

2008 has brought discredit to the House of Representatives: Now, therefore, be it Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore. Does the gentleman from Georgia wish to be heard on whether or not the resolution constitutes a question of the privileges of the House?

Mr. PRICE of Georgia. I do.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Mr. Speaker, we are now 25 days into a unilateral disarmament, a disarmament that doesn't make any sense to our constituents in each and every district across this Nation.

The Senate voted 68-29, 68-29.

Mr. HOYER. Mr. Speaker, the issue that the gentleman needs to address himself to is why this is a privilege of the House. I suggest that the Speaker make sure he is talking to that point.

The SPEAKER pro tempore. The gentleman from Maryland is correct. The gentleman from Georgia may only address the rule IX issue.

Mr. PRICE of Georgia. Mr. Speaker, I would draw my colleague's attention to the context in the stated "whereas" that on at least one occasion, if not countless others across this Nation, in the Charleston Post and Courier, it was written that the House of Representatives' Democrat leadership was described as "indeed causing a potentially dangerous gap in the Nation's defenses" and "creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity."

There have been multiple articles and multiple references across this Nation as to why this House of Representatives is bringing discredit to the House and also not fulfilling its responsibility, in fact, abrogating its responsibility and its duty. An abrogation of duty by this House of Representatives brings discredit to the House, and, therefore, this is a question of privilege.

The SPEAKER pro tempore. The Chair is prepared to rule.

Under the precedents recorded in section 702 of the House Rules and Manual, the resolution addresses a legislative sentiment and not a question of the privileges of the House.

Mr. PRICE of Georgia. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to lay the appeal on the table.

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

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 192, answered "present" 1, not voting 18, as follows:

[Roll No. 116]

AYES—218

Abercrombie Green, Gene
Ackerman Grijalva
Allen Gutierrez
Altmire Hall (NY)
Andrews Hare
Arcuri Harman
Baca Hastings (FL)
Baird Herseth Sandlin
Baldwin Higgins
Bean Hill
Becerra Hinchey
Berkley Hinojosa
Berman Hirono
Berry Hodes
Bishop (GA) Holden
Bishop (NY) Holt
Blumenauer Honda
Boren Hoyer
Boswell Insee
Boucher Israel
Boyd (FL) Jackson (IL)
Boyd (KS) Jackson-Lee
Brady (PA) (TX)
Braley (IA) Jefferson
Butterfield Johnson (GA)
Capps Johnson, E. B.
Capuano Jones (OH)
Cardoza Kagen
Carmahan Kanjorski
Carney Kaptur
Castor Kennedy
Chandler Kildee
Clarke Kind
Clay Klein (FL)
Cleaver Kucinich
Clyburn Langevin
Cohen Larsen (WA)
Conyers Larson (CT)
Cooper Lee
Costa Levin
Costello Lewis (GA)
Courtney Lipinski
Cramer Loeb sack
Crowley Lofgren, Zoe
Cuellar Lowey
Cummings Lynch
Davis (AL) Mahoney (FL)
Davis (CA) Maloney (NY)
Davis (IL) Markey
DeFazio Marshall
DeGette Matheson
Delahunt Matsui
DeLauro McCarthy (NY)
Dicks McCollum (MN)
Dingell McDermott
Doggett McGovern
Donnelly McIntyre
Doyle McNerney
Edwards McNulty
Ellison Meek (FL)
Emanuel Meeke (NY)
Engel Melancon
Eshoo Michaud
Etheridge Miller (NC)
Farr Mollohan
Fattah Moore (KS)
Filner Moore (WI)
Foster Moran (VA)
Frank (MA) Murphy (CT)
Giffords Murphy, Patrick
Gillibrand Murtha
Gonzalez Nadler
Gordon Napolitano
Green, Al Neal (MA)

NOES—192

Aderholt Blunt
Akin Boehner
Alexander Bonner
Bachmann Bono Mack
Bachus Boozman
Barrett (SC) Boustany
Barrow Brady (TX)
Bartlett (MD) Broun (GA)
Barton (TX) Brown (SC)
Biggart Brown, Corrine
Bilbray Brown-Waite,
Bilirakis Ginny
Blackburn Buchanan

Obey
Olver
Ortiz
Pallone
Pascarell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Townes
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxo
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa

Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Muschgrave
Myrick
Neugebauer
Nunes
Pearce
Petri
Pickering
Pitts
Platts
Poe

Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—18

Bishop (UT)	Mitchell	Ros-Lehtinen
Capito	Oberstar	Rush
Ellsworth	Pence	Souder
Hooley	Peterson (PA)	Tancredo
Kilpatrick	Pryce (OH)	Thompson (MS)
Miller, George	Rangel	Woolsey

□ 1718

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008 VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections

of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of March 10, 2008, at page H1419)

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) is recognized for 1 hour.

Mr. REYES. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA). Pending that, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of overriding the President's veto. This year, for the first time in 3 years, the Congress passed an intelligence authorization act and presented it to the President. This was something that had proved impossible for a Republican-controlled House and a Republican-controlled Senate. In recent years, while the bill passed the House, it never even got to conference. When I took over as chairman of the Intelligence Committee, I made passing an authorization all the way through conference a high priority. It wasn't easy, but I thought it was crucial that we revitalize the oversight process, and I committed to getting an authorization bill not only passed through the House but sent to the President.

The intelligence community, by its very nature, presents a very difficult oversight challenge for Congress. This is why the intelligence authorization bill is so critical. It is the culmination of the committee's oversight activities conducted over the previous year. Intelligence funding is one of the few areas where the law requires funds to be both appropriated and authorized. Our constituents, of course, are demanding that we weigh in on all the important intelligence-related challenges that our Nation is facing.

This legislation goes a long way towards strengthening oversight of the intelligence community, which the President seems to consistently want to fight. That's why the President vetoed it. He wants the authority to do whatever he wants, in secret, with no oversight or authorization or without any checks and balances.

Well, Mr. Speaker, I don't agree. The Constitution gives us a role in this process. We do have a say, in the name of the United States of America, in what the intelligence community does. That's why we need to override this veto.

This legislation enhances oversight in several ways. It requires quarterly reports to Congress on the nuclear weapons programs of Iran and North Korea. We learned a lesson from the experience in Iraq. Congress must be careful and must be part of the process and a consumer of intelligence to avoid being sold a bill of goods.

The act requires the CIA inspector general to audit covert activities at least once every 3 years. Covert activities are historically where our intelligence community runs into legal and

policy trouble. An independent CIA audit is one way to prevent problems that have embarrassed our Nation and have eroded our moral authority.

The authorization act also requires detailed accounting to Congress on the use of intelligence contractors. The use of contractors has grown exponentially, and no one is asking critical management questions about whether this is a good use of taxpayer money.

An important substantive provision of the legislation also requires the CIA and the rest of the intelligence community to abide by the same regulations that DOD follows in the context of interrogations. If it's not permissible for soldiers in Iraq, where they face a life-or-death threat daily, it shouldn't be permissible for a CIA officer or contractor.

Mr. Speaker, if this veto stands, all of these important oversight provisions will disappear. If we believe in strong oversight, we need to override this veto.

In addition to addressing long ignored oversight issues, the legislation is fundamentally the mechanism for authorizing funds for the intelligence community. This legislation authorizes funds for the full range of critical intelligence activities. It authorizes funds to support counterterrorism operations to keep Americans safe today, and it authorizes funds for the strategic intelligence investments to keep Americans safe in the future.

Mr. Speaker, if we fail to override this veto, the Intelligence Committee will be silent on these important authorization issues. Once more, we'll have no authorization bill.

The bill also addresses some persistent management problems in the intelligence community. It requires steps towards a multi-level security clearance system to recruit more native speakers of critical languages into our intelligence community. It takes important steps towards creating a more diverse workforce to strengthen our ability to collect intelligence all over the world.

Mr. Speaker, if we fail to override this veto, it's business as usual. No new solutions, just the same old intelligence problems.

I have visited the patriotic men and women of the intelligence community in the far corners and in the far reaches all over the globe. They deserve our support. They are brave, they are competent, and, in most cases, they are humbled to be doing the job to keep us safe. Many serve our Nation behind the scenes and at great risk, without any expectation of recognition or congratulations. For them, and for all Americans, this is important legislation.

The intelligence community came to us for money, they came to us for tools, and they came to us for new authorities. We gave them what they asked for. The President, with his veto, is denying them those very things simply because he wants no limits on his Presidential power.

So today, Mr. Speaker, I urge my colleagues to vote to override the President's veto.

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

Mr. HOEKSTRA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this bill is just the latest example of the complete and utter failure of the Democratic leadership in the House to give the intelligence community the tools that it needs to protect the American people and our allies from radical jihadists who have sworn to wage holy war against freedom in order to impose a radical religious tyranny. I urge my colleagues to oppose this override of the President's veto.

My colleagues on the other side of the aisle are finding out how tough it is to pass legislation in the intelligence area. But the lesson they need to learn, this is about national security, and national security issues need to be done on a bipartisan basis, can not be done on a purely partisan basis.

The debate on this authorization bill is not about a single issue, as some would have you believe. It is about the need to ensure that we give the right tools to our intelligence professionals in this time of enhanced threat. What we should be talking about today is improving this bill so that it can have broad bipartisan support.

