Fortenberry
Guinta
Heinrich
Lewis (CA)
Mack
McCarthy (CA)
Napolitano
Pascrell
Rangel
Roby
Slaughter
Velázquez
Young (FL)

□ 1414

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, on May 31, 2012, I missed the three rollcall votes of the day.

Had I been present I would have voted: "no" on rollcall vote 297, Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 5743, H.R. 5854, H.R. 5325, and H.R. 5855; "no" on rollcall vote 298, H. Res. 667, Rule providing for consideration of H.R. 5743—Intelligence Authorization Act for Fiscal Year 2013, H.R. 5854—Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2013, H.R. 5325—Energy and Water Development and Related Agencies Appropriations Act, 2013 and H.R. 5855—Department of Homeland Security Appropriations Act, 2013; "no" on rollcall vote 299, H.R. 3541, The Prenatal Nondiscrimination Act (PRENDA) of 2012.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

GENERAL LEAVE

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 5743.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5743.

The Chair appoints the gentleman from Kansas (Mr. YODER) to preside over the Committee of the Whole.

□ 1418

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5743) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. YODER in the chair.

The Clerk read the title of the bill.

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

The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I first wish to make an announcement with respect to the availability of the classified annex to the bill for the Members of the House. This is to reinforce a previous announcement made to Members by the Committee on Rules on May 23, 2012, and an informal announcement by leadership.

□ 1420

Mr. Chairman, the classified Schedule of Authorizations and the classified annex accompanying the bill remain available for review by Members at the offices of the Permanent Select Committee on Intelligence in room HVC–304 of the Capitol Visitors Center. The committee office will open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House.

I recommend that Members wishing to review the classified annex contact the committee's director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified documents.

Mr. Chairman, we're especially pleased with this year's fiscal 2013 Intelligence authorization bill and its presence here on the floor today. This will be our third authorization since I assumed the chairmanship and my colleague, Mr. RUPPERSBERGER, assumed the ranking member position on the House Intelligence Committee.

The bill is a vital tool for congressional oversight of the intelligence community's classified activities and is critical to ensuring that our intelligence agencies have the resources and authorities they need to do their important work.

The Intelligence authorization bill funds U.S. intelligence activities spanning 17 separate agencies. This bill is significantly below last year's inactive budget, but up modestly from the President's roughly $72 billion in the unclassified number budget request for fiscal year 2013. It is also completely in line with the House budget resolution, which provides for a modest increase of defense activities above the President's budget.

The FY13 bill sustains our current intelligence capabilities and provides for the development of future capabilities, all while achieving significant savings and ensuring the intelligence agencies are being good stewards of the taxpayers' dollars. The U.S. intelligence community plays a critical role in the war on terrorism and securing the country from many threats that we face. Effective and aggressive congressional oversight is essential to ensuring continued success in the intelligence community. The current challenging fiscal environment demands the accountability and financial oversight of our classified intelligence programs that can only come with an Intelligence authorization bill.

The bill's comprehensive classified annex provides detailed guidance on intelligence spending, including adjustments to costly but important programs. The bill funds requirements of the men and women of the intelligence community, both military and civilian, many of whom directly support the war zones and are engaged in other dangerous operations designed to keep America safe.

It provides oversight and authorization for vital intelligence activities, including global counterterrorism operations such as the one that took out Osama bin Laden; efforts by the National Security Agency to defend us from advance foreign state-sponsored cyberthreats; countering the proliferation of weapons of mass destruction; global monitoring of foreign militaries and advanced weapons tests; and research and development of new technology to maintain our intelligence agencies' technological edge, including work on code breaking and spy satellites.

To stay competitive amidst declining budgets, the IC must wring out cost in all realms of operations—collection, processing, analysis, logistics, and ''back office'' operations. This bill promotes operating efficiencies in a number of areas, particularly in information technology, the ground processing of satellite data, and the intelligence, surveillance, and reconnaissance departments. The bill holds personnel levels, one of the biggest cost drivers, at last year's levels. Even so, the bill adds a limited number of new personnel positions for select, high-priority positions, such as FBI surveillance officers to keep watch on terrorists.

The bill contains additional funding for intelligence collection programs, including increased counterintelligence to thwart foreign spies. The bill also increases funding for our intelligence community's comparative advantage—cutting-edge research and development.

While we're on the subject of funding our intelligence agencies, I think I would be remiss if we didn't briefly discuss the looming threat of sequestration and the devastating consequences it would have for our vital intelligence operations. The intelligence community and the congressional intelligence oversight committees have worked together over the last year, in recognition of the current challenging fiscal environment, to find efficiencies in the intelligence budget. And we've done that. We've actually done more in certain areas by finding efficiencies in other areas and reducing the overall cost of our 17 agencies.

Unlike the dangerous, across-the-board cuts of the 1990s, however, these funding cuts were carefully selected to ensure that no important operational intelligence capabilities were impacted. Let me be clear: The intelligence community has given until it hurts to produce better budget efficiencies, but we have done this without adversely affecting the mission, which is critically important.

All of this careful work, however, will have been done for nothing if Congress doesn't avert the sequestration train wreck. Sequestration will require a devastating cut to defense spending that will also entail dangerous across-the-board reductions in intelligence funding. The across-the-board nature of the sequester means that there is very little discretion left to our intelligence agencies on how to apportion these reductions.

Let me give you just a few examples of the dangerous impact this would have. Thousands of intelligence officers and specialized technicians will be laid off, to include those working around the world, and around the clock, to stop terrorist plots before they arrive on U.S. shores. The National Security Agency would have to significantly reduce its ability to intercept, translate, and analyze terrorist communications about their plans to attack the United States and Western targets. This would significantly reduce our odds of detecting and disrupting those terrorist plots. Intelligence community support to our soldiers and marines in harm's way in Afghanistan would significantly be curtailed. Also, the National Geospatial-Intelligence Agency would be forced to cut back the number of satellite images that it analyzes, reducing our odds of detecting significant foreign military activity, such as North Korean preparations for an attack on our troops in South Korea.

Our intelligence agencies and the important work they do is our first line of defense against the many threats around the world to our national security. Sequestration would be dangerous and irresponsible for many reasons, not the least of which is the threat to those vital intelligence capabilities, and Congress must act to avoid it. The House has put an offer on the table that would avert this disaster. We passed a bill earlier this month with responsible spending reforms that will bring down the debt without endangering our national security. I urge my colleagues in the Senate to take up this bill without further delay.

The bipartisan fiscal year 2013 Intelligence authorization bill preserves and advances national security and is also fiscally responsible. We have proven it can be done. The secrecy that is a necessary part of our country's intelligence work requires that the congressional Intelligence Committees conduct strong and effective oversight on behalf of the American people. That strong and effective oversight is impossible, however, without an annual Intelligence Authorization bill.

I want to thank all of the members on the committee for their bipartisan effort to find agreement on a bill that saves money and moves forward smartly on protecting the interests of national security for the United States.

I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of the Intelligence Authorization Act for Fiscal Year 2013. It is a bipartisan bill that gives our intelligence professionals the resources, capabilities, and the authorities they need to keep our country safe. When Chairman ROGERS and I took over the leadership of the Intelligence Committee, we made a commitment to bipartisanship. We believe politics has no place on the Intelligence Committee. The stakes are just too high.

We also made a commitment to passing intelligence budgets to give the intelligence community financial direction and to conduct proper oversight. I commend Chairman ROGERS for making this an open process where we reached agreement on issues that will make this country safer and the intelligence process more efficient.

But we also know we're facing tough economic times so we must use every dollar wisely. This budget is about 4 percent below the enacted levels for FY 2012. It holds personnel at last year's levels and authorizes an initiative to achieve major efficiencies and improve performance and information technology. We made cuts where appropriate, eliminated redundancies, and pushed programs to come in on time and on budget.

The bill allocates resources to critical national security priorities: space, cybersecurity, counterintelligence, and counterterrorism.

We restored some of the cuts to commercial satellite imagery to ensure the warfighter and policymakers have the images they need. I believe commercial competition is important to ensure the warfighter and other policymakers get high-quality products while keeping costs down. It drives innovation and provides a much-needed policy in case there are problems with other government problems.

□ 1430

The bill reinforces cybersecurity by protecting the intelligence community's networks from countries like China and others trying to steal our valuable data.

The bill also makes counterintelligence a priority by increasing surveillance of foreign spies from countries like China, Russia, and Iran.

The bill improves supply-chain security and adds the counterintelligence analysts this Nation needs.

The bill enhances counterterrorism efforts to continue the fight against al Qaeda and its affiliates around the world.

The bill increases oversight on the spending of domestic intelligence agencies.

The bill also expands the intelligence community's capabilities around the global to ensure the United States is capable and ready to address the threats worldwide.

The bill authorizes the Defense Clandestine Service created by the Department of Defense to reorganize its human intelligence collection and partner with the CIA's National Clandestine Service.

The Democrats on the House Intelligence Committee remain committed to giving our intelligence professionals what they need to do their jobs while also providing proper oversight and protecting personal privacy.

Provisions offered by the minority members were accepted as part of the chairman's mark and other amendments were adopted unanimously by the committee.

Congresswoman SCHAKOWSKY introduced an amendment that protects the inspector general of an intelligence agency from across-the-board cuts to preserve their role as a watchdog of an organization. I commend Ms. SCHAKOWSKY for her good work on this bill.

Congressman THOMPSON introduced an amendment to expand our efforts to prevent drug cultivation on Federal lands. I commend Mr. THOMPSON for his efforts on this bill as well.

In fact, we wouldn't be here today without the hard work of all of the members of the Intelligence Committee. This is truly a bipartisan product. The bill passed through markup by a margin of 19–0, a true testament to the bipartisan spirit of the committee.

I urge my colleagues to support the Intelligence Authorization Act for 2013. This bill ensures the Nation's intelligence community is effective, fiscally sound, and subject to appropriate oversight.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to a distinguished member of the committee, the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Chairman, today is another milestone in our work to conduct strong oversight of the intelligence community. In just under 2 years as chairman and ranking member, the gentleman from Michigan and

the gentleman from Maryland have proven that the Intelligence Committee is now really not just a bipartisan committee, but I think more importantly a nonpartisan committee, which is why this bill passed out of committee 19–0.

During these austere times, it is also important to not only sustain our Nation's intelligence capabilities and provide for future needs, but to do so in a fiscally responsible way. This bill achieves significant savings by holding the line on authorizing spending below last year's levels—curbs unnecessary personnel growth—and targets intelligence investments. Included in this bill are the tools necessary to reduce operational costs of the intelligence community's front-line operators and provisions to conduct a house cleaning of ''back office'' operations.

Moreover, this bill ensures that acquisitions are done on cost and on schedule while still expanding the IC community's comparative advantage of cutting-edge research and technology.

One of the critical gaps this bill fixes is with structural deficiencies in the CIA Inspector General's Office. We are taking steps to allow the CIA to better recruit and retain a professional staff of investigators. This is done by allowing the IG to designate certain positions as law enforcement officers for retirement purposes.

Mr. Chairman, it is critical that the Congress demand accountability and financial oversight of our classified intelligence programs. That can only be done through consistent passage of an intelligence authorization bill. I urge all Members to support the bill before us today.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 4 minutes to my distinguished colleague from the State of California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman for yielding, and I also thank the chairman and the ranking member for making sure that we're able to work together to produce a document that will benefit the entire country in regard to our national security, and I rise in strong support of this year's Intelligence authorization bill.

As the ranking member of the Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, I'm pleased that we're able to put this product forward, and I strongly support the bill's emphasis on developing stronger counterintelligence capabilities throughout the intelligence community.

Every time I travel overseas to observe operating conditions, I've been impressed by the work being done by our intelligence personnel, but also concerned about the increasing threats and challenges that we face. Today, our intelligence officers are facing increasingly hostile foreign intelligence services, insurgent groups, terrorists organizations, industrial spies, and the threat of cyberattacks. Many of our adversaries are working together in ways we haven't seen before. This is no longer the Cold War world with little cameras and secret compartments. It's now more complicated to find out how our enemies are getting intelligence on the United States and how these same enemies are protecting their own secrets.

To address this threat, this bill provides additional resources to enable our intelligence community to collect better information and provide better analysis on how our adversaries are working against us.

Second, since the emergence of the Arab Spring, our subcommittee has been examining how the intelligence community has been identifying the types of trends that have literally transformed countries overnight, countries like Tunisia and Egypt.

I've heard firsthand from our intelligence personnel that they need more to better get a handle on the dynamics in their countries and their regions. The Arab Spring phenomenon can happen anywhere anytime, and our intelligence community must be better prepared the next time. This bill enables the intelligence community to rebuild its global mission by realigning and adding to its current resources dedicated to this collection effort. With these resources, intelligence personnel will have more tools to identify and report signs of instability in real-time.

