

Second, earlier this year, the committee became aware of intelligence actions that the Department of Defense was taking, actions of an under-the-table nature, which a number of us felt were highly inappropriate and highly dangerous, classified activities which cannot be discussed in public.

We tried to offer language to assure that in the future such actions would not be undertaken without proper notification to the Congress and to this committee. The fact is that when I offered language to try to do that, I received a phone call from Andy Card, the President's Staff Chief, and in that phone call he told me that if I would withdraw that language he would assure me that this matter would be worked out to the satisfaction of both the executive and legislative branches.

In fact, while we have made some small progress in reaching an understanding on this matter, there are still two very important issues that have not been resolved, that the administration has not agreed to, and they are key issues, including whether or not this Congress will be informed of those activities in a timely fashion so that the information provided to the Congress is, in fact, meaningful.

We are still being stonewalled on that matter, and the Congress still, in my view, has not lived up to its oversight responsibilities on that matter.

Now, yesterday, we see in the Washington Post a story which says CIA holds terror suspects in secret prisons. It notes that close to \$100 million evidently was spent to establish these secret compounds at which detainees were evidently subjected to torture-related activities, including water-boarding, and yet we are told that not a single member of the Appropriations Committee and not a single member of the staff have been told by the CIA that that had been going on.

This committee has an obligation to protect the power of the purse. In my view, until we take action on this matter, we stand vulnerable to the justifiable charge that Congress is ignoring its responsibilities to protect taxpayers' money and to protect the reputation of the United States internationally; And when we do that, we put at risk the very troops that we are trying to protect through this motion this morning.

Madam Speaker, I would hope that this language would be supported by the majority. But I would also hope that this Congress understands that even if it is, we are failing our fundamental responsibility to the American taxpayer if we do not exercise considerably more vigorously than we have up to date our responsibilities to see to it that matters related to Iraq are being handled in a manner which makes certain that the Congress knows what is going on, and gives the Congress an opportunity to try to make certain that what is going on is consistent with American values.

That certainly is not the case when we see these kinds of horrific headlines

in the paper, and I would associate myself with the remarks contained in the editorial in the Washington Post this morning.

Mr. Speaker, I include in the RECORD at this point the editorial which makes clear that Congress has not in any way, shape or form lived up to its responsibilities, and, in my view, they have enabled the administration to continue to cover up its activities with respect to Iraq, its activities with respect to manipulating intelligence, its activities with respect to allowing agencies to engage in conduct not at all consistent with American values or American interests.

[From the Washington Post, Nov. 3, 2005]

REBELLION AGAINST ABUSE

Last month a prisoner at the Guantanamo Bay military base excused himself from a conversation with his lawyer and stepped into a cell, where he slashed his arm and hung himself. This desperate attempted suicide by a detainee held for four years without charge, trial or any clear prospect of release was not isolated. At least 131 Guantanamo inmates began a hunger strike on Aug. 8 to protest their indefinite confinement, and more than two dozen are being kept alive only by force-feeding. No wonder Defense Secretary Donald H. Rumsfeld has denied permission to U.N. human rights investigators to meet with detainees at Guantanamo: Their accounts would surely add to the discredit the United States has earned for its lawless treatment of foreign prisoners.

Guantanamo, however, is not the worst problem. As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons, into which 100 or more terrorist suspects have "disappeared" as if they were victims of a Third World dictatorship. Some of the 30 most important prisoners are being held in secret facilities in Eastern European countries—which should shame democratic governments that only recently dismantled Soviet-era secret police apparatuses. Held in dark underground cells, the prisoners have no legal rights, no visitors from outside the CIA and no checks on their treatment, even by the International Red Cross. President Bush has authorized interrogators to subject these men to "cruel, inhuman and degrading" treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws.