But we also ought to be talking about FISA, FISA modernization. That is the vote that this House should be considering. That is the tool that our intelligence community has said that they need to keep America safe. That is the tool that, on a broad bipartisan basis, the model for how we should be doing legislation in this area. It's how they did it in the Senate, 68 Senators on a bipartisan basis saying we need to do FISA reform. We need to do it to keep America safe, to keep our homeland safe, to keep our troops safe, to keep our embassies and our personnel overseas safe, and to make sure that we also have the tools in place that so many of our allies rely on to keep them safe.

But no, once again, this House moves in a partisan basis. It's been almost 25 days now that the leadership on the other side of the aisle has refused to even bring up for a vote FISA modernization. Each and every day, our capabilities in this area erode. One of the most important and one of the most successful tools that we have used to keep America safe over the last 7 years is slowly eroding. My colleagues on the other side of the aisle will not even allow it to come up for a vote.

The United States continues to employ tough antiterrorist programs because the radical jihadist threat did not end with 9/11. One only has to listen to the statements by bin Laden, his deputy, Zawahiri, to understand the seriousness of this threat, its global implications, and the determination of radical jihadists to strike the American homeland.

But instead of doing a bipartisan, national security issue, we continue to move down the path of partisan politics. The majority leadership of this House refuses to see or hear the continuing threat from radical jihadists. Even more troubling, the majority refuses to recognize that tough antiterrorist tools employed since 2001 have protected this country from terrorist attacks.

□ 1730

Instead, some have distorted anti-terrorist programs as threats to the American people rather than tools that our intelligence agencies are using to protect us from threats of radical jihadist terrorism. Instead of helping to strengthen anti-terrorist tools, my colleagues on the other side of the aisle have established a clear patent of trying to undermine and erode them, undermining and eroding the very type of people that we should be trying to help with this bill, the men and women who risk their lives each and every day in the intelligence community to keep America safe.

There is no better example than the outright refusal of the majority leadership to allow a straight up-or-down vote on bipartisan FISA modernization legislation.

Again, this is a bill that passed the Senate overwhelmingly, clearly supported by a majority of this House. There's ample reason to be concerned about this abuse of the majority's powers. I'm far more concerned at the impact that these actions are continuing to have and the capabilities of our intelligence professionals to protect our country, our people, and our allies from attack.

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

Mr. REYES. Mr. Speaker, I want to bring us back on point by yielding 3 minutes to my good friend from Missouri (Mr. SKELTON), the chairman of the Armed Service Committee.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas, the chairman of the Select Committee on Intelligence, and a very valuable senior member of our committee, the Armed Services Committee.

I rise in strong support of H.R. 2082. This bill makes us safer from terrorists and other adversaries in a number of ways: the bill makes critical investments in human intelligence, counterterrorism operations, counter-proliferation, counter-intelligence, analysis and language skills.

In addition, Chairman REYES' conference report includes a provision which requires that all interrogations conducted by intelligence agents and contractors comply with the Army Field Manual on Interrogation. Our military already has raised its standards.

Since September 2006, all interrogations which are conducted by the men and women in uniform are conducted by non-military personnel on a de-

tainee who is otherwise in custody of the U.S. military and must provide and must abide by the Army Field Manual. The manual specifically prohibits eight interrogation techniques, including waterboarding. Waterboarding is the technique which originated during the Spanish Inquisition and makes the person who is being interrogated feel as though he is drowning.

One of the wisest of our Founding Fathers, Ben Franklin, once told us: "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety." But that's where we find ourselves on this issue.

All of the very senior civilians in the administration continue to waffle on whether waterboarding continues and constitutes torture or cruel and inhumane or degrading treatment. Our military has stood up against this widely condemned practice. Our military understands the impact of the Golden Rule: do unto others as you would have them do unto you.

Our military also appreciates that approved interrogation techniques that are not cruel and inhumane or degrading have provided valuable intelligence which has helped captured terrorist kingpins and foiled terrorist attacks against our country as well as our allies. The sooner that we reclaim our moral authority in the world by clearly articulating which techniques we find to be abhorrent, regardless of the nationality of the interrogator, the sooner we can better protect our homeland and our folks in uniform who are in harm's way.

I strongly encourage all of my colleagues in this body on both sides of the aisle to strengthen our national security by supporting this very fine bill.

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 4 minutes to a member of the committee from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I rise in opposition to this bill and in opposition to overriding the President's veto. I think it's fine for us to stand up here on the floor and make all of the speeches we want about what the administration has or has not done that we like; there are some of those criticisms of the administration that I might well agree with about what they've done in the past. But I think it is a far different thing to stand up here and argue that we should put into law a measure that ties the hands of the professionals we expect to keep us safe.

This bill ties the hands of our national security professionals in a number of ways. One way is that it does not update the FISA law, which may well be the most important single thing the intelligence community does today that helps keep us safe. And, in fact, as the gentleman from Michigan noted, we are nearly 30 days beyond the expiration date of the Protect America Act; and every day that goes by makes us more vulnerable to a terrorist attack.

A bipartisan compromise in the other body garnered 68 votes, and yet we can't even have the leadership of this House bring it up for a vote to be considered so that each individual Member can exercise his judgment or his or her judgment or conscience in how they vote. If that measure had been rejected by the House, it would be one thing; but to never allow it to come up means that the leadership of this House insists on tying our hands, preventing our national security professionals from having the tools they need to do the job. I think that's inexcusable.

This measure before us also ties the hands of our national security professionals by limiting the interrogation techniques they can use, and even more than that, by broadcasting to the world the only interrogation techniques which can be used. It's like giving al Qaeda the training manual that they need to prepare their people for. And I know that the chairman of the Armed Services Committee just spoke. I wonder if he would be in support of just sending our battle plans out to any potential adversary saying this is what we are planning on doing. You all go ahead and get ready for it. We will tell you in advance what our intentions are. That's essentially what this bill does.

And I note, Mr. Speaker, a writer, Stuart Taylor of National Journal, last December put the scenario pretty well. He says, Imagine we get Osama bin Laden or some high-level lieutenant with the intelligence reports that a massive new al Qaeda attack may be eminent. Here are the questions all Members ought to answer when considering how they're going to vote: Should it be illegal for CIA interrogators to try to scare the person into talking by yelling at them? Should it be illegal to threaten to slap them in some way? Should it be illegal to pretend to be an interrogator from a different country? Should it be illegal to turn up the air-conditioning so they are uncomfortably cold? Should it be illegal to deny them hot food while giving them all of the cold food that they want?

Because all of those things would be illegal under the provision that's in this bill. It is not about waterboarding. It is about having a guarantee of hot food, comfortable temperature, no sort of deception, having no one raise their voice against you. Those are the protections for the terrorists that are in this bill.

I think that's a mistake. I think it is a mistake to tell them what we are going to do, and I think it is a mistake to take options off the table like turning up the air-conditioning.

These provisions, not having the FISA modernization, limiting their interrogation methods, treat our American professionals as the problem, and that's the problem with this bill. It should be rejected.

Mr. REYES. Mr. Speaker, continuing on this parallel universe, I now yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who chairs one of

our subcommittees, the Subcommittee on Intelligence Community Management.

Ms. ESHOO. Mr. Speaker, I thank our very distinguished, wonderful chairman of the House Intelligence Committee.

We are here this evening for one reason and one reason only: it is to override the President's veto of the House authorization for the intelligence community. And the reason, the stated reason, and the President said so, the reason he vetoed the bill is because he is for torture. T-o-r-t-u-r-e. It's what the President said.

This is a very sad, dark moment for our country that a President of the United States would remove all of the tools that we've provided for the intelligence community in a post-9/11 world and say, Because you don't allow torture, I'm not for the bill.

Now, the President's position is entirely inconsistent with our Nation's history. The United States of America has long accepted that torture is beneath the standard of a civil nation. In 1947, the United States prosecuted a Japanese military officer for carrying out a form of water torture on a U.S. civilian. The military has frequently prosecuted American military personnel for subjecting prisoners to torture since the Spanish-American War.

Our Nation was able to win two world wars and defeat a rising tide of communism with a torture prohibition in place. And I think that we can defeat America's enemies today without lowering ourselves, without allowing ourselves to become the organizers against us. That's what we have done. And we have not only degraded ourselves but helped to chip away at the magnificent credibility of our great Nation that people before us provided, and now we stand on their shoulders. And a President of the United States vetoes a bill because he stands for torture. We should slam that door shut.

And the way we do it is by overriding this President's veto. There isn't any room in our country for this. And for anyone to describe these things as being sissies because you stand against torture, that is really shameful. That's really shameful, with all due respect.

This is a tough position. It's the right position.

So I urge my colleagues to vote to override the President's veto because that veto was about torture.

Mr. HOEKSTRA. At this point in time, I would like to yield 4 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I would like to bring another aspect for sustaining the President's veto that hasn't been talked about yet.

When this bill was brought to the floor initially, there were some 26 earmarks in the legislation. First we were told there are no earmarks. Then we had kind of a wild goose chase up in the intelligence room to find if there were. We found out there actually

were. Then we finally got a list, belatedly. We got the list of earmarks, I think, about 5 hours after the deadline for us to submit a list of earmarks that we wanted to challenge. How convenient was that?

And we were told, No, it is just procedural, but too late. You won't be able to offer any amendments. We were told at the beginning of the process this year that every earmark that was offered in a piece of legislation in a conference report, in a committee report would be able to be challenged on the House floor. That wasn't the case here. We had 20-some earmarks worth about \$80 million that were never challenged that still, to this day, cannot, have not, will not be challenged by this House.

So that, for the process alone, we shouldn't go forward with this piece of legislation.