This bill also includes a number of other provisions that I believe are important to our national security. The bill requires the Director of National Intelligence to continue compiling threat assessment of foreign drug traffickers that are turning our public lands in the United States into hostile areas to further their operations. This threat assessment was first required in last year's authorization; and given the scope of the problem, it's essential that our efforts to combat foreign drug traffickers on our Federal property be continued.

Also, the bill restores funding for the National Gang Intelligence Center. The analysis that the NGIC has provided on the growing gang influence in the U.S. military, for example, is critical to finding an adequate solution to this problem and the very reason Congress created the NGIC in the first place. It's important that this work continue.

I am a little disappointed that we weren't able to do some things that we all believe are necessary. For example, the expansion of the Science, Technology, Engineering and Math cooperative programs at colleges and universities is extremely important; and I think we need to continue to do more to make sure that we're able to grow that resource.

Mr. Chairman, our intelligence community must be prepared for any and all threats. While Osama bin Laden may no longer pose a direct threat to our country's safety and security, the remaining elements of al Qaeda and other emerging terrorist organizations are more determined than ever. It's critical for Congress to pass this bill, and I strongly support that we do so today.

Mr. ROGERS of Michigan. Mr. Chairman, I would yield 2½ minutes to the gentleman from Kansas (Mr. POMPEO).

Mr. POMPEO. Mr. Chairman, I want to first start by commending Chairman ROGERS and Ranking Member RUPPERSBERGER for their great work on crafting this bipartisan bill, a strong piece of legislation that addresses some tremendously important issues that face our country.

While this legislation in its detail—and we've heard the chairman speak about it—talks about new initiatives and programs and three-letter Agencies, this is about something different from that. This is about protecting the American people. This is about keeping the citizens of El Dorado and Coffeyville and Wichita and Anthony, Kansas, safe against a staggeringly large and very real threat.

On September 11, now over a decade ago, we began to enter a very different time, very different war. Now 15 years ago, I was serving in the military. I served along the East German border. Then it was different. We could see the enemy. They wore uniforms. There were fences and boundaries. And today, we live in a very, very different world. And this legislation, the 2013 Intelligence bill, attempts to, in a fiscally responsible way while protecting the privacy of every American citizen in a conscientious way, address those very real threats.

□ 1440

It is easy sometimes to forget—to forget from a decade ago and forget that al Qaeda is still there, active and trying, fighting vigorously to take down the American way of life. And to see this thoughtful piece of legislation put together in a way that both parties could agree to, that both parties could say this makes sense, these are the resources we have available, we're going to do this in a fiscally prudent way, is something that I think should encourage each of us and cause every Member to support this legislation.

We can't allow anyone to forget that this threat is real. The gravity and consequences of not having an active and capable intelligence set of agencies and forces is too important. I know the chairman and ranking member both understand this, and I want to thank them for their work. I want to encourage each and every one of my colleagues to support the FY 2013 Intelligence Authorization bill.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 2 minutes to my distinguished colleague from the State of Rhode Island (Mr. LANGEVIN), whom I consider one of the foremost experts in the area of cybersecurity. Thank you for your work in that field, Mr. LANGEVIN.

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

Mr. LANGEVIN. I thank the gentleman for yielding.

I thank both Chairman ROGERS and Ranking Member RUPPERSBERGER for their outstanding work on this very important legislation and so many aspects contained in it.

Last September, I proudly spoke in support of the fiscal year 2012 Intelligence authorization bill because it addressed critical cybersecurity needs as well as many issues of great importance, not just to me but to our country and to the men and women of our intelligence services. I was pleased to be a part of a bipartisan effort within the Intelligence Committee to craft that legislation and gratified by the overwhelming bipartisan support that it garnered.

Earlier this year, the House considered the Cyber Intelligence Sharing and Protection Act, which also received bipartisan support and, in my opinion, is a critical first step to confront the serious challenges our Nation faces in the realm of cybersecurity.

Now, I continue to advocate for action on CISPA and on the comprehensive cybersecurity legislation that will ultimately be necessary to address this issue, but today I'm proud to support H.R. 5743, the fiscal year 2013 Intelligence authorization bill because it builds on these earlier efforts to give the U.S. intelligence community the tools and funding it needs to meet the challenges of the future. Just as importantly, it supports the men and women of the intelligence community who enable those investments and keep our Nation secure.

The National Counterintelligence Executive recently warned that China and Russia are conducting sophisticated cyberespionage against the U.S., in addition to more traditional espionage operations. They and other countries seek to undermine our military, technological, and innovative edge by exploiting our vulnerabilities in the cyber realm, in particular, our critical infrastructure. This situation presents a pervasive threat to U.S. economic security, and I'm very sad to say that they're having success.

The estimates on the losses to U.S. industry and government from economic espionage range from $2 billion to over $400 billion a year. Now, this massive spread only emphasizes that we don't yet have the information we need to fully understand and combat this threat.

The CHAIR. The time of the gentleman has expired.

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

Mr. LANGEVIN. The National Counterintelligence Executive cautions that the intelligence community can't entirely prevent cybertheft of national and industrial secrets, but the community can minimize the hostile activity and mitigate the effects. Those efforts will be more successful if the agencies collaborate, build public-private partnerships, and improve intelligence collection and analysis of the cyberthreat to our country.

The FY 2013 bill responds by giving the intelligence agencies the resources they need to develop a strong, unified effort to counter China, Russia, and other actors that might threaten our economic security or technological edge. The bill also does a lot to protect our supply chain, which is another area of vulnerability.

This is a good bill, it's an important bill, and I urge my colleagues to support it.

Mr. ROGERS of Michigan. Mr. Chairman, I'll reserve my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 2 minutes to my distinguished colleague from the State of California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I want to rise to congratulate our chairman, Mr. ROGERS, and our ranking member, Mr. RUPPERSBERGER, for their extraordinary work in putting this bill together, and the incredible and bipartisan operation of the committee. This work product and the committee operations I think were a model that many of the rest of the committees on the Hill would do well to follow.

I rise in strong support of H.R. 5743, an authorization bill that gives our intelligence community the tools they need to keep America safe.

I'd like to focus on the technical aspects of the bill, specifically the intelligence community's future investments in key overhead technologies. This is a good bill, as it makes necessary budget cuts without affecting the mission of the intelligence community. And there is one issue in particular I would like to highlight.

Since 9/11, we have been investigating the potential advantages of persistent video. Current systems that simply snap pictures miss critical dynamics of the adversary. Standard pictures limited to capturing isolated points in time can't tell where a bad actor came from or where they went after they committed an act of terror.

Hypothetically consider: What if we could use a video and video a hostile area 24 hours a day, 365 days a year, and during this period a roadside bomb occurred? With a variety of capabilities, we could simply rewind and watch the perpetrators as they planted the device and trace their locations both before and after the device exploded. Independent of the source—whether space, ground, or air—we simply can't do that with still photography. Similarly, such a capacity might help us identify proliferators of nuclear and missile technology.

I favor an approach that invests in new technologies that go beyond our past and present capabilities. In my role as ranking member for the Technical and Tactical Subcommittee, I work to ensure that cost, schedule, and performance are met as we strive to explore this potential advantage for national security.

Mr. Chairman and Ranking Member, again, I want to thank you for the opportunity to express my views on this bill. I support it wholeheartedly and recommend its passage.

Mr. ROGERS of Michigan. Mr. Chairman, I continue to reserve my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield 3 minutes to my distinguished colleague from the State of Kentucky (Mr. CHANDLER).

Mr. CHANDLER. First, I want to start by saying just how wonderful it is to be a part of a committee that actually works well together, and I thank Chairman ROGERS and Ranking Member RUPPERSBERGER for that. In this place these days, it seems a bit unusual, but on this committee, in my view, they are not Republicans and Democrats; there are patriots and Americans, and I appreciate that.

I'm proud to support this bill, the Intelligence Authorization Act for Fiscal Year 2013. This bill authorizes vital funding for our intelligence activities which we need to protect America and American interests.

Congress has an obligation to support intelligence gathering while also protecting our civil liberties and considering our fiscal responsibilities. I believe this bill does just that, ensuring that we have resources and tools needed to keep our country safe even in this tough economic time.

We live in complicated times, when terrorists can execute a cyberattack from halfway around the world, bringing down a nation's infrastructure or compromising individuals' identities and bank accounts. Now, more than ever before, our intelligence capabilities are critical to the safety and security of our country.

In my tenure on the Intelligence Committee, I've had the privilege of working with the fine men and women of the intelligence community, and I'm here to tell you they are committed patriots who protect our Nation and our way of life every day. I cannot overstate how important the work they do is to the safety of our Nation.

This bill, which passed out of the committee with overwhelming bipartisan support, allocates resources to critical national programs, including those that detect, prevent, and disrupt terrorist attacks against Americans. It enhances counterterrorism efforts to continue the fight against al Qaeda and its affiliates around the world. Furthermore, this bill shows the committee's commitment to giving our intelligence professionals what they need to do their jobs while providing oversight and protecting personal privacy.

The world just saw how first-rate our intelligence community is after the successful mission to kill Osama bin Laden last year. This legislation ensures that we can continue to have the world's premiere intelligence capabilities.

Again, I thank the chairman and I thank the ranking member for the tremendous way that they cause the committee to work together. It's an honor

to serve on this committee, and I thank you.

□ 1450

Mr. ROGERS of Michigan. Mr. Chairman, I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, can I ask how much time each side has remaining?

The CHAIR. The gentleman from Maryland has 15 minutes remaining. The gentleman from Michigan has 18 minutes remaining.

Mr. RUPPERSBERGER. Mr. Chairman, I reserve the balance of my time, also.

Mr. ROGERS of Michigan. Mr. Chairman, I have one more speaker who is on his way to the floor, I understand, so I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself such time as I may consume.

I'm proud that the bill under consideration has an emphasis on supporting counterintelligence resources. Last year, the chairman and I made it a priority to review the community's counterintelligence posture after learning more about the aggressive ways foreign intelligence and security services continue to steal U.S. secrets, including trade secrets, from U.S. companies.

One of the most disturbing reports came from the National Counterintelligence Executive which said that Russia and China are both aggressively utilizing cyberspace to steal U.S. economic secrets. This informative unclassified report is available on the Director of National Intelligence Web site. I encourage every U.S. business to read it to understand the threat they face today. The hard work and money it takes to innovate and conduct research are all at risk.

What China, Russia, and any other country who engage in espionage realize is that it's faster and cheaper to steal U.S. creativity than to develop it themselves. The report also gives examples of the millions of dollars that are at stake, like a single proprietary paint formula from Valspar valued at $20 million. These are some economic impacts of espionage, but they are also the cost to our national security and those of our allies.

A spy within our intelligence community, with access to our most sensitive secrets, can mean the lives of our sources and our troops. In these cases, it is impossible to calculate the impact. Espionage is countered by the villages of our counterintelligence professionals. These are the people we depend upon to discover the spies within our midst. I'm proud that this bill adds the resources and personnel for this critical mission.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. HECK).

Mr. HECK. Mr. Chairman, I rise today in support of H.R. 5743, the Fiscal Year 2013 Intelligence Authorization Act.

This bill strikes the appropriate balance between the necessity for fiscal restraint and providing our intelligence community the resources they need so that they can continue to play a vital role in our national security. This is especially true in the technical collection systems that are the focus of the Subcommittee on Technical and Tactical Intelligence.

H.R. 5743 puts the focus on how well our entire technical collection architecture systems work together. In the past, we have had a tendency to focus on a few large acquisition programs and not on the total capability that all systems bring to the nation. This bill leverages advancements in technology by making changes that are focused on ensuring collection platforms work together to simultaneously collect and correlate data.

Additionally, through funding for the National Geospatial-Intelligence Agency programs, this bill incrementally advances the ability to coordinate collection across a diverse set of collection platforms that are fielded by the intelligence and military communities.

H.R. 5743 also takes an important first step toward reducing the cost of launch, and encourages the further development of commercial launch services. While the cost of getting to space has not traditionally been the focus of the intelligence community, these essential reforms will allow us to reallocate these savings to our Nation's core intelligence missions.

Mr. Chairman, again I urge support of H.R. 5743. I thank the chairman and the ranking member for their leadership on this issue.

Mr. RUPPERSBERGER. Mr. Chairman, I yield myself as much time as I may consume.

For the third time in 3 years, Chairman ROGERS and I have stood on the floor of the House encouraging our colleagues to support our intelligence budget bill. We both rise in support of the Intelligence Authorization Act for Fiscal Year 2013. I would like to thank Chairman ROGERS for his bipartisan leadership on this bill.

The bill gives our intelligence professionals the resources, capabilities, and authorities they need to protect American and American interests. We crafted a bill that addresses our core needs, including space, cybersecurity, counterintelligence, and counterterrorism, while also keeping an eye on the bottom line. This bill is about 4 percent below last year's budget and holds personnel at last year's levels.

The Intelligence Committee came together as Democrats and Republicans to do what is right for our country and for the intelligence community. The bill unanimously passed out of our committee by a margin of 19–0.