This shameful situation is the direct result of Mr. Bush's decision in February 2002 to set aside the Geneva Conventions as well as standing U.S. regulations for the handling of detainees. Under the Geneva Conventions, al Qaeda militants could have been denied prisoner-of-war status and held indefinitely; they could have been interrogated and tried, either in U.S. courts or under the military system of justice. At the same time they would have been protected by Geneva from torture and other cruel treatment. Had Mr. Bush followed that course, the abuse scandals at Guantanamo Bay and in Afghanistan and Iraq, and the severe damage they have caused to the United States, could have been averted. Key authors of the Sept. 11, 2001, attacks, such as Khalid Sheikh Mohammed and Ramzi Binalshibh, could have been put on trial, with their crimes exposed to the world.

Instead, not a single al Qaeda leader has been prosecuted in the past four years. The Pentagon's system of hearings on the status of Guantanamo detainees, introduced only after a unanimous ruling by the Supreme

Court, has no way of resolving the long-term status of most detainees. The CIA has no long-term plan for its secret prisoners, whom one agency official described as "a horrible burden."

For some time a revolt against this disastrous policy has been gathering steam inside the administration and in the Senate; it is led by senators such as John McCain (R-Ariz.) and by the same military officers and State Department officials who opposed Mr. Bush's decision to disregard the Geneva accords. Their opponents are a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney. According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon's official doctrine for handling detainees. Mr. McCain is seeking to ban "cruel, inhuman and degrading" treatment for all detainees held by the United States, including those in the CIA's secret prisons.

There is no more important issue before the country or Congress. Yet the advocates of decency and common sense seem to have meager support from the Democratic Party. Senate Democrats staged a legislative stunt on Tuesday intended to reopen—once again—the debate on prewar intelligence about Iraq. They have taken no such dramatic stand against the CIA's abuses of foreign prisoners; on a conference committee considering Mr. McCain's amendment, Democratic support has been faltering. While Democrats grandstand about a war debate that took place three years ago; the Bush administration's champions of torture are quietly working to preserve policies whose reversal ought to be an urgent priority.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, addressing the substance of this motion, the House included \$50 million in the military quality of life bill for overhead cover systems to support force protection in Iraq. This money provides additional construction funds for protecting soldiers from indirect fire attacks, such as mortars and rockets.

This funding, along with funding that was included in the supplemental bill passed earlier this year for the same purpose, provides the amount the Department of Defense says is needed for these activities.

Unfortunately, the other body did not see fit to include these funds. We still believe additional money is necessary, and we will go into conference supporting the House position.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise to support my colleague from Wisconsin in his effort to shed some light on a large array of questions that are before us.

This cover-up theme of the cover-up Congress is so pervasive, and it is not just in this body, it seems to be in the other body. The other body in fact recently took some rather extreme parliamentary measures to force the issue, and some called it a gimmick. But it seemed to be the only way to break

through this cover-up, to get answers to questions that we have in our oversight role in the U.S. Congress, to provide a balance of power, to be able to serve the American people as we need to do.

I, for example, have introduced resolutions requesting information about the disclosure of identities of covert agents; and eight times in eight votes here in the House of Representatives those resolutions have been turned down in various committees. Eight times in eight separate votes in various committees, these efforts to get the information that we need in order to exert the oversight, to protect the men and women that we have asked to do dangerous jobs around the world.

Of course, some things clearly have to be kept quiet for the sake of the safety and effectiveness of our troops overseas and so forth. But Congress has a very important oversight role under the Constitution; and in order to exert that role, we need information.

I applaud the gentleman for doing all that he does to try to break through this cover-up theme.

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

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member on the Government Reform Committee.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, my colleagues, one of the most important jobs for Congress is not just to pass laws but to see how the laws are working. We need to do oversight and to have investigations. The Constitution envisioned we would do this when they had us as a separate branch, and this is a way to provide the checks and balances that our Government was supposed to have in order to avoid the concentration of power in any one branch of Government.

We have an executive branch that wants to act as secretly as possible. They do not want openness. They do not want transparency. They do not even want to hear alternative points of view.

I believe that the President of the United States surrounds himself with people who tell him exactly what he wants to hear, and the Republicans who run the Congress are abetting that. They are helping him avoid getting a full discussion of the issues when Congress does not pursue oversight and investigations.