These weren't just any earmarks. One, \$80 million worth; and, two, there were big earmarks like \$23 million for the National Drug Intelligence Center. This is a center that the President has been trying to shut down for years because it doesn't coordinate efforts as it should. It gets, I think, about \$39 million in the underlying bill and another \$21 million in earmarked money in this piece of legislation. That's \$23 million in taxpayer dollars in this piece of legislation. That's \$62 million in taxpayer funding for an entity that the President and the executive branch want to close down, but it happens to be in the district of a particular powerful Member, so it stays. Again, we weren't able to challenge that.

That led, as we all know, to an altercation on the House floor between a few Members, a privileged resolution that was offered, but still, that earmark remains. All of these earmarks that still haven't been able to be challenged by the House remain in this piece of legislation.

Mr. Speaker, if there was ever, ever a case study in why we need an earmark moratorium, it is this piece of legislation that we are dealing with right now. No matter what you do, the earmarks remain. We even had a motion to instruct offered by my colleague from Michigan to take the earmarks in this bill out, remove them because they haven't been challenged, and they weren't brought to the floor in the proper manner.

□ 1745

That motion to instruct passed with a vote of 249 votes in favor. A sufficient number of Republicans and a significant number of Democrats voted for that motion to instruct to take the earmarks out, but here we are with this piece of legislation here again today, and every one of those earmarks still remains. You can't take them out.

We have to have a moratorium on earmarks so we can address this process. You can have good rules. And I commended the Democrats when they put the rules in place in January of

this year. I mentioned that I thought that they were, in fact, a little stronger than what we, as Republicans, had put there. Having said that, rules are only as good as your willingness to enforce them, and the rules were not enforced here.

Again, this legislation came to the floor with earmarks that we were never able to challenge, that came after the deadline when we were to submit the list to challenge. And then the House acted, we acted to address, and with a clear, sufficient majority said, let's take the earmarks out. But still they remained.

I urge us all to sustain the President's veto of this legislation.

Mr. REYES. Mr. Speaker, I would tell the gentleman from Arizona that this veto is not about earmarks; it's about torture.

With that, I now yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), who serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Mr. Speaker, I thank the chairman of the committee.

When Congress passed this bill last year, I lauded several of its features, provisions aimed at attracting and retaining people with good foreign language capability and understanding of foreign cultures, a provision bringing speed to security clearance processes for new hires, the provision directing the Director of National Intelligence to establish a multilevel security clearance process, a provision requiring the inspector general to review all covert action programs, and a number of other things. Getting these things right is critically important because intelligence is among the most important functions of our government.

A good intelligence system can save lives by preventing war, or, should war come, by helping to win the war as quickly as possible. But a flawed intelligence system can be dangerous, as when intelligence is manipulated so as to take America to war under false pretenses, or when fearsome powers of the government are turned on its own citizens without checks and balances. Indeed, it's because this President opposes checks and balances on our intelligence system that we are forced to have this veto override today.

Let's be clear, American personnel, civilian or military, should never engage in interrogation practices that amount to torture. The provision the President objects to would simply put the entire U.S. Government under one standard for interrogating detainees, the Army Field Manual. The heads of the Defense Intelligence Agency and the FBI have testified that the nontorture guidelines in this bill are adequate for their people to follow in interrogation of dangerous people.

If the President were serious about restoring our reputation in the world and about providing moral and legal clarity for all government employees involved in the handling or interrogation of detainees, he would never have

vetoed this bill. Providing that moral and legal clarity is our constitutional obligation. And to that end, I urge my colleagues to join me in voting to override the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I am four for five on veto overrides of our President, but this is not one of them.

This bill limits our intelligence professionals at a time when we need more people in the Office of the Director of National Intelligence. The bill fails to provide tools to monitor foreign terrorist communications when we should be monitoring more of them. And it also provides less resources to our own intelligence community, not more.

The bill also does have earmarks in which the committee delayed publication. Senators MCCAIN and CLINTON and OBAMA all now support a complete moratorium on earmarks this year, but this legislation does not do that.

We not only hamstring our intelligence community by this bill, we waste millions of dollars on no or low quality earmarks that have little utility to the intelligence community. We should bring back this bill without any spy pork.

Mr. Speaker, I still serve in the intelligence community. We all know that torture is illegal, and we all read the papers and know that all Republican and Democratic candidates for President are against waterboarding. So, in January of this year, that will be over, but the rest of the issues in this bill will not.

Does this bill hamstring our community? It does. Does it fund 26 items of spy pork? It does. And for these reasons, we should not pass this flawed piece of legislation.

Mr. REYES. Mr. Speaker, again I would remind the gentleman that this is not about spy pork; it's about torture.

With that, I now yield 3 minutes to the gentlelady from Illinois, a valued member of our committee, Ms. SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank our chairman for yielding me this time and for his great leadership on this issue, and for making it clear that this veto was about torture.

In December, I said that restrictions on the use of torture represented a battle for the soul of our country. Because the President chose to veto this critically important piece of legislation, that battle continues today.

The way we treat our prisoners is a fundamental measure of our character. It is what separates great nations with moral authority to lead from other lesser nations.

The President's national security team has now publicly confirmed that the CIA waterboarded detainees. Incredibly, President Bush and his advisers insist that they have the legal authority to do so again and that they don't consider it torture. These claims

have damaged our Nation's moral authority and credibility around the world.

There is a simple way to restore some of our moral authority. It is in this bill in the form of a provision mandating that all intelligence agencies and those under contract or sub-contract with our intelligence agencies comply with the U.S. Army Field Manual on interrogation guidelines.

The interrogation rules in the Army Field Manual have served us well, but don't just take my word for it. Generals, intelligence professionals, diplomats, religious leaders, and foreign leaders, many of them our closest allies, have all spoken out against the use of coercive techniques such as waterboarding.

Consider the words of Navy Rear Admiral Mark Buzby, Commander of Joint Task Force Guantanamo, which is already required to comply with the Army Field Manual, who recently stated that "we get so much dependable information from just sitting down and having a conversation and treating them like human beings in a business-like manner." Or what about the advice of the Republican Presidential nominee, Senator JOHN MCCAIN, who, before changing his mind and joining with President Bush to oppose this bill and with it Congress' effort to ban torture, stated that the issue of interrogation was "a defining issue" and that interrogation should be "humane and yet effective." And that an Army general in Iraq had told him that "the techniques under the Army Field Manual are working and working effectively, and he didn't think they need to do anything else."

In December, Congress made its voice known and passed this critically important bill. With one flick of his pen, the President tried to take our voice way. I believe it is time to say once and for all "no" to techniques like waterboarding, "no" to torture, and "no" to this President's attempt to legitimize his administration's political legacy at the cost of this Nation's moral authority.

I urge all my colleagues to join with me in voting to override the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 3 minutes.

Mr. Chairman, it's interesting that this debate is about something that hasn't been done for 5 years. What we need to be talking about is what we haven't been able to do for the last 30 days.

My colleagues on the other side of the aisle are talking about a technique and a procedure that hasn't been used for 5 years, but they're unwilling to talk about the technique that enables us to identify what terrorists may have planned for the United States.

They don't want to address giving the tools to Americans who work in the intelligence community that have proven to be effective. They're willing to give our playbook to al Qaeda, but

at the same time they've taken away our most effective tool, to try to determine exactly what al Qaeda may be up to. It is probably the most glaring deficiency in this bill, but there are many others.

It fails to provide adequate resources for human intelligence. The earmarks we've heard about. It fails to constrain the size of the intelligence bureaucracy. It fails to rationalize how we're going to put the intelligence community together. And then, interestingly enough, it continues the misplaced priorities.

We are unwilling to deal with FISA. We are unwilling to give that tool to our intelligence community, but we feel that it's more than appropriate to tell our intelligence community to go out and conduct a formal assessment of "national security," the national security aspects of global warming.

Our intelligence professionals in the field need to be really wondering what's going on in the House, where they've now watched us for 30 days avoiding dealing with the tough issue that has proven to be so effective in keeping America safe, and at the same time we're arguing here, and the majority is arguing that, forget about surveilling al Qaeda and radical jihadists, take your resources and study national security aspects of global warming, although there's many other agencies that already work on that.

So, shelve FISA. As a matter of fact, don't even talk about FISA. Don't even bring it to the floor. Don't do any work on it. Don't put any proposals out there. Have no bipartisan discussions on where we go with FISA. Leave that on the shelf. Let our capabilities erode. Go out and study global warming.

What are the priorities of this House? How are we going to keep America safe when we, on one hand, handcuff our intelligence community, and on the other hand, we're telling them go out and study the national security aspects of global warming?

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

Mr. REYES. Mr. Speaker, on this side, we believe that our very capable and dedicated men and women of the intelligence community can keep us safe without torture.

I now yield 3 minutes to the newest member of our Intelligence Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman.

Mr. Speaker, the fight against terror is, at one level, a military struggle, but it is also, at its roots, a battle over hearts and minds.

On Sunday, we suffered a major setback in that battle when the President of the United States vetoed legislation that would unequivocally state to the world that we do not condone torture in any form, in any place, under any circumstance. Instead, by appearing to abandon the rule of law by appearing to step away from the Geneva Conventions, by failing to renounce the use of

torture in the clearest of terms, we are only undermining our standing in the world and endangering the lives of our very own men and women.

When the Attorney General of the United States recently testified before the Judiciary Committee, he could not tell us if and when waterboarding constituted torture. He even suggested that a determination whether something constitutes torture depends on who is being subjected to the technique and the desirability of the information that is being sought. His testimony was murky. It was ambiguous. It failed to establish any bright line for our personnel or for the rest of the world. He could only say that if it were done to him, well, then that would be torture.