I would also like to thank the staff of the Intelligence Committee for their hard work on this bill. You're only as good as your team and your staff.

I urge my colleagues to support the Intelligence Authorization Act for FY 2013.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself as much time as I may consume.

I, too, want to thank the ranking member for his bipartisan leadership on this very, very important issue, our national security, and the staffs of both committees. We did something very unusual. We have the staffs work together to produce an authorization bill, and we think it makes a much better product with a lot more voices in the mix. We think we have gotten to a place that will protect America and save money for the taxpayers. That's a good place to be.

And at the end of the day, this is about a very serious issue. It's about the fact that we have folks all around the world who are getting up in the morning trying to commit acts of violence against U.S. citizens or our allies. It's about nation-states who want to steal the very prosperity of America by stealing our intellectual property through spying or cyberspying. It's about nation-states who are making an investment in cyberattack capability that would actually cause catastrophic harm to the United States economy. It is about nation-states who are engaged in the development of nuclear weapons for certainly no good purpose.

In the nineties we had a peace dividend because the structure of the threat changed fundamentally, and we could rearrange the way we looked at the world and our defense posture and our national security posture around the world. And I think this is a good moment to caution where we go in the future.

This is not like the nineties. We don't enjoy the same peace dividend in the sense that the world is more complicated and, in many ways, more dangerous than it has ever been before. Those intelligence services are getting aggressive. Our adversaries are getting better. They are investing in space and cyber in a way that is breathtaking if we don't keep pace. We don't have to spend dollar for dollar, but we do have to match intellectual capital with the solutions that we need to keep America safe.

The very brave men and women who risk their lives all over the globe to protect our soldiers by providing them state-of-the-art and up-to-date information, or by recruiting somebody in a very dangerous place somewhere else that might give us that little bit of advantage in knowing what our adversaries are up to, we owe a great debt of gratitude to those very brave Americans who risk their lives every single day in defense of this Nation. They are silent and quiet warriors, but deserve no less of our appreciation and gratitude for faithful service to this great Nation.

This bill reflects that, and it reflects the important status that we are going

to have to take in the intelligence community when it comes to protecting America in what is promising to be a dangerous future when it comes to our adversaries. This bill, we think, takes head-on those new challenges, so that America can be equally prosperous in the future and as safe as we have ever been.

With that, Mr. Chairman, I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chair, today I rise in support of H.R. 5743, the Intelligence Authorization Act for Fiscal Year 2013. This bipartisan bill, which was reported by the Permanent Select Committee on Intelligence by a unanimous 19–0 vote, provides funding and policy guidance to the America's intelligence community. Few bills are as important to our nation's security as this one.

H.R. 5743 provides the necessary resources to vital security programs, many of which focus on detecting and preventing terrorist attacks. It is critical that America maintains its qualitative security edge with respect to intelligence gathering, data analysis, and counterterrorism. This bill would ensure that happens.

I recognize that given these challenging economic circumstances, difficult choices have to be made. This has led the Committee to authorize funding for intelligence activities at level that is four percent below last year's enacted budget. I appreciate the way Chairman ROGERS and Ranking Member RUPPERSBERGER have worked together in an effort to fashion a bill that strikes an appropriate balance.

The committee has made fiscally responsible choices when deciding where to cut funding, eliminating redundancies and directing that other programs be managed more efficiently.

Mr. Chair, for obvious reasons many of the programs authorized by this legislation cannot be discussed publicly. However, these programs are subjected to congressional oversight and scrutiny by the Intelligence Committee, which takes seriously obligation to ensure that the programs authorized under this legislation and the officials who administer them operate within constitutional and legal bounds.

I am pleased that the bill also contains provisions to strengthen the protection of the identities of covert agencies, to combat attempts by other countries to buy technology that could be used to develop weapons of mass destruction, and to enhance our counterterrorism efforts. As a member of the Committee on Homeland Security I know how important it is to make counterintelligence and counterterrorism efforts priorities.

It is a sad truth that we live in an age where our most pressing concern is the imminent threat of another terrorist attack. Our enemy does not respond to logic or reason, and therefore we must be prepared for every situation.

Mr. Chair, I support this bill because I am persuaded that it furthers the nation's security interests and is the right thing to do. I urge my colleagues to join me in voting for H.R. 5743.

The CHAIR. All time for general debate has expired.

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

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

H.R. 5743

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2013''.

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

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

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Non-reimbursable details.
Sec. 304. Strategy for security clearance reciprocity.
Sec. 305. Repeal or modification of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Sec. 401. Clarification on authority of CIA to transfer funds to CIA activities authorized by law.
Sec. 402. Authorities of the Inspector General for the Central Intelligence Agency.
Sec. 403. Working capital fund.
Sec. 404. Intelligence community assistance to counter drug trafficking organizations using public lands.

TITLE V—OTHER MATTERS

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 502. Technical amendment to title 5, United States Code.
Sec. 503. Technical amendment to the National Security Act of 1947.

SEC. 2. DEFINITIONS.

In this Act:

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

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

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

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.
(2) The Central Intelligence Agency.
(3) The Department of Defense.
(4) The Defense Intelligence Agency.
(5) The National Security Agency.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Coast Guard.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Department of Justice.
(12) The Federal Bureau of Investigation.
(13) The Drug Enforcement Administration.
(14) The National Reconnaissance Office.
(15) The National Geospatial-Intelligence Agency.
(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2013, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 5743 of the One Hundred Twelfth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY TO COMMITTEES OF CONGRESS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—In carrying out paragraph (2), the President may disclose only that budget-related information necessary to execute the classified Schedule of Authorizations and shall not disclose the Schedule or any portion of the Schedule publicly.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2013 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

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

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2013 the sum of $530,652,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2014.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 831 full-time or full-time equivalent personnel as of September 30, 2013. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2013 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2014.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2013, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2013 the sum of $514,000,000.

TITLE III—GENERAL PROVISIONS

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

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 303. NON-REIMBURSABLE DETAILS.

Section 113A of the National Security Act of 1947 (50 U.S.C. 404h–1) is amended—

(1) by striking ''An officer or employee of the United States or member of the Armed Forces'' and inserting ''(a) CIVILIAN EMPLOYEES.—An officer or employee of the United States'';

(2) by striking the second sentence; and

(3) by adding at the end the following new subsections:

''(b) MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program on a non-reimbursable basis, as jointly agreed to by the head of the receiving and detailing elements, for a period not to exceed three years.

''(c) NO LIMITATION ON OTHER AUTHORITY.—This section does not limit any other source of authority for or non-reimbursable details.

''(d) NO EFFECT ON APPROPRIATIONS.—A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the element of the intelligence community receiving such detail.''.

SEC. 304. STRATEGY FOR SECURITY CLEARANCE RECIPROCITY.

(a) STRATEGY.—The President shall develop a strategy and a timeline for carrying out the requirements of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(d)). Such strategy and timeline shall include—

(1) a process for accomplishing the reciprocity required under such section for a security clearance issued by a department or agency of the Federal Government, including reciprocity for security clearances that are issued to both persons who are and who are not employees of the Federal Government; and

(2) a description of the specific circumstances under which a department or agency of the Federal Government may not recognize a security clearance issued by another department or agency of the Federal Government.

(b) CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of the strategy and timeline developed under subsection (a).

SEC. 305. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) REPEAL OF REPORTING REQUIREMENTS.—

(1) ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.—Section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) is repealed.

(2) THREAT OF ATTACK ON THE UNITED STATES USING WEAPONS OF MASS DESTRUCTION AND THE SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND NUCLEAR MILITARY FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(A) in the heading, by striking ''ADDITIONAL ANNUAL REPORTS FROM THE DIRECTOR OF NATIONAL INTELLIGENCE'' and inserting ''ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES'';

(B) by striking subsections (a), (c), and (d);

(C) by striking ''(b) ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.—'';

(D) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively;

(E) in subsection (b) (as so redesignated)—

(i) by redesignating subparagraphs (A), (B), and (C), as paragraphs (1), (2), and (3), respectively; and

(ii) in paragraph (2) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(F) in subsection (e) (as redesignated by subparagraph (D)), by redesignating subparagraphs (A), (B), and (C), as paragraphs (1), (2), and (3), respectively.

(3) MEASURES TO PROTECT THE IDENTITIES OF COVERT AGENTS.—Title VI of the National Security Act of 1947 (50 U.S.C. 421 et seq.) is amended—

(A) by striking section 603; and

(B) by redesignating sections 604, 605, and 606 as sections 603, 604, and 605, respectively.

(b) MODIFICATION OF REPORTING REQUIREMENTS.—

(1) INTELLIGENCE ADVISORY COMMITTEES.—Section 410(b) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259; 124 Stat. 2725) is amended to read as follows:

''(b) NOTIFICATION OF ESTABLISHMENT OF ADVISORY COMMITTEE.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each notify the congressional intelligence committees each time each such Director creates an advisory committee. Each notification shall include—

''(1) a description of such advisory committee, including the subject matter of such committee;

''(2) a list of members of such advisory committee; and

''(3) in the case of an advisory committee created by the Director of National Intelligence, the reasons for a determination by the Director under section 4(b)(3) of the Federal Advisory Committee Act (5 U.S.C. App) that an advisory committee cannot comply with the requirements of such Act.''.

(2) CUSTOMER FEEDBACK ON DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE REPORTING.—Section 210A(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended—

(A) by inserting ''and the Select Committee on Intelligence'' after ''Committee on Homeland Security and Governmental Affairs''; and

(B) by inserting ''and the Permanent Select Committee on Intelligence'' after ''and the Committee on Homeland Security''.

(3) INTELLIGENCE INFORMATION SHARING.—Section 102A(g)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(4)) is amended to read as follows:

''(4) The Director of National Intelligence shall, in a timely manner, report to Congress any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively ensure maximum availability of access to intelligence information within the intelligence community consistent with the protection of the national security of the United States.''.

(c) CONFORMING AMENDMENTS.—

(1) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(A) in subsection (a)—

(i) by striking ''(1) The date'' and inserting ''The date'';

(ii) in the matter preceding subparagraph (A), by striking ''subsection (c)(1)(A)'' and inserting ''subsection (c)(1)'';

(iii) by striking paragraph (2);

(iv) by striking subparagraphs (A) and (C);

(v) in subparagraph (G), by striking ''114(c)'' and inserting ''114''; and

(vi) by redesignating subparagraphs (B), (D), (E), (F), (G), (H), and (I), as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(B) in subsection (c)(1)—

(i) by striking ''(A) Except as provided'' and inserting ''Except as provided''; and

(ii) by striking subparagraph (B).

(2) TABLE OF CONTENTS OF THE NATIONAL SECURITY ACT OF 1947.—The table of contents in the first section of the National Security Act of 1947 is amended—

(A) by striking the item relating to section 114 and inserting the following new item:

''Sec. 114. Annual report on hiring and retention of minority employees.''; and

(B) by striking the items relating to sections 603, 604, 605, and 606 and inserting the following new items:

''Sec. 603. Extraterritorial jurisdiction.
''Sec. 604. Providing information to Congress.
''Sec. 605. Definitions.''.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

SEC. 401. CLARIFICATION ON AUTHORITY OF CIA TO TRANSFER FUNDS TO CIA ACTIVITIES AUTHORIZED BY LAW.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''any of the functions or activities authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–

4a).'' and inserting ''any functions or activities of the Agency authorized by law''.

SEC. 402. AUTHORITIES OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Section 17(e)(7) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(7)) is amended—

(1) by striking ''Subject to applicable law'' and inserting ''(A) Subject to applicable law''; and

(2) by adding at the end the following new subparagraph:

''(B)(i) The Inspector General may designate an officer or employee appointed in accordance with subparagraph (A) as a law enforcement officer solely for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, if such officer or employee is appointed to a position in which the duty is to investigate suspected offenses against the criminal laws of the United States.

''(ii) In carrying out clause (i), the Inspector General shall ensure that any authority under such clause is exercised in a manner consistent with the provisions of section 3307 of title 5, United States Code, as they relate to law enforcement officers.

''(iii) For purposes of applying sections 3307(d), 8335(b), and 8425(b) of title 5, United States Code, the Inspector General may exercise the functions, powers, and duties of an agency head or appointing authority with respect to the Office.''.

SEC. 403. WORKING CAPITAL FUND.

Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

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

''(D) authorize such providers to advertise through Federal Government-owned websites the services of such providers to the entities to which such providers are providing items under the program, provided that the Director shall not authorize such providers to distribute gifts or promotional items.''; and

(2) in subsection (c)—

(A) in paragraph (2)(E), by striking ''equipment or property'' and inserting ''equipment, recyclable materials, or property''; and

(B) in paragraph (3)(B), by striking ''subsection (f)(2)'' and inserting ''subsections (b)(1)(D) and (f)(2)''.