Now there are many things that this Congress has failed to do. They have failed to look at the manipulation of intelligence by the President and others working for him in the prelude to the war. We have not had any hearings on that.

They have failed to look at the issues of how we are spending the taxpayers' money on some of these contracts in Iraq, for Katrina and others. They really are not doing the diligent job that needs to be done.

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The Congress of the United States has even refused to look at and find out why we were not given information from the executive branch about the costs of the Medicaid prescription drug bill. A civil service actuary in the administration was prohibited from giving Congress that information. You would think that Democrats and Republicans would be outraged. Yet the Republicans who run the Congress refuse to hold hearings on this.

Oversight is very important, and it stands today in stark contrast to the way they are behaving with the way the Republicans handled oversight when President Clinton was in power. There was not an accusation too small for them to ignore. They ran and called hearings. They issued subpoenas. They brought people into a private room to take depositions. The Congress of the United States held more days, I believe it was over a week of public hearings, on whether President Clinton misused his Christmas card list for political purpose. Yet we cannot get them to hold a hearing on the manipulation of intelligence to get us into a war.

I think that when a Congress does not do its oversight, in effect what they are doing is covering things up. They are not letting the American people know what its government is doing. This is not the government of the Republican Party. This is not the government of President Clinton. It is a government that belongs to the people of the United States, and our democracy cannot work if there is no accountability and transparency.

We have never heard of anyone in this administration fired for doing a poor job. In fact, if they do a poor enough job, they get elevated. They even get a Medal of Freedom award. No one was fired, no one was held accountable for the failure to have accurate intelligence before we went into the war. No one has been fired for anything that is been done improperly by this administration. It is as if it did not happen.

I think the Republicans believe if you do not have oversight, no one knows about the problem; therefore, the problem never existed. Well, I think it is wrong. We have a responsibility and it is time that we speak out loudly and clearly to insist that the Congress of the United States live up to that responsibility.

Mr. Speaker, I support the motion of the gentleman.

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

Mr. Speaker, a moment ago I cited the Washington Post editorial which appeared in the paper today. I would like to read just a portion of that editorial. The editorial reads as follows:

"As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons into which 100 or more terrorist suspects have 'disappeared' as if they were victims of a Third World dictatorship."

When I see references to the disappeared, my mind goes back to Presi-

dent Pinochet in Chile and the "Disappeared" under his regime. And I wonder whether or not many Americans and many Members of this Congress are comfortable with our White House being tossed into the same terminology, into the same basket as the outrageous conduct of the Chilean Government a number of years ago.

The editorial goes on to say that under the policies of the CIA with respect to these institutions "prisoners have no legal rights, no visitors from outside the CIA, and no checks on their treatment, even by the International Red Cross. . . . President Bush has authorized interrogators to subject these men to 'cruel, inhumane and degrading' treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws."

It then goes on to point out that despite all of this, "not a single al Qaeda leader has been prosecuted in the last 4 years." It then goes on to say "the CIA has no long-term plans for its secret prisoners whom one agency official described as 'a horrible burden.'"

Then it notes that a congressional rebellion against this kind of activity is being led in the Senate by Senator McCain and that his main opponents are "a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney."

The editorial then goes on to say, "According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon official doctrine for handling detainees. Mr. McCain is seeking to ban cruel, inhumane and degrading treatment for all detainees held by the United States, including those in the CIA secret prisons."

So I would submit, Mr. Speaker, that in addition to passing this motion today, this House needs to stand as one; every single Member of this House ought to be willing to support the retention of the McCain amendment on the defense appropriations bill. And I would hope that we would see this House finally face up to its obligations on that score.

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

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Armed Services Committee.

Mr. SKELTON. Mr. Speaker, I thank my friend for yielding. I rise in support of the motion.

Mr. Speaker, I left the Armed Services Committee hearing a moment ago and I heard Command Sergeant Major Citola in a very eloquent discussion of the troops in Iraq say that we are a Nation of laws. It was heartening to hear that. Then the report from The Washington Post to which the gentleman from Wisconsin refers is a dagger in that thought.