Instead, the bright line standard, if there was one to be found in his testimony, and the one that he asked us to hold up to the rest of the world, was whether or not a harsh interrogation technique is part of a program authorized by an attorney in the obscure Office of Legal Counsel. I am deeply concerned about what this says to our own personnel and about what it says to the rest of the world.

This is, indeed, no intangible loss, for the effects of this failure of moral leadership may tragically be visited on those brave men and women serving in our Armed Forces.

Who among us can fail to recall the opening ways of the Iraq war when American troops had been captured and were paraded in front of the cameras? We were disgusted with their treatment, and rightfully so. If we hesitate, equivocate, or otherwise fail to ban the use of waterboarding, how can we have any confidence that when American troops are captured they will not be subjected to this form of torture? How can we make the case that other nations or other enemies must not torture because we don't torture? How can we win the battle for hearts and minds if we surrender our most powerful weapon, the power of our good example?

□ 1800

Mr. Speaker, I urge the override of the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

Again, the debate is about a bill that the President has outlined in his veto statement is deeply flawed, deeply flawed in the content of what is in the bill as to what it directs the President to do and the limitations that it places on the executive branch in being able to conduct the war against radical jihadists effectively.

But it's also clear that the message clearly outlines the deficiencies of what is not in the bill: the inability and unwillingness of the Democratic leadership to bring to the House the Senate-passed FISA modernization bill; a bill that reflects the values of the Speaker of the House; a bill that reflects the values of the current Speaker of the House when she was on

the Intelligence Committee in 2001 when these discussions were under way that talked about what do we need to do to give our intelligence community the tools that they need to keep America safe so that we can better understand the plans, the intentions, and the capabilities of al Qaeda and other radical jihadists.

That is where the Terrorist Surveillance Program took root. Bipartisan, the President, the leadership of the House and the Senate, the leadership of the Intelligence Committees, and all of them united in saying we need to give this tool, this Terrorist Surveillance Program, to our intelligence community because it will allow us to collect the information, the data, that we can use to keep America safe. And that program was in place for over 5 years. It was in place and it proved to be very successful. And now for 30 days, almost 30 days, we've been unable to use that tool.

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

Mr. REYES. Mr. Speaker, I now yield 3 minutes to the gentleman from Austin, Texas (Mr. DOGGETT), who was just asking me, As I traveled around the world, have any of our fine men and women in the intelligence community ever asked to be given the tool of torture? and I said, No.

Mr. DOGGETT. I thank the gentleman for yielding.

Mr. Speaker, with this veto, President Bush has once again failed to safeguard our families.

And what is this "waterboarding" that the President so readily embraces? It sounds a little like a cousin of skateboarding or snowboarding. But, in fact, it is a new name for an old water torture in which a human being is drowned. The drowning is controlled to force a response, but waterboarding is simply a euphemism for torture by drowning.

Now, President Bush is not the first Texan to think of this and to believe that horrific wrongs can justify drowning of the culprit. An earlier Texas waterboarder is not in the White House; he was sent to the Big House. A Texas judge said that this waterboarding Texas sheriff put law enforcement "in the hands of a bunch of thugs" that would "embarrass a dictator." The sheriff was sentenced to 10 years. That judge was right, and this administration is so very wrong.

America seems to have been sentenced to 8 years of DICK CHENEY, who claims that such water torture is a "no brainer." "No brainer"—that sounds like a good way to describe how so many of this Administration's policies have been made.

Torture is no proper tool in the arsenal of democracy. Torture is foreign to our values, foreign to our history, foreign to our religions, foreign to our laws, and it is foreign to our international commitments. There can be no compromise, no middle ground. We must have zero tolerance for torture.

If we abandon our American values, we lose who we are. We lose our identity. We lose our pride as the greatest Nation in the world. And if the Administration and its apologists continue forcing America to abandon the rule of law and our long commitment to human dignity, we will lose the war.

The use of torture, which President Bush's veto endorses, is not only un-American; it is ineffective. That is one reason why the Army Field Manual prohibits its use even when our military is in harm's way. As General David Petraeus, our commander in Iraq, wrote to his troops last year: "Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary."

I say follow our generals, not the Cheney ideologues, not the apologists. Override this veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

I applaud my colleagues for speaking with such passion. I wish they had the same passion for addressing the tools that the leadership in the intelligence community have said that they have needed, that our intelligence professionals who are in the field have said that they have needed to keep America safe. And this leadership has been unwilling to bring it up for almost 30 days.

The tool that they want, the tool that they need, and the tool that has proven to be so effective is the Terrorist Surveillance Program, which is an updated version of FISA legislation. It takes the FISA legislation, it moves it forward, and it updates it. But for almost 30 days, that tool has been eroding, putting our troops at risk, putting our homeland at greater risk, putting other U.S. personnel who are oversees at greater risk, and putting our allies who depend so often on the work of our intelligence community, putting them at greater risk. As al Qaeda in Iraq has said they want to attack Jerusalem, as Hezbollah has said that they intend to retaliate for the death of Mughniyah 3 or 4 weeks ago, as the radicals seek to destabilize the regimes in the Middle East of modern Islamic countries, people that are working with us in the war and the threat against radical jihadists, our answer to them is we're going to curtail our intelligence activities, and as a result, you will be at greater risk because we are going to be of less assistance. We are not going to be able to give you the intelligence that you've been receiving for the last 5 years because our techniques are limited.

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

Mr. REYES. Mr. Speaker, I now yield 2 minutes to the chairwoman of the Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, for the last several years, Congress has been unable to pass an intelligence authorization bill. This means that the Intelligence Committee, entrusted with major responsibilities, a committee on which I was proud to serve for 8 years, 4 of those as ranking member, has been prevented from setting the direction for our intelligence community.

Finally this year, Mr. Speaker, the House and Senate agreed on a responsible bill and included in that responsible bill language to end the so-called "CIA loophole" on interrogations. The President has vetoed that bill and continues to insist irresponsibly, in my view, that Congress shall not impose a legal framework around interrogation policy. I strongly disagree and rise to override his veto.

Interrogations are a crucial tool in the effort to prevent and disrupt attacks against America, and Congress should not abdicate our obligation to legislate. Aside from stating the case, the Bush administration has never offered proof that extreme interrogation techniques like waterboarding are effective. I believe Senator JOHN MCCAIN who says that waterboarding is torture, that such techniques do not work.

Article I, section 8 of our Constitution requires Congress to "regulate captures on land and water." This is our responsibility. We have seen the erosion of respect for America that comes from scandals like Abu Ghraib and incarceration without end at Guantanamo Bay. The military and FBI conduct interrogations under clear rules. So why can't the CIA?

Mr. Speaker, my message to the White House is this: Congress is a co-equal branch of government. The Constitution plainly gives us the power to legislate interrogation policy, and we must use it.

Vote "aye."

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

The Detainee Treatment Act, 2005, prohibits cruel, inhumane, and degrading treatment, the standard found in the convention against torture. It applies to anyone held by U.S. authorities. We have dealt with that issue. We dealt with it in 2005.

What my colleagues don't want to talk about is they don't want to talk about the other weaknesses in this bill. And it's clear, by what their actions have been for the last 4 weeks, they don't want to talk about FISA.

As my former ranking member has indicated, it is tough to pass an authorization bill. It is tough to pass legislation. She and I worked together and passed, with our colleagues in the Senate, an Intelligence Reform Act, which in many ways has worked and in some ways we need to go back and take a look at. But one of the things that we learned through that process is to make it work, you need to do it on a bipartisan basis.

The problem with this bill is that it is a partisan bill. It passed the Senate

with a very narrow majority. It passed the House on a partisan vote. That's not how you're going to get it done. You're going to do it the same way that the Senate has done the FISA bill.

But the interesting thing is the model for getting something done, which is a bipartisan bill, which is what we did on intelligence reform, we had Republicans and Democrats who came together to make it a majority; and we also had Republicans and Democrats who opposed us, and it was sometimes very painful. Now, when the Senate has gone through that process and passed a bipartisan bill on FISA, the model, 27 Democrats, 41 Republicans coming together and modernizing FISA, the end result is this leadership on the House side refuses to deal with it. It's on every intelligence issue that we've dealt with in this Congress.

When it comes to national security, when it comes to intelligence, there is not an ounce of compromise. It's all about getting everything, and that's why the President vetoed this bill, because it is not a bipartisan bill. There are many weaknesses in it.

All the focus on their side is torture. Talk about FISA, which makes a real difference to our men and women in the intelligence community today.

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

Mr. REYES. Mr. Speaker, could I inquire as to the time on both sides.

The SPEAKER pro tempore (Mr. SALAZAR). The gentleman from Texas has 5 minutes. The gentleman from Michigan has 6½ minutes.

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

Mr. HOEKSTRA. Mr. Speaker, I will yield myself 1½ minutes.

Mr. Speaker, it's interesting, as we go through this process and we talk about what's in the bill, the provision that we are talking about, or at least the other side is talking about, is a provision that was dropped in in conference. It came from the Senate. It didn't come from the House. We ought to follow that model. Follow the leadership.

It's interesting, we follow the leadership here when it's a partisan vote coming from the Senate; but when it's a bipartisan effort from the Senate, the leadership on the Democratic side will not respond and will not follow.

□ 1815

On this bill, we are going to sustain the veto. It is a flawed bill through and through. It would be interesting for this House to do the right thing, to have a vote on a national security issue, the modernization of FISA, to bring that vote. I am very much afraid that we are going to go home Thursday or Friday of this week and we are going to go on a 2-week recess and, once again, we will not have dealt with the modernization of FISA.