SEC. 404. INTELLIGENCE COMMUNITY ASSISTANCE TO COUNTER DRUG TRAFFICKING ORGANIZATIONS USING PUBLIC LANDS.

Section 401(b) of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–87; 125 Stat. 1887) is amended in the matter preceding paragraph (1)—

(1) by inserting ''and annually thereafter,'' after ''Not later than 180 days after the date of the enactment of this Act,'';

(2) by striking ''submit to'' and inserting ''inform'';

(3) by striking ''a report on the results'' and inserting ''of the results''; and

(4) by striking ''Such report'' and inserting ''Information provided under this subsection''.

TITLE V—OTHER MATTERS

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

Section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note) is amended by striking ''Not later than one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010'' and inserting ''Not later than March 31, 2013''.

SEC. 502. TECHNICAL AMENDMENT TO TITLE 5, UNITED STATES CODE.

Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting '', the Office of the Director of National Intelligence'' after ''the Central Intelligence Agency''.

SEC. 503. TECHNICAL AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

Section 605 of the National Security Act of 1947 (50 U.S.C. 426) (as redesignated by section 305 of this Act) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''intelligence agency'' each place it appears and inserting ''element of the intelligence community'';

(B) in subparagraph (B)(i), by striking ''intelligence agency'' and inserting ''element of the intelligence community''; and

(C) in subparagraph (C), by striking ''intelligence agency'' and inserting ''element of the intelligence community'';

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively; and

(4) in paragraph (5) (as so redesignated), by striking ''intelligence agency'' and inserting ''element of the intelligence community''.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–504. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–504.

Mr. ROGERS of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule, amendment No. 1.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 401 (page 18, lines 4 through 12).

Strike section 403 (page 19, line 13 through page 20, line 11).

The CHAIR. Pursuant to House Resolution 667, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, this is a manager's amendment to the bill, and very simply—and I don't want to waste a lot of time on it—it would simply strike two technical provisions to allow us to resolve any potential issues going forward.

There were two technical issues that were deemed by the Parliamentarian as appropriation language. We just wanted to take that language out to make sure that there were no issues. It doesn't change the nature of the bill in any way, and it has bipartisan support. I would urge the body's support of the Rogers amendment.

I yield back the balance of my time.

□ 1500

Mr. RUPPERSBERGER. I rise in opposition to the amendment, but I do support the amendment.

The CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

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

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. THOMPSON OF CALIFORNIA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–504.

Mr. THOMPSON of California. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 306. SUBCONTRACTOR NOTIFICATION PROCESS.

Not later than October 1, 2013, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the method by which contractors at any tier under a contract entered into with an element of the intelligence community are granted security clearances and notified of classified contracting opportunities within the Federal Government and recommendations for the improvement of such method. Such report shall include—

(1) an assessment of the current method by which contractors at any tier under a contract entered into with an element of the intelligence community are notified of classified contracting opportunities;

(2) an assessment of any problems that may reduce the overall effectiveness of the ability of the intelligence community to identify appropriate contractors at any tier under such a contract;

(3) an assessment of the role the existing security clearance process has in enhancing or hindering the ability of the intelligence community to notify such contractors of contracting opportunities;

(4) an assessment of the role the current security clearance process in enhancing or hindering the ability of contractors at any tier under a contract entered into with an element of the intelligence community to execute classified contracts;

(5) a description of the method used by the Director of National Intelligence for assessing the effectiveness of the notification process of the intelligence community to produce a talented pool of subcontractors;

(6) a description of appropriate goals, schedules, milestones, or metrics used to measure the effectiveness of such notification process; and

(7) recommendations for improving such notification process.

The CHAIR. Pursuant to House Resolution 667, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. I yield myself such time as I may consume.

My amendment will help small businesses that have the proper security clearances to better navigate the intelligence community's contracting process, and will ensure that they get a fair shot at business opportunities should these companies have the technical expertise and capabilities needed. This change will be good for small businesses and will strengthen our national security.

Second- and third-tier contractors produce highly specialized technology for the intelligence community, but work directly for larger companies. These small businesses have extraordinary talent and expertise, but often find themselves excluded from many business opportunities with the larger intelligence community because, for example, they lack access to the classified databases where these opportunities are presented. Sometimes that access is as simple as a computer connection for cleared experts to review contracting opportunities.

By limiting small businesses that have the appropriate security clearances from these contracting opportunities, we all lose. The intelligence community loses access to the best technical solutions by limiting who is able to fulfill or to even bid for those contracts. Small businesses lose the opportunity to display their expertise and to expand their companies. As important, the taxpayer loses by virtue of a lack of market competition and is given no assurance that the government is getting the best price for its classified contract requirements.

My amendment addresses this problem by requiring an assessment of the IC's current contracting practices and a review of these practices to determine if they present unfair barriers to competition for small businesses. In particular, my amendment requires the Director of National Intelligence to report to Congress how the intelligence community is currently working with second- and third-tier contractors and to identify any problems that may reduce the overall effectiveness of this contracting process. In this report, the DNI will be required to offer recommendations to improve the methods by which second- and third-tier contractors are granted security clearances and notified of classified contracting opportunities.

Mr. Chairman, second- and third-tier contractors who support the technical efforts of the intelligence community are an underutilized asset. These same second-and third-tier contractors are also small businesses that many of our communities depend upon for jobs and for the economies in their local areas. My amendment ensures that the intelligence community is getting access to the best available technology while ensuring that small businesses around the country have a fair shot at expanding their companies.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I rise to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I want to thank Mr. THOMPSON for working with us, not only on the overall bill, but on any amendment that might strengthen the process. I am committed to continue to work with Mr. THOMPSON on these very issues, and I would support the amendment.

I yield back the balance of my time.

Mr. THOMPSON of California. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–504.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 306. REPORT ON CONSEQUENCES OF MILITARY STRIKE AGAINST IRAN.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing an assessment of the consequences of a military strike against Iran.

The CHAIR. Pursuant to House Resolution 667, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Chairman and Members, I rise in support of this amendment with my colleagues Mr. ELLISON of Minnesota and Ms. LEE of California. Our amendment would require the Director of National Intelligence to submit to the congressional Intelligence Committee within 60 days a report containing an analysis of the potential consequences of a military strike against Iran.

In recent months, the possibility of a preemptive military strike against Iran has been openly discussed as a policy option of last resort as our country and our allies determine how best to confront the challenge posed by Iran's nuclear program. At the same time, the national discussion has prompted a large number of current and former military and intelligence officials to come forward to encourage the Congress and the administration to consider the possible consequences both intended and others that may be unintended of such a strike.

These high-level officials include former United States and Israeli national security officials, including a former Bush administration National Intelligence Council chairman, a former National Intelligence officer for the Near East and South Asia, General Colin Powell's former chief of staff, five retired generals, the former director of the Israeli Mossad, and a former chief of staff of the Israel Defense Forces.

All of these experts have raised concerns that an attack on Iran could possibly result in serious harm to the global economy, potentially ignite a regional war and even push Iran into building a nuclear weapon. With consequences as serious as these being raised by outside and former national security experts, it is critical that the expertise and collective wisdom of our intelligence community be added to this debate so that our country's policy options involving war and peace can be rigorously examined by this body.

For these reasons, I encourage my colleagues to support my amendment, and I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I rise to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

This is an interesting amendment. This is something that we do as a matter of course in the committee, and it is as serious a matter as we consider: issues of war. It is also interesting that the consequences of a nuclear Iran are not a part of this. We would encourage that to happen, and we will engage in that discussion in the committee. A nuclear arms race in the Middle East is a catastrophe that is the worst part of a nightmare. Saudi Arabia has said, Hey, if Iran goes nuclear, we very well can't not go nuclear.

We believe that other nations—Turkey, Egypt, others—have said it's probably in our best interests not to be the ones without a nuclear weapon program if Iran gets a nuclear weapon. The proliferation of nuclear weapons across the Middle East is dangerous, incredibly dangerous. That's one outcome. We also have to consider that outcome as well.

□ 1510

Think about where Israel is today. This is a talk about U.S. action against Iran, something that we should consider. We should be very careful about all of those considerations. Now think about Israel and what they may or may not have to do when it comes to taking out a nuclear weapon program where they know one of its destinations will impact the very existence of the people of Israel. They live in a dangerous neighborhood. Egypt is now an uncertain partner in peace. There is violence

breaking out in the Sinai because of the turmoil and the changes happening in Egypt. Hamas is well armed, as well armed as we have ever seen them, with missiles aimed at Israel. Hezbollah has about 30,000—the public number—we believe of very accurate missile systems pointed at Israel. Iran is moving and marching forward. Clearly the IAEA just recently reported a 27 percent enrichment rate on traces of uranium. That doesn't get you to the all-important 95, but it crosses a very critical threshold and a dangerous one, that 20 percent enrichment rate. That is a dangerous place for them to be. You hit 20, it's a lot easier to get to 95.

They have certainly shown that they are bad actors in the world. We should consider that as well, and we do in the Intelligence Committee. Imagine the fact that somebody would make the calculation, a nation-state, to assassinate an ambassador of another nation in our Nation's capital. And if they killed U.S. civilians, so be it.

We have seen a proliferation of these types of attacks from Iran. They haven't been very good at it yet. We've caught most of them. But they're learning from every event. And it's happening in places like Turkey, Pakistan, Argentina, and other places around the world. We are in a scary place indeed.

I won't oppose this amendment, but we need to look at this in total. I will tell you that if you want to stop Iran from getting a nuclear weapons program, we have to step up. We're doing a fine job on the sanctions now—thanks to this body leading the way for sanctions working—but they also have to believe that military options are on the table. If they do not believe it, they'll continue down this path that is dangerous for the national security interests of the United States, of the Middle East, and indeed the world. Nuclear weapons in the hands of rogue elements is a thing that keeps me up every single night. I can't imagine that arms race in the Middle East making the job of stopping that any easier indeed.

I will not oppose this amendment, but I do think it's important that we put it in all of the context of the threat that a nuclear Iran poses, not just to the Middle East but to the world.

With that, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. CONYERS. And I want to thank the chair as well for accepting the amendment, and I rise in support of the amendment.

I think that Chairman ROGERS' concerns are well stated. I know that the security of this country is something that you're committed to, as am I. This amendment, I think, will help slow down the rush towards war by asking those who are involved in our intelligence gathering to focus on just what a war with Iran will mean.

I've been studying this in terms of the effects because we had a discussion a few years ago in Congress about the potential of bunker busters being used, and I looked at that and consulted with medical scientists who told me that a bunker buster would cause radiation to go hundreds, even thousands, of miles not only through Iran, but outside the country and into other countries, as well. It would be a major health catastrophe with a lot of innocent people killed.

We have to think of the broad impact here of a potential attack. And I think that it's good that you're including this in the bill.

Mr. CONYERS. Mr. Chairman, I want to thank the ranking member and the chairman of the Intelligence Committee for their concern about this phase of intelligence, and I hope to enjoy their support and the support of the committee as a whole in having this amendment added to the work that is going on here today.

I urge support of the amendment, and I yield back the balance of my time.

Ms. LEE of California. Mr. Chair, first, let me thank my esteemed colleague Congressman JOHN CONYERS for giving me the opportunity to speak on this important amendment.

I would also like to recognize Congressman KEITH ELLISON who has been an outstanding leader on issues affecting the Middle East.

Mr. Chair, first let me say unequivocally that we can all agree that we must work to prevent an Iran armed with nuclear weapons—which would never be unacceptable.

That is not what this amendment is about, this amendment is noncontroversial.

This amendment is really just about common sense.

It would simply require that the National Intelligence Director give Congress a report outlining their assessment of the consequences of launching a military strike against Iran.

This amendment is necessary because, once again we hear very loudly the drum beat of war.

If we have learned anything from the past ten years, it is that we have to be deliberate, be thoughtful, be careful, and know exactly what we are getting ourselves into before we launch another war in the Middle East.

These decisions should not be taken lightly, and they must be based on sound reasoning, and the best information, and the best intelligence.

We have a duty to our brave men and women in uniform who have sacrificed so much during the past decade of war to have an informed debate about the consequences of military action.

I urge you to vote "yes" on this amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. FARR

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–504 as modified by the order of the House of today.

Mr. FARR. I have an amendment at the desk made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title III, add the following new section:

SEC. 306. SENSE OF CONGRESS ON THE CONSIDERATION OF FOREIGN LANGUAGES AND CULTURES IN THE DEVELOPMENT OF CYBER TOOLS BY THE INTELLIGENCE COMMUNITY.

It is the sense of Congress that the head of each element of the intelligence community should take into consideration foreign languages and cultures during the development by such element of the intelligence community of training, tools, and methodologies to protect the networks of the United States against cyber attacks and intrusions from foreign entities.

The CHAIR. Pursuant to House Resolution 667, the gentleman from California (Mr. FARR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. FARR. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. FARR. I want to thank our colleagues on this committee. Those of us who are not on the committee have the opportunity to share in participating in the debate on this bill and voting for it. I have to say over the years I've been here, I don't think this bill has been brought to the floor in such bipartisan unity as it has this session. I want to congratulate both of them for their leadership.

Mr. Chairman, I also want to point out with this amendment that cyberanalysis is a relatively new field to the intelligence community. Training and tool development have focused on computer networks, but it's also important to understand the plans and intentions of foreign actors who are involved in cyberattacks and intrusions.

How do we best understand foreign plans and intentions? Is it by providing some aspects of foreign language and cultural training to intelligent professionals that includes cyberanalysts? This training is essential because it helps the intelligence community to understand the behavior of our potential adversaries. It helps them anticipate the actions that they may be taking, and it helps them develop potential allies.

The traditional missions of the intelligence community have undergone many changes, and the community must invest in new tools and develop creative ways to train its men and women. My amendment is necessary because the intelligence community department heads are not as focused as they should be on the gaps in foreign language skills and cultural knowledge in the workforce.

The intelligence community provides specialized training for its men and women in foreign languages and culture, in analysis, in cybersecurity. However, aspects of all these areas should be brought together as a part of the toolkit for cyberanalysts to best meet our Nation's challenges.

My amendment will not cause undue burden to the intelligence community. It will serve as an essential reminder to those whose decisions impact training and tool development to remember the value and importance of including foreign languages and cultural knowledge in all aspects of our intelligence mission.

I know of no opposition to my amendment, and I would hope that it would be supported by both sides of the aisle.

I reserve the balance of my time.

When we talk about critical STEM knowledge and skills for our Intel workforce, we should also be talking about STEM–L, which combines STEM with foreign language.

STEM is Science, Technology, Engineering, and Math. Including foreign language and culture training with STEM would create a powerhouse workforce for the Intelligence Community.

For example, just as cyber analysts should understand some aspects of foreign language and culture, language and intelligence analysts should also have some understanding of computer network concepts and technology.

The Intelligence Community trains its workforce in STEM and foreign language, but not together. The training is stove-piped by career field.

This does not suggest that all types of intelligence analysts need to be experts in STEM or even in a foreign language. However, the Intelligence Community should consider exploring cross-pollination of knowledge.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. Thank you, Mr. Chairman. I just want to applaud the gentleman for his work. We look forward to working with him as we move forward, and I will support the amendment.

With that, I yield back the balance of my time.

Mr. FARR. Thank you for your support, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. FARR).

The amendment was agreed to.

□ 1520

AMENDMENT NO. 5 OFFERED BY MR. CUELLAR

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–504.

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV, add the following new section:

SEC. 405. INTELLIGENCE SHARING WITH MEXICO AND CANADA.

(a) AUTHORIZATION.—The Director of National Intelligence may—

(1) if the Director determines that the sharing of intelligence information with Mexico and Canada for purposes of reducing drug trafficking would not threaten national security, allow the sharing of such intelligence information with Mexico and Canada; and

(2) make use of intelligence information from Mexico and Canada for such purposes.

(b) TYPE OF INFORMATION.—Information shared or used under subsection (a) may include the movements of drug cartels and other criminal behavior.

The CHAIR. Pursuant to House Resolution 667, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today and encourage my colleagues to support my amendment to the Intelligence Authorization Act of Fiscal Year 2013.

Particularly, I want to thank Chairman ROGERS and our ranking member, Mr. RUPPERSBERGER, for their bipartisan approach on this particular piece of legislation.

My amendment would authorize the Director of National Intelligence to participate in information sharing with the Republic of Mexico and Canada for the purposes of border security and combating drug trafficking and any related crimes.

Nothing in this amendment requires the Director of National Intelligence to share their information, but based on this information, this amendment simply gives the agency the power to do so in the event that the Director sees the real benefit in combating the flow of drugs throughout the United States and our neighbors.

This important amendment will go a long way in making sure that our northern and southern neighbors have all the tools we can offer to stop the violence and trafficking caused by drug cartels. The Republic of Mexico, Canada, and the United States share a deep concern over the threat to our societies by drug trafficking and other criminal organizations operating on both sides of our common borders. The growing operational and financial capabilities of criminal groups that traffic in drugs, arms, persons, as well as transnational criminal activity, pose a clear and present threat to our lives and the well-being of U.S., Canadian, and Mexican citizens.

North America must make it a priority to break the power and impunity of drug and criminal organizations that threaten the health and public safety of their citizens and the stability and security of the region. Both the Canadian and Mexican Governments are profoundly committed to the concerted bilateral strategic and tactical cooperation necessary to combat effectively this criminal activity, particularly the threat it presents to our Nation's youth and the importance of having adequate access to intelligence information.

This amendment will make whatever intelligence gathered by the United States that can be shared, will be shared to stop the flow of illegal drugs. In addition, this amendment will ensure that whatever intelligence gathered by our neighbors can be properly used by our law enforcement to make sure that we stop the drugs.

Finally, Mr. Chairman, I certainly want to say that I do appreciate, again, the work of our ranking member, the chairman. I hope that the chairman is supportive of this amendment, and I certainly want to thank all the committee members.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I want to compliment the gentleman for his work in bringing attention to this very important issue.

We have a serious problem on our southern border with our friend, neighbor, and ally, Mexico. They are under siege by organized criminal narcotrafficking organizations.

If you have just looked at the sheer death count and the murder and mayhem in some of the provinces along our southern border, it is shocking; and I think this will serve to at least make an advance on trying to help our southern neighbors get a handle on what is a serious and growing violent problem to our neighbor to the south. And I commend the gentleman and look forward to working with him in the future on this very important issue, and I would support the amendment.

I yield back the balance of my time.

Mr. CUELLAR. Again, I want to thank Chairman ROGERS for his work, our ranking member also, and the committee staff. Thank you for the support.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. HAHN

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–504 as modified by the order of the House of today.

Ms. HAHN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV (page 21, after line 2), add the following new section:

SEC. 405. CIVIL LIBERTIES PROTECTION OFFICER REVIEW OF CYBERSECURITY POLICIES, PROGRAMS, AND ACTIVITIES.

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

(1) in paragraph (6), by striking ''and'' at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph:

''(7) ensure that any coordination and training between an element of the intelligence community and a law enforcement agency does not violate the Constitutional rights of racial or ethnic minorities; and''.

The CHAIR. Pursuant to House Resolution 667, the gentlewoman from California (Ms. HAHN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HAHN. I also want to start out by thanking Chairman ROGERS and Ranking Member RUPPERSBERGER for bringing forward this bipartisan bill, and I am echoing I think what everyone is feeling today, that I think it's important for the American people to see this, to see us come together on such an important issue when it comes to protecting all Americans, so it feels good to be a part of this today.

I know that we face complex challenges and threats to our national security, and I don't think anyone ever wants to see another September 11 terrorist attack on this Nation. To prevent that, I know we need to use many tools at our disposal to combat the ever-evolving dangers that threaten our society. We need all levels of law enforcement to work together to ensure that we're safe.

We must protect the rights of all of our citizens as we do this. We cannot allow our desire to protect our country come at the expense of any group in this great country. This is the promise of our Nation's Founding Fathers. The promise of equal justice under the law is etched in our Supreme Court building. This is part of our Nation's DNA that there is the promise of equality.

My amendment furthers this promise. It requires the Civil Liberties Protection Officer, which is in the Office of the Director of National Intelligence, to ensure that any training between the intelligence community and law enforcement includes the protection of constitutional rights of racial and ethnic minorities.

Mr. Chairman, we cannot take our national security for granted, but we have to ensure that everyone has equal justice under the law.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I want to thank the gentlelady for her concern on these very important issues. One of the things that's so important, I think, to our country, is that we do have a strong and robust national security service of all sorts.

In order for that to work and be the most effective, people have to have trust in it. They have to understand that their rights are protected, and I think this amendment states exactly where they are and where they should be. And, therefore, I won't oppose the amendment, and I applaud the gentlelady's concern and effort. It will serve as a valuable reminder, I think, to the men and women who are standing tall in our defense what it's all about and why they do it.

I support the amendment, and I yield back the balance of my time.

Ms. HAHN. Thank you to the chairman and the ranking member for bringing this bipartisan bill forward that I think will have such great support.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. HAHN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–504.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title IV (page 21, after line 2), add the following new section:

SEC. 405. SENSE OF CONGRESS ON HIRING OF MINORITY EMPLOYEES BY THE CENTRAL INTELLIGENCE AGENCY.

It is the sense of Congress that the Director of the Central Intelligence Agency should take such actions as the Director considers necessary to increase the recruitment and training of ethnic minorities as officers and employees of the Central Intelligence Agency.

The CHAIR. Pursuant to House Resolution 667, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the chairperson of the Intelligence Committee and the ranking member and speak in the spirit of bipartisanship, and I congratulate both gentlemen for recognizing that the security and intelligence of America speaks loudly to the idea of bipartisanship.

Just a few hours ago, I was in a classified briefing—for fear of anyone thinking that I will share that classified briefing, I will not. But what I will say is it is clear that intelligence is a key to the peace and security that the American people have experienced since 9/11. Through the work of Members of Congress and the intelligence community, of which we owe a great deal of that gratitude, we have been able to, for now some 11 years plus on our soil, experience the safety and security, although we have had many attempts.

For that reason, I believe this is important work. My amendment says that it is important for the Director to consider the necessary processes to increase the recruitment and training of ethnic minorities as officers and employees of the CIA.

□ 1530

We have done this before. We have encouraged them to do so. And we can say that there have been gradual steps. And we applaud that. But the men and women who conduct this important work certainly deserve our support and all of the resources that we can muster to make sure they are successful in their endeavors. Yet we also ensure that the CIA itself reflects the American population and that of the world. Having agents who can be deployed anywhere at any time is vital to our national security, as well as the ability to interact with foreign nationals who speak the language is truly important. A diverse workforce can make America safer and more secure.

Historically, there's been an exclusion of minorities, particularly African Americans and Latinos, in the highest levels of national security. Let's continue to break that barrier. It's taken decades for minorities to make inroads into America's national security apparatus. And I know that this is a sense of Congress, but I always have faith that people will adhere to a positive statement by this body.

Although the number of CIA employees remains a classified secret, the Agency has released some numbers over the years. In 1966, blacks represented 10 percent of the CIA's total workforce and only 3 percent of the Agency's officers in senior intelligence service, whereas 17 percent of the clerical staff and 22 percent of the Agency's blue collar workforce was African American.

Over this past weekend, we commemorated, mourned, and celebrated our fallen soldiers. I had the privilege of having uncles who went off to war in World War II, one who served as a chief petty officer in the United States Navy. That was the integrated United States Navy. I can tell you that we are better for it when we utilize the talents of all Americans.

In 1992, a declassified study of CIA personnel found that about half of all black intelligence officers reported that they had been victims of racial harassment by the Agency. As of today, of the CIA's core of case officers, which is believed to number more than 1,000, only 11 percent are minorities and 18 percent are women. The majority of the Agency's top managers are still predominantly nonminorities.

According to CIA officials, one-third of the new operations officers hired in 2011 have been women, while just 11 percent have been minorities, as traditionally defined: African Americans, Asian Americans, or Latinos. Twenty percent of all new operations officers are native speakers of a foreign language and 75 percent have advanced proficiency in foreign languages, many because they've lived abroad. Almost half have advanced degrees.

I applaud that and I truly believe, as some may be listening and saying, Aren't we are all Americans? Yes, we are. If we are all Americans, then our

CIA, one of our most storied Agencies, needs to join and continue to recruit and improve on bringing in the diverse picture of the face of America because we'll be better for it.

When President Truman integrated the United States military, we became better for it. We celebrate all people who are willing to put the Nation's uniform on and die for their country. Likewise, for this wonderful intelligence Agency, we do the same.

With that, I ask my colleagues to support my amendment, and I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, though I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I thank the gentlelady for her amendment. Certainly, the good news is, as she said, she has pointed out the progress that has been made. And that's right, they have done an exceptionally good job of understanding that diversity is part of the success of our intelligence services. So restating that policy is probably a good idea. I will not oppose the amendment, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. I thank the gentleman. I thank the ranking member as well.

In closing, let me just pay tribute to Garrett Jones, who served as a CIA station chief in Somalia during peacekeeping operations in 1993 and was cited as an African American officer who was able to work undercover for weeks in North Mogadishu, which his duty officers said would have been all but impossible by Jones' other officers.

We all have a contribution to make. And I look forward to this sense of Congress not being weeded out in conference and reemphasizing the importance of this effort.

With that I ask support of my amendment, and I yield back the balance of my time.

Mr. Chair, I rise to debate my amendment #7 to H.R. 5743 "Intelligence Authorization Act," which is a Sense of Congress that the Director of the Central Intelligence Agency should take such actions as the Director considers necessary to increase the recruitment and training of ethnic minorities as officers and employees of the Central Intelligence Agency.