That means that we will go through a period of 6, 7, 8 weeks of eroding capabilities, each and every day becom-

ing more vulnerable to radical jihadists and other groups who want to harm America.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I say to the gentleman from Michigan, it won't be interesting if this veto is sustained. It will be a sad day for this country because it will be sustaining torture.

With that, I now yield 2 minutes to the gentleman from New York, the valued member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, a few weeks ago, I joined my colleagues in writing to the President urging him to sign this conference report. This conference report contains a provision that mirrors legislation which I authored with Congressman DELAHUNT, the American Anti-Torture Act, that would ensure a single, uniform baseline standard for all interrogations conducted by the U.S. intelligence community. I applaud the leadership of Senator FEINSTEIN and the other conferees for including this measure in the report.

Since news of the mistreatment, and possible torture, of detainees in U.S. custody first surfaced, Congress has debated, and legislated, on the subject of the legal, and moral, limits on interrogation. Torture is unworthy of the United States and its people. It places every American, especially every American in uniform around the world, at grave risk.

The United States has historically been a leader in the effort to establish and enforce the laws of war and the conventions against torture. The Army Field Manual is an outstanding example of how our modern military effectively gathers intelligence and observes international norms of conduct.

We all understand the critical role that intelligence plays in helping us achieve these goals. But torture and cruel, inhuman, or degrading treatment, besides being contrary to our values, have proven not to be effective in obtaining actionable intelligence. Current and former members of the military have made it clear that torture doesn't work.

That includes General Petraeus, who wrote an open letter that the standards in the Army Field Manual "work effectively and humanely in eliciting information from detainees." Lieutenant General Kimmons, the Deputy Chief of Staff for Intelligence, similarly stated that "No good intelligence is going to come from abusive practices. Any piece of intelligence which is obtained under duress, under, through the use of abusive techniques would be of questionable credibility."

Mr. Speaker, the President and this administration have repeatedly said that America does not torture. But most intelligent people know the word of this administration cannot be trusted. And to prove the point, when asked to place those assurances into law, the

President refuses. Now Congress must act to override the President's veto and hold him to his word.

And later this week, we will deal with FISA. And all the nonsense spewed by the other side will be dealt with because we will again, as we did last November, pass a bill which will give every tool the administration says they need to them but will place it under judicial and congressional supervision to protect our liberties as well as our safety.

I urge support of this veto override to outlaw torture once and for all.

Mr. HOEKSTRA. I yield myself 2 minutes.

It is interesting to talk about waterboarding. It hasn't been done for 5 years. It is interesting to talk about we are going to get rid of cruel, inhumane, and degrading treatment. We did that in the Detainee Treatment Act of 2005. It is prohibited, prohibited on any person that is held in U.S. custody. So it is easy to talk about those things.

It is time that the House start doing the hard stuff and the heavy lifting. That heavy lifting has now been put off for almost 4 weeks. And my fear is that we will leave without having resolved the issue between the House and the Senate, and we will go away for 2 more weeks because the House and the Democratic leadership refuses to do the heavy lifting and refuses to do the hard stuff. They are willing to go back and do the stuff that was done in 2005 and address issues that haven't occurred for over 5 years. But when it comes to keeping America safe and doing what is necessary and giving the tools to the intelligence community to keep us safe, leadership of this House is unwilling to act and is unwilling to do what is necessary.

With that, I reserve the balance of my time

Mr. REYES. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from Maryland, a member of the leadership of this House, the majority leader, and one that is proud to stand up against torture and for the American people, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding.

In response to the distinguished ranking member of the committee, let me read a statement from the President's veto message of March 8, 2008:

"My disagreement over section 327 is not over any particular interrogation technique; for instance, it is not over waterboarding, which is not part of the current CIA program." He doesn't say that it will not be a part of the CIA program. He has very carefully worded, "It is not part of the current program."

That is why I tell my friend this legislation is relevant. That is why, in my opinion, his Presidential candidate, although he seems to have changed his mind, passed his own bill, which the President, of course, signed and then had a signing statement that he wasn't sure that he had to follow it, that torture was not the policy of the United

States of America. I agree with that. It's not. It should not be. But we need to make a very clear statement that it is not. Why? Because the rest of the world is looking at us and wondering what are the values that this great Nation we respect so much values?

Mr. Speaker, on Saturday, the President could have made a clear, unequivocal statement that this great Nation does not and will not torture those in our custody. He should have signed this important intelligence authorization conference report into law. But instead, he vetoed it, because it requires all American intelligence agencies to comply with the U.S. Army Field Manual on Interrogations.

Let us be clear: This veto was unfortunate and misguided. It threatens to further degrade America's moral standing as others have said, including Colin Powell, the former Secretary of State in this administration. It threatens to undermine our credibility in the international community and to expose our own military and intelligence personnel to the very same tactics and treatment.

Mr. Speaker, every Member here believes that our Nation must take decisive action to detect, disrupt, and, yes, eliminate terrorists who have no compunction about planning and participating in the mass killings of innocent men, women, and children in an effort to advance their twisted, demented aims. We can, we will, and we must prevail in the war on terror. However, in the pursuit of those who seek to harm us, we must not sacrifice the very ideals that distinguish us from those who preach death and destruction and say that their ends justify whatever means they may use.

During the current administration, we have seen the line blurred between legitimate, sanctioned interrogation tactics and torture. And there is no doubt, our international reputation has suffered and been stained as a result. The excesses at Abu Ghraib and Guantanamo are well known, as well as the administration's belief that the Geneva Convention against torture is, and I quote, quaint. Let me repeat that for my colleagues. The administration's advice that it got from counsel was that the Geneva Conventions against torture is, quote, quaint, close quote. I would suggest to you it is as relevant today as it was when it was signed.

These incidents and others sully our great Nation's good reputation and allow our enemies to foment fear and stoke hatred. Requiring all intelligence agencies to comply with the Army Field Manual on interrogation is an attempt by this Congress, passed by majorities in both Houses, to repair the damage that has already been done. Furthermore, the techniques permitted by the Army Field Manual have been endorsed by a wide array of civilian and military officials as both effective and consistent with our values.

Here, in fact, is what General David Petraeus wrote to members of the

Armed Forces in Iraq last May. I believe it has been quoted, but it bears repeating:

"Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary."

General Petraeus went on to say: "Our experience in applying interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

Mr. Speaker, this is not a question of whether we must combat and defeat terrorists. We must. However, we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant.

I urge my colleagues on both sides of the aisle, vote to override this unjustified and deeply misguided veto.

Mr. HOEKSTRA. I yield myself 1 minute.

The Detainee Treatment Act outlaws cruel, inhumane, and degrading treatment. There seems to be a sense of urgency to do what we have done and do it again. It is too bad that there is no sense of urgency to give our individuals in the intelligence community the tools that they need to keep us safe.

The Senate has passed FISA. We should do the same thing. And we should do it before we go home. We need to start doing national security issues in a bipartisan basis. The longer we continue going down this path of making national security and intelligence issues purely partisan, some might call them purely political issues, we risk the security and the safety of the American people.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, could I inquire as to the time.

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes remaining. The gentleman from Michigan has 2½ minutes remaining.

Mr. REYES. Mr. Speaker, with that, I will yield 1 minute to the gentleman from California, the Speaker of the House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman of the Intelligence Committee for his leadership on protecting the American people. In addition to being Chair of the Intelligence Committee, he has served for many years on the Armed Services Committee. He brings to his position on Intelligence the commitment that we all have, to protecting the American people, to building a strong military second to none to do that, to protect the American people. He knows that force protection is one of the main priorities of intelligence, to protect our forces, and when they are in harm's way, to make sure they have the intelligence to prevail.

Mr. Speaker, the New Direction Congress has made strengthening national security and improving America's intelligence capabilities a top priority. It is our major responsibility, to protect the American people.

Our very first piece of legislation, H.R. 1, took the bipartisan 9/11 Commission recommendations off the shelf, as they had been in the Republican Congress, and put them into law to better protect the American people. We then began our efforts to strengthen America's military, the readiness of which has been greatly depleted by the President's failed Iraq policy.

To restore our military strength, we have expanded the size of the Army and Marine Corps, passed legislation insisting that only fully mission-capable forces be deployed, and funded essential equipment, including armored Humvees.

Mr. Speaker, America's security depends on the strength of our military as we all know, but also the quality of information gathered and analysis provided by the 16 intelligence agencies that make up our Nation's intelligence community. As someone who has served on the House Intelligence Committee now as a member and ex officio for 16 years, longer than anyone in the Congress, I understand that policy-makers in Congress and in the executive branch must be able to rely on accurate, timely, and actionable intelligence. That is why this intelligence authorization bill invests in human intelligence, counterterrorism operations, and analysis. It is a critical step in protecting our Nation. And the President should have signed it into law.

□ 1830

Regrettably, President Bush vetoed these critical investments in our intelligence capabilities because this legislation extended the Army Field Manual's prohibition on torture to intelligence community personnel.

The prohibition on torture that the President vetoed protected our values, protected American military and diplomatic personnel, and protected Americans by ensuring accurate intelligence. Our Nation is on a stronger ground ethically and morally when our practices for holding and interrogating captives are consistent with the Geneva Conventions, when we do not torture.

We all have our views here about intelligence gathering, analysis and dissemination; and, again, much of the focus is on force protection. So I look to the words of those who have served in the military for their view on this subject.