The men and women who conduct this important work certainly deserve our support and all of the resources that we can muster to make sure that they're successful in their endeavors. Yet, we must also ensure that the CIA itself reflects the American population and that of the world. Having agents who can be deployed anywhere at any time is vital to our national security. As is a diversity of thought and perspectives that can be garnered by having a diverse workforce.

Historically there has been an exclusion of minorities, particularly African Americans and Latinos in the highest levels of national security.

It has taken decades for minorities to make inroads into America's national security apparatus.

Although the number of CIA employees remains a classified secret, the agency has released some numbers over the years. In 1996 Blacks represented 10 percent of the CIA's total work force and only 3 percent of the agency's officers in senior intelligence service whereas 17 percent of the clerical staff and 22 percent of the agency's blue-collar work force was African American.

In 1992 a declassified study of CIA personnel found that about half of all black intelligence officers reported that they had been victims of racial harassment by the agency.

As of today the CIA's corps of case officers which is believed to number more than 1,000 and only 11 percent are minorities and 18 percent are women.

The Majority of the agency's top managers are still predominantly White males.

According to the CIA officials one-third of the new operations officers hired in 2011 have been women. While just 11 percent have been minorities as traditionally defined (African Americans, Asian Americans or Latinos), 20 percent of all new operations officers are native speakers of a foreign language and 75 percent have advanced proficiency in foreign languages, many because they have lived abroad. Almost half have advanced degrees.

There have been improvements since 1992, however, more must and should be done to ensure that diversity is reflected at the highest levels of the CIA.

The value of diversity in a spy service that operates in almost every country would seem to be obvious.

Garrett Jones who served as CIA station chief in Somalia during peacekeeping operations in 1993, cited the example of an African American officer who was able to work undercover for weeks in north Mogadishu, which he said would have been all but impossible for Jones or any of the station's other white officers. As we must deploy CIA agents all over the world. We need agents that are able to blend into a variety of situations. We need diversity.

Interest in working for the CIA rose after the Sept. 11 attacks. Between October 2001 and October 2002, the agency received 170,000 resumes.

Since founding of Office of the Director of National Intelligence minority representation increased to nearly 23 percent in 2009 in FY 2009, up since FY05, when it was 20 percent. Minorities received nearly 25 percent of promotions in FY09 and over 27 percent of new hires were minority. Women earned 46 percent of promotions in FY09, significantly higher than their representation at about 39 percent.

Letitia "Tish" Long is the first woman to head a major intelligence agency as director of the National Geospatial-Intelligence Agency, the office responsible for collecting and analyzing overhead imagery and geospatial information.

Women have held the #2 spot at several intelligence agencies, including National Security Agency, National Reconnaissance Office and NGA. CIA however has never had a woman as #2, but has had a woman in its #3 spot.

My amendment is a reflection of the need to continue to place the spotlight on the intelligence community to ensure that they continue in their efforts to reflect the needs of this country by recruiting, training, and retaining qualified minorities,

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–504.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 501 (page 21, after line 14), insert the following new section:

SEC. 502. SENSE OF CONGRESS ON THE NEED FOR THE INTELLIGENCE COMMUNITY TO PROTECT CIVIL LIBERTIES OF RELIGIOUS AND ETHNIC MINORITIES.

It is the sense of Congress that the intelligence community should take all appropriate actions necessary to protect the civil liberties of religious and ethnic minorities.

The CHAIR. Pursuant to House Resolution 667, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Again, let me thank the chairman of the committee and the ranking member for bringing forward a bipartisan initiative, and I hope that this would add to, again, reemphasizing what we have begun to do and that we will continue to do, and that is to recognize the value of security, but also recognize what Americans hold dear—their privacy, their respect for individual rights, their civil liberties. And so this amendment speaks specifically to the importance of protecting the civil liberties of religious and ethic minorities.

I can cite the moments in history where we have failed. Certainly, the Japanese interment loudly speaks in current, modern-day history of the tragedy of not respecting the civil liberties of Americans. Certainly, if we went as far back as the slave history of America, we can see that those who are on American soil who would have sought well to be Americans, their civil liberties were not protected.

But America has made great progress, and I think it is important as we look at new populations that come to this country that we particularly focus on this whole concept of religious liberty. It is a concept that sometimes is very difficult to adhere to. I may not agree with your faith and your religion, but you have the right to practice it as long as you're not doing harm to the American people.

For example, President George W. Bush in 2001 told the American Congress during that very difficult time that terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast

majority of Muslim clerics, a fringe movement that perverts the peaceful teachings of Islam.

And so this particular faith certainly has been one that has been most noted. I think we have all come to the conclusion that we should protect the civil liberties of those who practice their faith under the Constitution of the United States, which the First Amendment guarantees the right to the freedom of access, freedom of movement, freedom of religion, freedom of speech.

I would hope that in the intelligence community, as they do their work fighting terrorism, fighting the potential of those terrorist cells that may find themselves on our soil, that they will recognize the right of individuals to practice the faith and the aspect of the faith that follows the tenets of their faith and not categorize those individuals simply because of their faith that they might be intending to do us wrong.

There are many incidences where we have the kind of treatment of individuals because they happen to be of a particular background, particular ethnicity, racial background, and then, of course, faith. But I want to speak to this amendment so that people will know that it is a broad base, because many times we have disagreement with a number of subsets of different faiths, whether it's Protestant, whether it's faith that we are used to addressing.

So it is a statement that says that the civil liberties of all Americans will not be deprived through the necessity of protecting this land through our intelligence community on the basis of their religion and ethnic minorities.

We know that in some jurisdictions there have been incidences of individuals that believe that their privacy has been intruded upon. I would hope that in the framework of the fine work that the intelligence community has to do that there is no intimidation of making sure that civil liberties can be protected.

Many of us have debated a number of bills on the floor of the House dealing with privacy questions. I think it is important in this sense of Congress to always restate that we are committed to national security, but we're committed to the civil liberties of those within our soil—American citizens.

With that, I ask my colleagues to support my amendment, and I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, while I do not oppose the amendment, I ask unanimous consent to control the time in opposition.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

I want to thank the gentlelady. Civil liberties are incredibly important. It's important that the American people have faith in their intelligence services that they are, in fact, catching bad guys and protecting Americans' civil liberties. The good news is that as a part of the Director of National Intelligence they have a Civil Liberties Protection Officer. This is a reaffirmation, I think, of that valuable work that that particular officer does, and really all of the members of our intelligence community need be reminded that protection of American civil liberties is an important value and an important thing to do while in fact you're catching the bad guys.

I support the amendment and yield back the balance of my time.

Ms. JACKSON LEE of Texas. Let me capture what the chairman said. I like the terminology that says the American people must have faith in their intelligence community, but faith in the principles upon which we live. And they must know that the Constitution is a living, breathing document. And we as Members of Congress must as well.

□ 1540

So, again, I make a plea that this sense of Congress is a reaffirmation, but also an encouragement and a statement that should be in this bill that we respect the civil liberties of racial, ethnic, and religious minorities, and in fact so will our intelligence community.

With that in mind, I would ask my colleagues to support the amendment and also ask that it be maintained even in conference, the reaffirmation of this important instruction as the civil liberties protection officer operates and does the work that they need to do. I ask my colleagues to support the amendment, and I yield back the balance of my time.

Mr. Chair, I rise to debate my amendment #8 to H.R. 5743, "Intelligence Authorization Act," which is a Sense of Congress that the intelligence community should take all appropriate actions necessary to protect the civil liberties of religious and ethnic minorities.

We can obtain vital intelligence without compromising our civil liberties. As you know, risks to civil liberties are inherent in the very nature of domestic intelligence. This is because intelligence necessarily operates in secret and as a result, it is difficult to subject intelligence activities to the checks and balances that the Framers of the Constitution realized were essential to prevent abuses of power. Even judicial reviews of intelligence activities are often given deference.

Intelligence is the information we use to identify and locate individuals involved in planning terrorist acts. This information must then be used to prevent any potential attack and can be done in ways that are legally permissible.

Domestic intelligence community left unchecked could pose significant dangers to open government, individual privacy, and civil liberties. My amendment is designed as a limitation for a reason. We need a bill that is strong on civil liberties, and includes protections against infringement of our constitutional right to privacy.

My amendment serves as a reminder that the American people have put their faith in the intelligence community and in Congress to protect not only their security but the very essence of what makes America great . . . our freedoms.

Thomas Jefferson in 1787 stated that "[A] bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse."

The September 11, 2001 terrorist attacks on America have forced serious reflections about the institutional framework of civil society and the commitment to democratic principles. Although the balancing of the protections of citizens' rights and liberties against their peace and security is a continuous constitutional struggle. Especially during war and national crisis.

According to Justice Sandra Day O'Connor "We're likely to experience more restrictions on our personal freedom than has ever been the case in our country . . . it will cause us to re-examine some of our laws pertaining to criminal surveillance, wiretapping, immigration and so on" (New York Times, Sept. 29 2001).

Our efforts to provide for the safety and security has required Americans to accept certain restriction on their freedoms—more surveillance of their papers and communications, more searches of their belongings, possible detention without a writ of habeas corpus, and proceedings by military tribunals without the standard protections of due process of civil courts.

I realize that we must give our intelligence community the proper tools to protect us while upholding the civil liberties of Americans.

We must always recognize that the American people are being asked to trade off civil liberties and personal freedom for a greater sense of security from the threat of terrorist.

It is no answer to these legitimate concerns that police officers or member of the intelligence community who monitor political or religious meetings, compile dossiers on political activists, or infiltrate lawful protest organizations are complying with the Fourth Amendment and are doing no more than any member of the public could do on his or her own. When government acts, it has a special obligation to respect constitutional rights—which include the First as well as the Fourth Amendment—an obligation not imposed on private citizens. My amendment is a Sense that it is the intent of this body to protect the civil liberties of the very groups that may be monitored as a direct response to our concerns about a terrorist attack. We must be led not by fear but by reason!

The challenge to our intelligence community is the same as the challenge for the nation as a whole. Securing the Nation's freedom depends not on making a choice between security and liberty, but in designing and implementing policies that allow the American people to be both safe and free.

Increased threats of terrorism after September 11, 2001, lightning-fast technological innovation, and the erosion of key privacy protections under the law threaten to alter the American way of life in fundamental ways.

Terrorism threatens—and is calculated to threaten—not only our sense of safety, but also our freedom and way of life. Terrorists intend to frighten us into changing our basic laws and values and to take actions that are not in our long-term interests.

While the government has both the power and the obligation under the Constitution to

defend the nation and its security, these powers cannot be exercised in a manner that contravenes individual constitutional liberties. Among others, these include the First Amendment's guarantee of freedom of speech, religion, and association, and the Fourth Amendment's protection against unreasonable searches and seizures. In addition, as with all government powers, national security and intelligence gathering powers should be subject to checks and balances, including meaningful judicial review and probing oversight by the Congress.

The internment of thousands of Japanese serves as a reminder for why we must protect the civil liberties of religious and ethnic minorities.

JAPANESE INTERNMENT—A LESSON ON THE IMPORTANCE OF PROTECTING CIVIL LIBERTIES

One week after the Pearl Harbor attack, President Franklin D. Roosevelt promised to preserve constitutional freedoms, ''We will not, under any threat, or in the face of any danger, surrender the guarantees of liberty our forefathers framed for us in our Bill of Rights'' but it was not long after that speech that the War Department was concerned about a foreign threat to the west coast.

Congress held hearing and in 1942 the Congressional Subcommittee on Aliens and Sabotage recommended ''the immediate evacuation of all persons of Japanese lineage and all the other, aliens and citizens alike, whose presence shall be deemed dangerous or inimical to the defense of the U.S. from all strategic areas''. President Roosevelt signed the Executive order 9066 calling for the evacuations . . . Roosevelt justified the action as ''war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises . . .''

The result: More than 120,000 Japanese Americans, the majority of whom were American citizens or legal permanent residents were placed in internment camps violating their civil rights to be treated with fairness and equality, without discrimination and their Fifth Amendment right to due process.

It was not until 1988 that victims received a reparation check and an apology from President Reagan. ''The United States unjustly interned, evacuated, or relocated you and many other Japanese Americans . . . and unfairly denied Japanese Americans and their families fundamental liberties during World War II . . . the Nation's actions were rooted deeply in racial prejudice, wartime hysteria, and a lack of political leadership.''

My amendment stands as a reminder that we must not repeat the mistakes of our past.

PROTECT PERSONAL PRIVACY

When the Bill of Rights was written, protecting personal privacy was largely an issue of protecting the integrity of physical property—and so the Fourth Amendment speaks of the people's right to security in their ''persons, houses, papers, and effects . . .''

Today, our most intimate conversations, correspondence and records are apt to be recorded digitally, rather than contained in paper records secured in private homes and offices. Likewise, the most routine details of daily life—credit card purchases at a drug store or bookstore, passage through a toll booth or subway station, the television shows recorded by a digital video recorder—now leave electronic footprints scattered across a myriad of computer databases.