In the words of Retired RADM Donald Guter, a former Navy Judge Advocate General, he says: "There is no disconnect between human rights and national security. They are synergistic. One doesn't work without the other for very long."

Failing to legally prohibit the use of waterboarding and other harsh torture

techniques also risks the safety of our soldiers and other Americans serving overseas. In a letter to the congressional Intelligence Committee chairmen, 30 retired generals and admirals, including General Joseph Hoar, the former head of the U.S. Central Command, the command that oversees our military activities in the Iraq region, the Middle East and greater Middle East area, those 30 retired generals and admirals, looking again to the voices of those who have led in the military, stated: "We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans."

Many military officials and intelligence professionals have also stated that torture is ineffective; it is unlikely to produce the kind of timely and reliable information needed to disrupt terrorist plots.

I want to reinforce the message of my colleague, the majority leader, STENY HOYER, in quoting the words of General David Petraeus. As Mr. HOYER just stated, but I think it bears repeating, the words of General David Petraeus: "Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. That would be wrong," General Petraeus said. He went on: "Beyond the basic fact that such actions are illegal, history shows that they are frequently neither useful nor necessary."

These leading military men and women and those of us who support this legislation's ban on torture believe that we can and we must protect America while preserving our country's deeply held principles.

In the final analysis, our ability to lead the world will depend not only on our military might but also on our moral authority. Today, we can begin to reassert that moral authority by overriding the President's veto.

Thank you again, Mr. Chairman, for your leadership.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I am astounded that you can use the words "torture" and "waterboarding" as though you were not on the committee of jurisdiction knowing about it as an ex-officio at the time it is to have occurred. I am shocked that this is going to be all about a procedure or procedures that in fact the Speaker of the House had the ability to know about and condoned for years. I am shocked that the Speaker of the House would speak about David Petraeus, when in fact David Petraeus has said publicly and privately: "You know, on the battlefield of Iraq, I can kill the enemy, but I can't listen to him if he calls America."

This today should be about what we haven't done. We haven't taken up the

Senate's FISA bill. We haven't dealt with the fact that we are in danger every day, and as a member of the intelligence community, I know just how damaging the absence of action has been.

This bill has become a partisan bill, and wrongly so. I call on my colleagues on both sides of the aisle to fix it and move on, rather than complaining about something that the Speaker is well aware of.

Mr. REYES. Mr. Speaker, could I inquire of the time.

The SPEAKER pro tempore. The gentleman from Texas has 1 minute and the gentleman from Michigan has 1½ minutes.

Mr. REYES. Thank you.

I would advise the gentleman from Michigan I have one additional speaker.

With that, I now yield 45 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, there are five compelling reasons why we should override the President's veto of this bill and sustain the congressional ban on torture:

First of all, it creates a double standard between the military and our intelligence personnel. The rest of the world won't recognize the difference, and neither should we.

Secondly, it gives us faulty information. Somebody being tortured will tell you whatever is necessary in order to stop the torture.

Thirdly, it jeopardizes our own personnel, because the enemy will consider it a license to torture American prisoners.

Fourth, it is illegal, according to the Geneva Conventions.

Fifth, it is immoral, and thus it is un-American.

Our Founding Fathers believed that this Nation would be united by a common set of values, that we would stand as a moral guidepost to the rest of the world. This undermines that moral high ground, and that is why this veto should be overridden.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I encourage my colleagues today to sustain the President's veto. This is an ill-advised bill. This goes back to what we did in the 1990s, "bugs and bunnies," telling our intelligence folks that it is time to focus your resources and your skills on studying the national security implications of global warming.

There are many problems with this bill. But the sense of urgency that we have in the intelligence community today is, as my colleague from California pointed out today, we are going to tell al Qaeda exactly what may happen. We are going to give them our playbook. And at the same time we have limited our ability to listen to radical jihadists.

It is now 26, 27, 28 days since FISA, or the Protect America Act, has expired. How many more days will my colleagues on the other side of the aisle

wait before they take up this legislation from the Senate? Will it be one more day? Will it be three more days? Will it be two more weeks? Will it be two more months? How much greater do you want to increase the risk to the homeland, to our allies, to our troops, before you act?

The Speaker of the House shortly after 9/11 agreed that we needed to act. It is beyond me why she doesn't want to act now and why we don't have that sense of urgency. It is time to bring FISA to the floor, and it is time to sustain the President's veto.

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

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

Mr. Speaker, this is a critical bill for the intelligence community. If you vote to sustain this veto, you are voting for torture with the President. I believe we should stand with the men and women of the community and override the President's veto.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to cast my vote to override the President's veto of the ban on torture. This bill would have prevented the CIA from engaging in acts of torture. The President vetoed this bill over the provision that specifically extends to U.S. intelligence agencies and personnel the current prohibitions in the Army Field Manual against waterboarding and other torture.

The human rights violations perpetrated by the Bush Administration against people detained by the United States have done more to compromise this nation's security than to protect it. We can protect our nation from acts of terrorism without compromising our values or the Constitution.

The use of torture by U.S. intelligence agencies to gain intelligence is repugnant on moral grounds. In addition, many experts agree that information extracted through torture is often unreliable and misleading. Moreover, as the former Chairman of the Joint Chiefs of staff, Colin Powell, has testified, torture will put our own troops at greater risk of torture.

In 2007, General David Petraeus stated that torture is wrong and that the Army Field Manual works. In an open letter to service members in May 2007, General Petraeus stated, "Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone 'talk,' however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

At a February 29th news briefing to oppose the President's anticipated veto, retired Lt. Gen. Harry Soyster, former Director of the Defense Intelligence Agency, stated, "Experience shows that the Army Field Manual's approaches to interrogation work. The Army Field Manual is comprehensive and sophisticated. It contains all the techniques any good interrogator needs to get accurate, reliable information, including out of the toughest cus-

tomers. . . If [individuals] think these [harsh interrogation] methods work, they're woefully misinformed. Torture is counterproductive on all fronts. It produces bad intelligence. It ruins the [interrogation] subject, makes them useless for further interrogation. And it damages our credibility around the world."

Moreover, 30 retired military leaders have pointed out that failing to prohibit harsh interrogation techniques endangers our men and women in uniform. In a December 2007 letter, 30 retired military leaders wrote, "We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans. . . . The current situation, in which the military operates under one set of interrogation rules that are public and the CIA operates under a separate, secret set of rules, is unwise and unpractical. . . . What sets us apart from our enemies in this fight . . . is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect."

Many retired military leaders have also pointed out that waterboarding is clearly torture and is illegal. For example, Retired Admiral Donald Guter, Judge Advocate General, wrote in a November 2007 letter, "Waterboarding is inhumane, it is torture, and it is illegal. . . This is a critically important issue—but it is not, and never has been, a complex issue, and even to suggest otherwise does a terrible disservice to this nation. . . . Waterboarding detainees amounts to illegal torture in all circumstances. to suggest otherwise—or even to give credence to such a suggestion—represents both an affront to the law and to the core values of our nation."

Finally, the use of torture has weakened our national security by eroding our moral standing and has cost us our ability to enlist the cooperation and support of other nations in our fight against terrorism, and places our military and diplomatic personnel at risk. This practice must be stopped. Overturning this veto would be a crucial first important step to restore our moral standing in the world. It is imperative that Congress tells the world in no uncertain terms: Americans do not engage in torture.

Mr. CASTLE. Mr. Speaker, I rise in opposition to overriding the President's veto of H.R. 2082, the conference agreement on the Fiscal Year 2008 Intelligence Authorization Act.

As a former Member of the House Select Committee on Intelligence, I believe it is vital that we provide the United States intelligence agencies with the tools and resources necessary to ensure our security. Therefore, I strongly support funding in this bill for human intelligence activities, intelligence analysis, and counterterrorism operations. Furthermore, I support language in the agreement prohibiting the use of interrogation techniques not authorized by the U.S. Army Field Manual on Human Intelligence Collector Operations. Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not. In fact, I have cosponsored legislation to require the anti-torture provisions included in this conference agreement.

Nevertheless, I will oppose this bill because it fails to implement the 9/11 Commission's recommendations for reforming congressional

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

Last year, the Democratic leadership attempted to apply a "Band-Aide" to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. This is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that "tinkering with the existing committee structure is not sufficient." In May of 2007, I offered a simple amendment to the bill before us, calling for Congress to implement these crucial recommendations—but it was prevented from being considered for inclusion in this legislation.

Mr. Speaker, the American people have insisted that we implement all of the 9/11 Commission recommendations—even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support, and leadership they need.

Mr. PAUL. Mr. Speaker, I rise in somewhat reluctant support of this vote to override the President's veto of H.R. 2062, the Intelligence Authorization Act of 2008. Although I voted against this authorization when it first came to the floor, the main issue has now become whether we as a Congress are to condone torture as official U.S. policy or whether we will speak out against it. This bill was vetoed by the President because of a measure added extending the prohibition of the use of any interrogation treatment or technique not authorized by the United States Army Field Manual on Human Intelligence Collector Operations to the U.S. intelligence community. Opposing this prohibition is tantamount to endorsing the use of torture against those in United States Government custody.

Mr. Speaker, we have all read the disturbing reports of individuals apprehended and taken to secret prisons maintained by the United States Government across the globe, tortured for months or even years, and later released without charge. Khaled al-Masri, for example, a German citizen, has recounted the story of his incarceration and torture by U.S. intelligence in a secret facility in Afghanistan. His horror was said to be simply a case of mistaken identity. We do not know how many more similar cases there may be, but clearly it is not in the interest of the United States to act in a manner so contrary to the values upon which we pride ourselves.