Today, the transformation of our society from one dependent primarily on the privacy of ''persons, houses, papers, and effects'' in the physical world is accelerating exponentially. As the result of this transformation, a host of previously anonymous behavior and private information can now be captured and linked to a specific person without any trespass into the person's home or office.

Our laws are struggling to catch up. So far, the courts have left largely immune from Fourth Amendment scrutiny a range of highly personal information—including financial records, medical records, and library and book records—on a theory that there is no reasonable expectation of privacy in information in the hands of third parties. See, e.g., United States v. Miller, 425 U.S. 435 (1976).

Today, we live a world in which a personal calendar or journal—once stored in paper form in a home, office, or briefcase—is now as likely to be stored on a personal digital assistant connected to a server owned by a third party. In such a world, the courts should reconsider the idea that information held by third parties lacks constitutional protection.

In United States v. United States District Court (''Keith''), 407 U.S. 297 (1972), the Supreme Court decided that wiretapping was subject to the Fourth Amendment even if it was conducted for national security purposes. That case involved a domestic terrorist conspiracy to bomb the office of the Central Intelligence Agency in Ann Arbor, Michigan. Still, without dismissing the real national security threat posed by such illegal activity, the Supreme Court rejected Attorney General John Mitchell's claim of a clandestine domestic intelligence gathering power that would allow the executive branch to wiretap without court review or congressional authorization.

Such an unchecked power, the Supreme Court observed, would inevitably pose dangers to lawful dissent: ''Though the investigative duty of the executive may be stronger in such [national security] cases, so also is there greater jeopardy to constitutionally protected speech. . . . History abundantly documents the tendency of government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. . . . The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power.'' Keith, 407 U.S. at 313–314.

Safeguards also must exist to protect First Amendment freedoms of speech, worship and association. When conducting counter-terrorism and counter-intelligence investigations, the Department of Justice operates under guidelines approved by the Attorney General. The purpose of investigative guidelines is to ensure that intrusive investigative techniques are used to monitor terrorists, spies, and foreign agents, not political or religious organizations engaged in lawful dissent. These guidelines recognize that such techniques, which are left largely unregulated by the Fourth Amendment, pose a risk to First Amendment freedom of association.

The Supreme court has recognized a ''vital relationship between freedom to associate and privacy in one's associations.'' NAACP v. State of Alabama, 357 U.S. 449, 462 (1958). Where individuals participate in unpopular political or religious organizations, members of those organizations fear—often with good reason—''economic reprisal, loss of employment, threat of physical coercion, and other manifestations of public hostility.'' Routine, intrusive government investigations of lawful, but unpopular, political organizations would clearly pose a serious risk to the First Amendment because their members would fear that such information, if leaked, could be used against them.

It should be the Government's burden to establish, to the satisfaction of Congress, that intelligence gathering initiatives do not pose a threat to fundamental American values. Congress can decide simply to forbid the policy from going forward at all because it cannot be implemented consistently with fundamental American civil liberties. Support my amendment!

RACIAL PROFILING/RELIGIOUS PROFILING

The Department of Justice, DOJ, banned any use of racial profiling in 2003. Despite this, racial profiling still occurs; there are some who claim racial profiling led to the 50 percent decrease in violent crime. In reality, racial profiling is against our basic values, it does not work, and it actually hinders effective law enforcement. That opinion is shared by law enforcement professionals and legal scholars, as well advocates of populations most likely to be targeted by profiling. The overwhelming weight of statistical data supports this position.

As the Ranking Member on the Homeland Security Subcommittee on Transportation and Senior Member of the Judiciary Committee, I am aware of the injustices that are faced by minorities in this country due to racial profiling. In Homeland Security I had to sit through a hearing on the Radicalization of our Prisons, the need to watch Muslim Americans, and certain Somali Americans.

In the days following the devastating attacks of September 11, 2001, this country came together in an unprecedented and inspiring display of unity and patriotism. Americans of differing ethnicities, background and religions came together in support of the nation.

In his address to a joint session of Congress on September 20, 2001, President George W. Bush told Congress, the American people, and the world that ''terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics; a fringe movement that perverts the peaceful teachings of Islam.''

The Homeland Security Committee continues to focus on the Islamic faith and those who follow it, as a threat to national security. We set the example that the Intelligence Community follows. We must stand up to violations of a person's civil liberty, but most especially for religious and ethic minorities. It is clear that Muslim Americans since 9/11 have been singled out and targeted for their religious beliefs.

Racial and religious profiling is against our basic values, it does not work, and it actually hinders effective law enforcement. That opinion is shared by law enforcement professionals and legal scholars, as well advocates of populations most likely to be targeted by profiling. The overwhelming weight of statistical data supports this position.

And yet, there are still those who insist that it is a valid tool for crime fighting and anti-terrorism work. They insist that if you have nothing to hide, you have no reason to mind answering a few simple questions, that it is a minor inconvenience. I find that inexplicable.

It is more than a minor inconvenience to have the police or FBI come into your workplace, to question you in front of your coworkers, and put your job at risk. It is more than a minor inconvenience to be stopped on the street, to be pulled over on a pretext, so that police officers can find a reason to question you. When the use of force or threat of force by police officers is dramatically increasing, it is more than a minor inconvenience to be more likely to be pulled over and put in that position, because of the color of your skin.

Thirty two million Americans have reported that they were the victims of racial profiling. That is thirty two million Americans humiliated, intimidated, and treated as second class citizens in service of a policy that does nothing to keep us safer.

In past years, I have supported measures that would end this practice. I look forward to hearing from the witnesses about how we can end this ineffective, un-American practice, whether through training, executive orders, or through legislation we craft in Congress.

RACIAL PROFILING AND TERRORISM

"DRIVING WHILE ARAB"

The events of September 11, 2001, have had a profound impact on racial profiling. Following the terrorist attacks, law enforcement agents have subjected individuals of Arab or South Asian descent, Muslims, and Sikhs to racial profiling. While national and local statistics are not yet available, anecdotal accounts how Arabs, Muslims, and Sikhs have endured racial profiling.

For example, in the months following September 11th, a new type of racial profiling has developed: "driving while Arab." Arabs, Muslim, and Sikhs across the country were subjected to traffic stops and searches based in whole or part on their ethnicity or religion.

On October 4, 2001, in Gwinnett, Georgia, an Arab motorist's car was stopped, he was approached by a police officer whose gun was drawn, and he was called a "bin Laden supporter" all for making an illegal U-turn. On October 8, 2001, two Alexandria, VA, police officers stopped three Arab motorists. The officers questioned the motorists about a verse of the Koran hanging from the rear view mirror, and asked about documents in the back seat. The police officer confiscated the motorists' identification cards and drove off without explanation. He returned 10 minutes later, and claimed be had had to take another call.

On December 5, 2001, a veiled Muslim woman in Burbank, Illinois, was stopped by a police officer for driving with suspended plates. The officer asked the woman when Ramadan was over, asked her offensive question about her hair, and pushed her into his patrol car as he arrested her for driving with suspended plates. The woman was released from custody later that day.

DEPORTATION WITHOUT DUE PROCESS

A particularly egregious form of terrorism profiling occurs when Arab men and women are detained and deported without due process.

Since September 11th, hundreds of Arab and Muslim individuals have been detained on suspicion of terrorist activity. Practically none of these individuals was involved with terrorism. However, many were detained for weeks and eventually changed with minor immigration violations.

Based on these minor immigration violations some were deported. In one case, two Pakistani immigrants were arrested and detained 45 days for allegedly overstaying their visas.

In another case an Israeli was detained for 66 days before being charged with entering the United States unlawfully.

In a particularly shocking case, a French teacher from Yemen, who was married to an American citizen and therefore eligible to become a citizen himself, was reporting for duty as an army recruit at Fort Campbell, Kentucky, on September 15, 2001. The man was apprehended by Federal agents, separated from his wife and interrogated for 12 hours. The agents accused him of violating immigration laws, conspiring with Russian terrorists, spousal abuse, and threatened him with beatings. The man was given a lie detector test which proved he was telling the truth when he denied being associated with terrorists.

CONSEQUENCES OF RACIAL PROFILING

The consequences of Racial Profiling for minority groups in the United States, for Arab, Muslim and Sikh groups, and in the immigrations context are dire for individual who are both innocent and guilty of criminal activity.

In the case of the innocent, for every person in possession of drugs apprehended through profiling, many more law-abiding minorities are treated as if they are criminals.

Racial profiling increases the stops and arrests of minority groups. Frequent stops and arrests of minorities generate more extensive criminal histories, and result in longer sentences.

Racial profiling results in increased arrests and convictions of minorities. In many states, a felony conviction can impact a person's ability to exercise their basic social rights. In 46 States and the District of Columbia, convicted adults cannot vote. Thirty-two States disenfranchise felons on parole, while 29 States disenfranchise felons on probation.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MRS. MYRICK

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–504.

Mrs. MYRICK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 501 (page 21, after line 14), insert the following new section:

SEC. 502. PROTECTING THE INFORMATION TECHNOLOGY SUPPLY CHAIN OF THE UNITED STATES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that—

(1) identifies foreign suppliers of information technology (including equipment, software, and services) that are linked directly or indirectly to a foreign government, including—

(A) by ties to the military forces of a foreign government;

(B) by ties to the intelligence services of a foreign government; or

(C) by being the beneficiaries of significant low interest or no interest loans, loan forgiveness, or other support by a foreign government;

(2) assesses the vulnerability to malicious activity, including cyber crime or espionage, of the telecommunications networks of the United States due to the presence of technology produced by suppliers identified under paragraph (1).

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) TELECOMMUNICATIONS NETWORKS OF THE UNITED STATES DEFINED.—In this section, the term ''telecommunications networks of the United States'' includes—

(1) telephone systems;

(2) Internet systems;

(3) fiber optic lines, including cable landings;

(4) computer networks; and

(5) smart grid technology under development by the Department of Energy.

The CHAIR. Pursuant to House Resolution 667, the gentlewoman from North Carolina (Mrs. MYRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Mrs. MYRICK. Mr. Chairman, first, like other Members today, I want to express my gratitude and thanks to Chairman ROGERS and Ranking Member RUPPERSBERGER for all of the work that they've done, just the incredible bipartisan working relationship that they've established on our committee. It really is kind of unheard of, and we're very proud of it, and I'm very proud to be a member of the committee.

I rise today to urge my colleagues to support my amendment to the Intelligence authorization bill, and I'm pleased that Representative WOLF is a cosponsor of this initiative, and I'd like to thank him for his support and all his work on this issue.

This amendment would require the Director of National Intelligence to submit an unclassified report to Congress that would identify foreign suppliers of information technology with ties to a foreign government, military, or intelligence service. It would also require the DNI to provide an assessment of the risks associated with such entities.

The U.S. Government has serious concerns about public and private sector information technology supply chains. A network is only as secure as the components that make up that network. If the origin of those components is unknown or the security of those components is compromised, that's a major flaw in the network.

I believe these concerns need to be better shared with industry and the public. Sharing more information along these lines will help the private sector better understand potential risks and take action that will help the U.S. Government mitigate its supply-chain concerns.

The more that the private sector knows of potential problems, the better it can protect itself. If the private sector is more aware of potential risks, then it can better work with the Federal Government to mitigate potential supply-chain concerns.

I would like to thank Chairman ROGERS for his support of this amendment,

and I again urge my colleagues to support the amendment on the floor.

I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Chairman, I rise in opposition to the amendment, though I do not oppose it.

The CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. RUPPERSBERGER. First, I support this amendment as a continuation of the work that we have begun in Congress as an attempt to focus our intelligence community and the executive Agencies to this important threat that my friend and colleague has made.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. RUPPERSBERGER. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I do not rise on the gentlelady's amendment. In the statement I made on amendment No. 7, I indicated that the CIA officer's name that was undercover, that was not the CIA's undercover agent's name, which I would not give. It was the section station director's name, Mr. Garrett Jones. The CIA agent was undercover and remains unnamed. But he was an African American who did his duty because of his background.

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

Mrs. MYRICK. Mr. Chairman, I yield such time as he may consume to the chairman of our committee, the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. I want to thank the gentlelady from North Carolina, say thank you very, very much for her work on the supply chain and its vulnerabilities. She has spent a lot of time on our committee making sure that we're doing all the right things to try to protect the supply chain when it comes to cyberthreats and other vulnerabilities that may exist, so I couldn't support the amendment more.

Lastly, I would just like to thank the gentlelady. This will be her last authorization bill. She has been a fantastic member of this committee and has brought a lot of stature to the issues she's engaged in—everything from home-grown terrorism to cyber to supply chain management. She has been a national treasure on that committee. She will be sorely missed. I wanted to offer our congratulations and our thanks to a job well done.

Mrs. MYRICK. I thank the gentleman for his kind words, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment was agreed to.