My vote to override the President's veto is a vote to send a clear message that I do not think the United States should be in the business of torture. It is anti-American, immoral and counterproductive.

Mr. UDALL of Colorado. Mr. Speaker, the President's veto of this legislation was not a surprise but still very disappointing.

It was not a surprise because the President had clearly signaled his intention to reject the bill's requirement that all intelligence agencies follow the rules governing interrogation techniques followed by our military, even though the bill also authorizes supplemental funding for counterterrorism as well as funding for advanced research and development funding to

help maintain our technical capacity for intelligence, to repair and replace aging and inadequate power infrastructure, and to improve training and education of linguists, analysts, and human intelligence collectors.

But it was disappointing that President Bush refuses to agree to that simple requirement, because the result is to signal to the world that he refuses to recognize that the result will be to place every American, especially those in uniform around the world, at grave risk.

The United States historically has led in the effort to establish and enforce the laws of war and conventions against torture. Indeed, the Army Field Manual is an outstanding example of how our modern military effectively gathers intelligence and observes international norms of conduct.

The importance of that leadership and the appropriateness of the guidelines in the field manual were clearly recognized by Congress when we voted to approve the conference report's provision extending the field manual to the entire intelligence community—the provision to which the President objects and which has prompted him to veto the legislation. By extending the field manual to the intelligence community, the legislation would effectively outlaw waterboarding and similar coercive techniques. I support that because waterboarding is widely and rightly viewed as a form of torture and the refusal to renounce its use will result in greater damage to our national interests than the possible benefits of its possible use in the future.

I think the case for overriding the President's veto was well made by the Colorado Springs Gazette in a recent editorial pointing out that “the use of torture blurs the line between civilized societies and ruthless barbarians.” As the editorial notes,

In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority.

It is telling that the firmest opponents of the use of torture tend to be military and former military people who understand the dangers to captured military personnel if it is widely believed that the U.S. engages in torture. Instead of spinning unlikely scenarios in which torture might be justified, the government should announce that America doesn't do that any more—and mean it.

I agree, and that is why I will vote today to override the President's unwise veto of this important legislation. For the benefit of our colleagues, I am attaching the complete text of the editorial:

[From the Colorado Springs Gazette, Feb. 14, 2008]

THE HIGH ROAD—FORSWEARING TORTURE GIVES U.S. MORAL STANDING

So it's out in the open now. Central Intelligence Agency Director Gen. Michael Hayden admitted to the Senate Intelligence Committee last week that the CIA used the coercive interrogation technique known as waterboarding, a form of simulated drowning, on three al-Qaida operatives in 2002 and 2003. The technique is widely viewed as torture, which is prohibited by U.S. law and international treaties. Hayden said it has not been used since 2003 but that the CIA could use it again if approved by both the attorney general and the president.

The Justice Department is currently investigating the destruction of videotapes of the

interrogations of two detainees held in Thailand who were reportedly subjected to waterboarding and other coercive interrogation techniques to determine whether destroying the tapes amounted to obstruction of justice.

Public disclosure of these incidents should lead to a firm U.S. policy preventing government operatives from using torture in the future. Perhaps the best thing about the emergence of Sen. John McCain as the Republican presidential frontrunner is that McCain, who was tortured by the North Vietnamese while a POW during the Vietnam War, has expressed his firm opposition to the use of torture by the U.S. He has said that one thing that helped him endure his imprisonment was the knowledge that our side doesn't engage in such barbarity.

Torture is sometimes justified as the only way to extract information from detainees when an attack is deemed imminent, and Hayden said in 2002 and 2003 that everybody expected an attack on the U.S. following the 9/11 terrorist attacks. But most experienced interrogators say torture seldom if ever produces reliable intelligence, that while other techniques may take longer, they generally produce better information.

At a more fundamental level, the use of torture blurs the line between civilized societies and ruthless barbarians. In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority.

It is dismaying, therefore, that a day later White House spokesman Tony Fratto was still saying that waterboarding might be used justifiably in the future. It would have been better to acknowledge that in the wake of 9/11 the U.S. used coercive techniques, that one could understand the temptation considering the circumstances and the lack of knowledge about al-Qaida, but that we had renounced the practice.

It is telling that the firmest opponents of the use of torture tend to be military and former military people who understand the dangers to captured military personnel if it is widely believed that the U.S. engages in torture. Instead of spinning unlikely scenarios in which torture might be justified, the government should announce that America doesn't do that any more—and mean it.

Mr. REYES. Mr. Speaker, I am proud to move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, this 15-minute vote on the passage of the bill on reconsideration will be followed by 5-minute votes on suspending the rules and adopting House Resolution 948 and House Resolution 493.

The vote was taken by electronic device, and there were—yeas 225, nays 188, not voting 17, as follows:

[Roll No. 117]

YEAS—225

Abercrombie	Andrews	Baldwin
Ackerman	Arcuri	Barrow
Allen	Baca	Bartlett (MD)
Altmire	Baird	Bean

Becerra	Hare	Olver
Berkley	Harman	Ortiz
Berman	Hastings (FL)	Pallone
Berry	Hersegh Sandlin	Pascarell
Bishop (GA)	Higgins	Pastor
Bishop (NY)	Hill	Paul
Blumenauer	Hinchee	Payne
Boren	Hinojosa	Pelosi
Boswell	Hirono	Perlmutter
Boucher	Hodes	Peterson (MN)
Boyd (FL)	Holden	Pomeroy
Boyda (KS)	Holt	Price (NC)
Brady (PA)	Honda	Rahall
Braley (IA)	Hoyer	Reyes
Brown, Corrine	Insee	Richardson
Butterfield	Israel	Rodriguez
Capps	Jackson (IL)	Ross
Capuano	Jackson-Lee	Rothman
Cardoza	(TX)	Roybal-Allard
Carnahan	Jefferson	Ruppersberger
Carney	Johnson (GA)	Ryan (OH)
Castor	Johnson (IL)	Salazar
Chandler	Johnson, E. B.	Sánchez, Linda
Clarke	Jones (OH)	T.
Clay	Kagen	Sanchez, Loretta
Cleaver	Kanjorski	Sarbanes
Clyburn	Kaptur	Schakowsky
Cohen	Kennedy	Schiff
Conyers	Kildee	Scott (GA)
Cooper	Kind	Scott (VA)
Costa	Klein (FL)	Serrano
Costello	Lampson	Sestak
Courtney	Langevin	Shea-Porter
Cramer	Larsen (WA)	Sherman
Crowley	Larson (CT)	Shuler
Cuellar	Lee	Sires
Cummings	Levin	Skelton
Davis (AL)	Lewis (GA)	Slaughter
Davis (CA)	Lipinski	Smith (NJ)
Davis (IL)	Loeback	Smith (WA)
Davis, Lincoln	Lofgren, Zoe	Snyder
DeFazio	Lowe	Solis
DeGette	Lynch	Space
Delahunt	Mahoney (FL)	Spratt
DeLauro	Maloney (NY)	Stark
Dicks	Markey	Stupak
Dingell	Matheson	Sutton
Doggett	Matsui	Tanner
Donnelly	McCarthy (NY)	Tauscher
Doyle	McCollum (MN)	Taylor
Edwards	McDermott	Thompson (CA)
Ellison	McGovern	Tierney
Ellsworth	McIntyre	Townes
Emanuel	McNerney	Tsongas
Engel	McNulty	Udall (CO)
Eshoo	Meek (FL)	Udall (NM)
Etheridge	Meeks (NY)	Van Hollen
Farr	Melancon	Velázquez
Fattah	Michaud	Visclosky
Filner	Miller (NC)	Walz (MN)
Foster	Miller, George	Wasserman
Frank (MA)	Mollohan	Schultz
Giffords	Moore (KS)	Watson
Gilchrest	Moore (WI)	Watt
Gillibrand	Moran (VA)	Waxman
Gonzalez	Murphy (CT)	Weiner
Gordon	Murphy, Patrick	Welch (VT)
Green, Al	Murtha	Wexler
Green, Gene	Nadler	Wilson (OH)
Grijalva	Napolitano	Wu
Gutierrez	Neal (MA)	Wynn
Hall (NY)	Obey	Yarmuth

NAYS—188

Aderholt	Brady (TX)	Conaway
Akin	Broun (GA)	Crenshaw
Alexander	Brown (SC)	Cubin
Bachmann	Brown-Waite,	Culberson
Bachus	Ginny	Davis, David
Barrett (SC)	Buchanan	Davis, Tom
Barton (TX)	Burgess	Deal (GA)
Biggart	Burton (IN)	Diaz-Balart, L.
Bilbray	Buyer	Diaz-Balart, M.
Bilirakis	Calvert	Doolittle
Bishop (UT)	Camp (MI)	Drake
Blackburn	Campbell (CA)	Dreier
Blunt	Cannon	Duncan
Boehner	Cantor	Ehlers
Bonner	Carter	Emerson
Bono Mack	Castle	English (PA)
Boozman	Chabot	Everett
Boustany	Cole (OK)	Fallin

Feeney	Latta	Renzi
Ferguson	Lewis (CA)	Reynolds
Flake	Lewis (KY)	Rogers (AL)
Forbes	Linder	Rogers (KY)
Fortenberry	LoBiondo	Rogers (MI)
Fossella	Lucas	Rohrabacher
Foxx	Lungren, Daniel	Roskam
Franks (AZ)	E.	Royce
Frelinghuysen	Mack	Ryan (WI)
Gallely	Manzullo	Sali
Garrett (NJ)	Marchant	Saxton
Gerlach	Marshall	Schmidt
Gingrey	McCarthy (CA)	Sensenbrenner
Gohmert	McCaul (TX)	Sessions
Goode	McCotter	Shadegg
Goodlatte	McCrery	Shays
Granger	McHenry	Shimkus
Graves	McHugh	Shuster
Hall (TX)	McKeon	Simpson
Hastings (WA)	McMorris	Smith (NE)
Hayes	Rodgers	Smith (TX)
Heller	Mica	Souder
Hensarling	Miller (FL)	Stearns
Herger	Miller (MI)	Sullivan
Hobson	Miller, Gary	Terry
Hoekstra	Moran (KS)	Thornberry
Hulshof	Murphy, Tim	Tiaht
Hunter	Musgrave	Tiberi
Inglis (SC)	Myrick	Turner
Issa	Neugebauer	Upton
Johnson, Sam	Nunes	Walberg
Jones (NC)	Pearce	Walsh (OR)
Jordan	Pence	Walden (NY)
Keller	Peterson (PA)	Wamp
King (IA)	Petri	Waters
King (NY)	Pickering	Weldon (FL)
Kingston	Pitts	Weller
Kirk	Platts	Westmoreland
Kline (MN)	Poe	Whitfield (KY)
Knollenberg	Porter	Wilson (NM)
Kucinich	Price (GA)	Wilson (SC)
Kuhl (NY)	Putnam	Wittman (VA)
LaHood	Ramstad	Wolf
Lamborn	Regula	Young (AK)
Latham	Rehberg	Young (FL)
LaTourette	Reichert	

NOT VOTING—17

Capito	Mitchell	Rush
Coble	Oberstar	Schwartz
Davis (KY)	Pryce (OH)	Tancredo
Dent	Radanovich	Thompson (MS)
Hooley	Rangel	Woolsey
Kilpatrick	Ros-Lehtinen	

□ 1901

Mr. FEENEY changed his vote from “yea” to “nay.”

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 117, I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 117, I was detained at a firefighters ceremony. Had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, during rollcall vote No. 117 on H.R. 2082, I mistakenly recorded my vote as “no” when I should have voted “yes.”

The SPEAKER pro tempore. The veto message and the bill will be referred to the Permanent Select Committee on Intelligence.

The Clerk will notify the Senate of the action of the House.

CONGRATULATING THE UNIVERSITY OF KANSAS FOOTBALL TEAM FOR WINNING THE 2008 FEDEX ORANGE BOWL

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and agree to the resolution, H. Res. 948, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBACK) that the House suspend the rules and agree to the resolution, H. Res. 948, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 0, answered “present” 12, not voting 21, as follows:

[Roll No. 118]
YEAS—396

Abercrombie	Courtney	Harman
Ackerman	Cramer	Hastings (FL)
Aderholt	Crenshaw	Hastings (WA)
Allen	Crowley	Hayes
Altmire	Cubin	Heller
Andrews	Cuellar	Hensarling
Arcuri	Culberson	Herger
Baca	Cummings	Hersteth Sandlin
Bachmann	Davis (AL)	Higgins
Bachus	Davis (CA)	Hill
Baird	Davis (IL)	Hinchee
Baldwin	Davis (KY)	Hinojosa
Barrett (SC)	Davis, David	Hirono
Barrow	Davis, Lincoln	Hobson
Bartlett (MD)	Deal (GA)	Hodes
Barton (TX)	DeFazio	Hoekstra
Bean	DeGette	Holden
Becerra	Delahunt	Holt
Berkley	DeLauro	Honda
Berman	Diaz-Balart, L.	Hoyer
Berry	Diaz-Balart, M.	Hunter
Biggert	Dicks	Inglis (SC)
Billray	Doggett	Inslie
Bilirakis	Donnelly	Israel
Bishop (GA)	Doolittle	Issa
Bishop (NY)	Doyle	Jackson (IL)
Bishop (UT)	Drake	Jackson-Lee
Blackburn	Dreier	(TX)
Blumenauer	Duncan	Jefferson
Boehner	Edwards	Johnson (GA)
Bonner	Ehlers	Johnson (IL)
Bono Mack	Ellison	Johnson, E. B.
Boozman	Ellsworth	Johnson, Sam
Boren	Emanuel	Jones (NC)
Boswell	Engel	Jones (OH)
Boustany	English (PA)	Jordan
Boyd (FL)	Eshoo	Kagen
Boyda (KS)	Etheridge	Kanjorski
Brady (PA)	Everett	Kaptur
Brady (TX)	Fallin	Keller
Braley (IA)	Farr	Kennedy
Broun (GA)	Fattah	Kildee
Brown (SC)	Feeney	Kind
Brown, Corrine	Ferguson	King (IA)
Brown-Waite,	Filner	King (NY)
Ginny	Flake	Kingston
Buchanan	Forbes	Kirk
Burgess	Fortenberry	Klein (FL)
Burton (IN)	Fossella	Kline (MN)
Buyer	Foster	Knollenberg
Calvert	Foxx	Kucinich
Camp (MI)	Frank (MA)	Kuhl (NY)
Campbell (CA)	Franks (AZ)	LaHood
Cannon	Frelinghuysen	Lamborn
Cantor	Gallely	Lampson
Capps	Garrett (NJ)	Langevin
Capuano	Gerlach	Larson (CT)
Cardoza	Giffords	Latham
Carney	Gilchrest	LaTourette
Carter	Gillibrand	Latta
Castle	Gingrey	Lee
Castor	Gohmert	Levin
Chabot	Gonzalez	Lewis (CA)
Chandler	Goode	Lewis (GA)
Clarke	Goodlatte	Lewis (KY)
Clyburn	Gordon	Linder
Coble	Granger	Lipinski
Cohen	Green, Al	LoBiondo
Cole (OK)	Green, Gene	Loeback
Conaway	Grijalva	Lofgren, Zoe
Conyers	Gutierrez	Lowey
Cooper	Hall (NY)	Lucas
Costa	Hall (TX)	Lungren, Daniel
Costello	Hare	E.

Lynch	Perlmutter	Sires
Mack	Peterson (MN)	Slaughter
Mahoney (FL)	Peterson (PA)	Smith (NJ)
Maloney (NY)	Petri	Smith (TX)
Manzullo	Pickering	Smith (WA)
Marchant	Pitts	Snyder
Markey	Platts	Solis
Marshall	Poe	Souder
Matheson	Pomeroy	Space
Matsui	Porter	Spratt
McCarthy (CA)	Price (GA)	Stark
McCarthy (NY)	Price (NC)	Stearns
McCaul (TX)	Putnam	Stupak
McCollum (MN)	Rahall	Sullivan
McCotter	Ramstad	Sutton
McDermott	Regula	Tauscher
McGovern	Rehberg	Taylor
McHenry	Reichert	Terry
McHugh	Renzi	Thompson (CA)
McIntyre	Reyes	Thornberry
McKeon	Reynolds	Tiaht
McMorris	Richardson	Tiberi
Rodgers	Rodriguez	Tierney
McNerney	Rogers (AL)	Towns
McNulty	Rogers (KY)	Tsongas
Meek (FL)	Rogers (MI)	Turner
Meeks (NY)	Rohrabacher	Udall (CO)
Melancon	Roskam	Udall (NM)
Mica	Ross	Upton
Michaud	Rothman	Van Hollen
Miller (FL)	Roybal-Allard	Velázquez
Miller (MI)	Royce	Visclosky
Miller (NC)	Ruppersberger	Walberg
Miller, Gary	Ryan (OH)	Walden (OR)
Miller, George	Ryan (WI)	Walsh (NY)
Mollohan	Salazar	Walz (MN)
Moore (KS)	Sali	Wamp
Moore (WI)	Sánchez, Linda	Wasserman
Moran (KS)	T.	Schultz
Murphy (CT)	Sanchez, Loretta	Waters
Murphy, Patrick	Sarbanes	Watson
Murphy, Tim	Saxton	Watt
Murtha	Schakowsky	Waxman
Musgrave	Schiff	Weiner
Myrick	Schmidt	Welch (VT)
Nadler	Schwartz	Weldon (FL)
Napolitano	Scott (GA)	Weller
Neal (MA)	Scott (VA)	Westmoreland
Neugebauer	Sensenbrenner	Wexler
Nunes	Serrano	Whitfield (KY)
Obey	Sessions	Wilson (NM)
Olver	Sestak	Wilson (OH)
Ortiz	Shadegg	Wilson (SC)
Pallone	Shays	Wittman (VA)
Pascrell	Shea-Porter	Wolf
Pastor	Sherman	Wu
Paul	Shimkus	Wynn
Payne	Shuler	Yarmuth
Pearce	Shuster	Young (AK)
Pence	Simpson	Young (FL)

ANSWERED “PRESENT”—12

Akin	Clay	Hulshof
Blunt	Cleaver	Larsen (WA)
Boucher	Emerson	Skelton
Carnahan	Graves	Smith (NE)

NOT VOTING—21

Alexander	Kilpatrick	Rangel
Butterfield	McCrery	Ros-Lehtinen
Capito	Mitchell	Rush
Davis, Tom	Moran (VA)	Tancredo
Dent	Oberstar	Tanner
Dingell	Pryce (OH)	Thompson (MS)
Hooley	Radanovich	Woolsey

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING THE WOMEN'S WATER POLO TEAM OF UCLA FOR WINNING THE 2007 NATIONAL CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 493, as amended,