The Acting CHAIR (Mr. PLATTS). The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. PLATTS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5743) to authorize appropriations for fiscal year 2013 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, and, pursuant to House Resolution 667, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CRITZ. Mr. Speaker, I have a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CRITZ. I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Critz moves to recommit the bill, H.R. 5743, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

After section 501 (page 21, after line 14), insert the following new section:

SEC. 502. PROTECTING UNITED STATES MILITARY STRENGTH, TECHNOLOGICAL PROWESS, AND AMERICAN JOBS.

(a) IN GENERAL.—In obligating and expending funds authorized to be appropriated by this Act, the head of each element of the intelligence community shall take all steps necessary to protect and ensure that—

(1) the intelligence and military capability of the United States is not improperly transferred to or stolen by a foreign nation or a state sponsor of terrorism;

(2) the intelligence and military capability of the United States and sensitive information pertaining to economic, financial, and consumer information is protected from cybersecurity attacks, including cybersecurity attacks from Iran and China; and

(3) contracts and work performed for such element of the intelligence community is first provided to United States companies and workers and not outsourced to foreign-owned companies, unless the Director of National Intelligence determines that it is in the interests of national security.

(b) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term ''state sponsor of terrorism'' means any country the government of which the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law.

Mr. CRITZ (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

Mr. ROGERS of Michigan. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

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Mr. ROGERS of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. CRITZ. Mr. Speaker, intelligence gathering has always been a key component of keeping America strong and resilient through our history, and it is imperative in this post-9/11 era.

It is crucial that the intelligence community be provided the resources they need to combat threats from foreign powers and global terrorist organizations. This is why I'm offering this final amendment today, to help strengthen our defenses against physical and cybersecurity attacks.

Mr. Speaker, this is the final amendment to the bill. This amendment will not kill the bill or send it back to the committee. If it is adopted, the bill will immediately proceed to final passage as amended.

My amendment contains three components that will ensure we continue to provide the best security to our Nation.

First, it would instruct the head of each element of the intelligence community to take all steps and precautions to ensure that the intelligence and military capability of the United States is not improperly transferred or stolen by a foreign nation or a state sponsor of terrorism.

Mr. Speaker, we live in a time where information is readily available and transferable at the click of a mouse or the stroke of a keyboard. While the advantages of such readily available information have helped spur economic opportunities and growth, it has also opened the door for one of the many intelligence challenges we face as a Nation.

We already have in place a number of protocols that dictate how and under what circumstances our military can transfer technology, goods, and services to our allies across the globe, but it is imperative that we do everything we can to ensure this information doesn't end up in the hands of unfriendly foreign powers or state sponsors of terrorism.

Within the past few years, we have seen foreign nations attempt to steal our Nation's military technology and sensitive information through the use of joint ventures and other techniques. We must do everything that we can to ensure that our military and intelligence secrets remain our secrets. Many of those same capabilities reside in, are accessed through, or are enabled through cyberspace.

Reliable access to cyberspace is critical to U.S. national security, public safety, and economic well-being, but cyberthreats continue to grow in scope and severity daily. Tens of thousands of new malicious software programs originating from Iran or China are identified each day, threatening our security, our economy, and our citizens.

No longer do we need to just worry about foreign spies infiltrating our military and intelligence agencies. Our worry must now extend to the young man or woman sitting in their apartment 6,000 miles away utilizing a laptop to tap into our government mainframes.

Secondly, my amendment would direct the head of each element of the intelligence community to take those steps necessary to ensure that our Nation's intelligence and military capabilities, as well as sensitive economic, financial, and consumer information, remain protected from improper transfer, theft, or cybersecurity attack.

Finally, my amendment would ensure that we continue to promote American businesses and keep jobs—especially one of such crucial importance—in America.

As the number of threats to our Nation has grown and the required response has put a large demand on the intelligence community, we have increasingly relied on contractors to perform tasks to ensure the safety of our Nation. This amendment would instruct our intelligence community to always put American workers first and not outsource these jobs to foreign-owned companies.

Mr. Speaker, I have witnessed the detrimental effects that outsourcing has had. Numerous areas of our country have also seen the ugly effects of outsourcing, and we must put American workers and businesses first, especially in the critical sphere of intelligence.

Compounding the economic damage outsourcing has done to our country, the national security risk posed by allowing foreign companies to operate our intelligence capabilities would be catastrophic to the environment of our Nation.

Mr. Speaker, in the global environment in which we operate, we must keep America strong, keep America competitive, and keep America first.

Mr. Speaker, again, my amendment will be the final amendment to the bill. I have great respect for the chairman, Mr. ROGERS, and the ranking member, Mr. RUPPERSBERGER, for the bipartisan bill they put together. It is important to note that this amendment will not kill the bill or send it back to committee. If it is adopted, the bill will immediately proceed to final passage as amended. My amendment will ensure we have an even stronger American intelligence community.

I urge a ''yes'' vote on this final amendment, and I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Michigan. First of all, this is a motion to recommit. Let's not fool ourselves. And I understand this is the loyal opposition portion of the debate. It happens in each and every bill; I get it.

We've spent a lot of time in a bipartisan way getting the bill, and I think it's one of our better products given the detail with which we went over every budget line and operational detail in this budget. So when I read this, it looks like it was prepared fairly quickly in order to meet the time demand here, and it's very concerning.

In some of the things that we've done—even in this Chamber, we debated the cybersecurity bill and people had strong passions on both sides of the aisle of that bill about protection of civil liberties and just making sure there were checks and balances on our ability just to share information, a very small little piece. When you read this bill, that makes our cybersecurity bill look like a walk in the park. This is an expansion of the government involved in the Internet in a way that I find a little bit scary and shocking that they would allow it to get this far. Let me read it:

> The intelligence community shall take all steps necessary to protect and ensure that—
>
> Sensitive information pertaining to economic, financial, and consumer information is protected from cybersecurity attacks.

That means you've got to reach way out into the Internet. Now you've just empowered the intelligence community—the very people we said we want to keep separate—into the Internet. This is dangerous. That's what happens when you get in a hurry and try to have a political amendment on a very bipartisan bill, and that's unfortunate about this.

The first paragraph, I would submit, we should make as a part of the ''department of redundancy department.'' All of that already happens. We do that as a matter of course and mission.

Again, it's a little bit surprising that they would allow this. I would even hope that your Members would take a very close look at this. You have just put your Members in a pretty bad spot about making them vote on something that will actually have the government involved in your Internet. Welcome to the laptop near you. Very concerning to me.

I will passionately oppose this, would urge all of my colleagues to passionately oppose this, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 180, nays 235, not voting 16, as follows:

[Roll No. 300]

YEAS—180

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg

Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Conyers
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—16

Burton (IN)
Clay
Doyle
Ellison
Fortenberry
Granger
Guinta
Lewis (CA)
Mack
Maloney
McCarthy (CA)
Rangel
Roby
Slaughter
Velázquez
Young (FL)

□ 1620

Messrs. GOWDY, STIVERS, GRIMM, THOMPSON of Pennsylvania, KINGSTON, COLE, CARTER, MULVANEY and NUNNELEE changed their votes from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. ROGERS of Michigan. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 386, noes 28, not voting 17, as follows:

[Roll No. 301]

AYES—386

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (IN)

NOES—28

Amash
Blumenauer
Capuano
Clarke (NY)
Duncan (TN)
Filner
Frank (MA)
Gibson
Holt
Jackson (IL)
Johnson (IL)
Jones
Kind
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Markey
McDermott
McGovern
Miller, George
Olver
Paul
Polis
Rush
Stark
Woolsey
Young (AK)

NOT VOTING—17

Burton (IN)
Clay
Cleaver
Doyle
Ellison
Fortenberry
Guinta
LaTourette
Lewis (CA)
Mack
McCarthy (CA)
Rangel
Roby
Slaughter
Tiberi
Velázquez
Young (FL)

□ 1628

Mr. RUSH changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1630

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5743, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

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

There was no objection.

PERMISSION TO INCLUDE EXCHANGE OF LETTERS

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent to include an exchange of letters with the chairman of the Committee on Homeland Security with respect to the bill at this point in the RECORD.

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

There was no objection.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 31, 2012.

Hon. PETER KING,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding certain intelligence and intelligence-related programs and/or activities of the Department of Homeland Security that are authorized in H.R. 5743, the Intelligence Authorization Act for Fiscal Year 2013.

While the Permanent Select Committee on Intelligence continues to authorize these programs and intelligence-related activities consistent with the legislative history describing the respective jurisdictions of the Permanent Select Committee on Intelligence and the Committee on Homeland Security (Congressional Record, January 4, 2005, page H25), I agree that certain elements of these activities could raise issues that would benefit from discussion amongst the Committees and the Department of Homeland Security with respect to the overall organization of the Department, and would be glad to discuss such issues.

As you asked, I will include a copy of your letter to me and this response in the Congressional Record during consideration of H.R. 5743 on the House floor.

Sincerely,

MIKE ROGERS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 29, 2012.

Hon. MIKE ROGERS,
Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROGERS: I am writing in regards to the Intelligence Authorization Act for Fiscal Year 2013 recently approved by the House Permanent Select Committee on Intelligence—specifically, the section of the legislation that authorizes the newly created Homeland Security Intelligence Program (HSIP) at the Department of Homeland Security (DHS).

As you know, the HSIP, in essence, consists of several activities within the Office of Intelligence and Analysis at DHS that the Director of National Intelligence has deemed should no longer be part of the National Intelligence Program (NIP). While the details of the program are classified, the creation of the HSIP raises new issues that are of mutual interest to our committees and requires further discussion between our staffs and clarification from DHS.

While those discussions are ongoing and will take time, I understand the importance of advancing this legislation to the House floor in an expeditious manner and I do not, in any way, wish to impede that from happening. However, given that there remains issues that our committees must work through with DHS—including how to best fund, organize, and budget certain HSIP activities—I respectfully request that we formally memorialize our mutual agreement to continue our dialogue regarding the HSIP as legislation moves forward as you approach a conference with the Senate.

I also request that this letter and your response be included in the House Permanent Select Committee report of this bill and in the Congressional Record during consideration of this measure on the House floor. Thank you for your attention to this matter.

Sincerely,

PETER T. KING,
Chairman.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5854, and that I may include tabular material on the same.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5854.

The Chair appoints the gentlewoman from Michigan (Mrs. MILLER) to preside over the Committee of the Whole.

□ 1632

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5854) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. CULBERSON) and the gentleman from Georgia (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Madam Chair, I yield myself such time as I may consume.

I know that my colleagues feel the same way I do that one of the most gratifying, most rewarding parts of this extraordinary job that we're entrusted with in addition to being guardians of the Treasury, to being good stewards of the public's business, is to do everything in our power to help ensure that our men and women in uniform have all that they need to do their job as they stand guard and over this Nation 24 hours a day, 7 days a week in every scary, dark corner of the world.

Today, Madam Chair, it's my privilege, with my good friend from Georgia (Mr. BISHOP), to lay before the House and ask for its approval the Military Construction and Veterans Affairs appropriations bill for 2013.

On our committee, we feel as though we are the peace of mind committee for the United States military. We want to ensure in the work that we do in the Military Construction and in Veterans Affairs that we have done everything we can to ensure that our men and women in uniform don't have any worries, that they don't have to worry about when they are in uniform; they don't have to worry about the quality of their barracks, their living conditions; they don't have to worry about the condition of the military facilities that they are living and working in.

We want to make sure that they have got everything that they need. The United States Navy, when it comes to piers or sub pens, or the Air Force for runways, or the Marine Corps or for the Army, we have done everything in this bill that the Pentagon has asked us to do and fully funded it in a way that's fiscally responsible, Madam Chair.

We have also taken care of our veterans, of our men and women in uniform when they leave the Armed Forces and become veterans, because they will spend most of their time out of the military, and we wanted to be sure that our Veterans Affairs Administration was fully funded, that they have got all the resources that they need in order to take care of our men's and women's health care needs, psychological and physical, and in a way that's fiscally responsible.

In this environment, Madam Chair, in this era of record debt and deficit, our subcommittee, along with the full Appropriations Committee, has done everything in our power to find ways to save money, to be good stewards of the public's precious, hard-earned tax dollars. And in our subcommittee, something we have done together in a bipartisan way, arm-in-arm, we have made sure to ferret out every unspent dollar from previous years that could be returned to taxpayers, to avoid spending increases while making sure that our men and women in uniform are taken care of while they are in uniform and also, as I say, when they leave active duty and become veterans under the care of the Department of Veterans Affairs.

We have, because of decreases, Madam Chair, of the Air Force, the Army, the Pentagon, our Armed Forces are reassessing their deployment needs around the world. We've seen a reduction this year in the level of spending requests for military construction around the world that enabled us to increase spending for the Department of Veterans Affairs while holding overall spending for this bill flat. That reflects not only our finding cost savings in various parts of the bill, but, in particular, the Air Force, among the branches of the service, asked for significantly less money this year.