

ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 597. An act to extend the special postage stamp for breast cancer research for 4 years.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 824 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 824

Resolved, That during further consideration of the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, as amended, pursuant to House Resolution 746, the further amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. Time for debate on the bill pursuant to House Resolution 746 shall be considered as expired. The bill, as amended, shall be debatable for one hour, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman, my good friend from Washington, Representative HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. Speaker, I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 824 provides for further consideration of H.R. 3773, the RESTORE Act of 2007, under a closed rule.

The rule provides 60 minutes of debate. Thirty minutes will be equally divided and controlled by the chairperson and ranking Republican of the Committee on the Judiciary, and 30 minutes will be equally divided and controlled by the chairperson and ranking Republican of the Permanent Select Committee on Intelligence.

The rule considers as adopted another amendment printed in the Rules Committee report.

Mr. Speaker, with the resurgence of al Qaeda and an increasing global threat from weapons of mass destruction in places such as Iran, every single person in this body wants to ensure that our intelligence professionals have the proper resources they need to protect our Nation.

As vice chairman of the House Intelligence Committee, I assure you that

each and every one of us on that panel and others, Republican or Democrat, are working tirelessly, and often together, to do just that.

But the government is not exempt from the rule of law, as the Constitution confers certain unalienable rights and civil liberties to each of us.

After the terrorist attacks of September 11, the Bush administration upset that balance by ignoring the Foreign Intelligence Surveillance Act law, establishing a secret wiretapping program, and refusing to work with Congress to make the program lawful.

Democratic members of the Intelligence Committee have been trying to learn about the Bush administration's FISA programs for years. But the administration, which has been anything but forthcoming, has sought to block our oversight efforts nearly every step of the way.

When the administration finally came to Congress to modify the law this summer, it came with a flawed proposal to allow sweeping authority to eavesdrop on Americans' communications while doing almost nothing to protect their rights.

The RESTORE Act, true to its name, restores the checks and balances on the executive branch, enhancing our security and preserving our liberty. It rejects the false statement that we must sacrifice liberty to be secure. The legislation provides our intelligence community with the tools it needs to identify and disrupt terrorist networks with speed and agility. It provides additional resources to the Department of Justice, National Security Agency, and the FISA Court to assist in auditing and streamlining the FISA application process while preventing the backlog of critical intelligence gathering.

The RESTORE Act prohibits the warrantless electronic surveillance of Americans in the United States, including their medical records, homes and offices. And it requires the government to establish a record-keeping system to track instances where information identifying U.S. citizens is disseminated.

This bill preserves the role of the FISA Court as an independent check of the government to prevent it from infringing on the rights of Americans. It rejects the administration's belief that the court should simply be a rubber stamp.

Finally, the bill sunsets in 2009. This is a critical provision because it requires the constant oversight and regular evaluation of our FISA laws, actions which were largely neglected during the last 6 years of Republican control.

In so many ways, the underlying legislation is more efficient and effective than the administration's proposal which passed in August.

Mr. Speaker, as my colleagues know, last month, we came to the floor on this bill, but when it became clear that Republicans were intent on playing

politics with the security of the American people, we refused to take the bait.

□ 1015

At that time, Republicans announced that they intended to offer a motion to recommit the bill that had no substantive base, was already addressed in the bill and in current law, and was designed to delay consideration of this important intelligence tool. Their reasoning was disingenuous; their motives were absolutely political. As a result, Democrats refused to partake in their game of political theater.

If the House does not pass this bill today because of Republican obstructionism, then it will be abundantly clear that the minority and the administration are willing to put politics in front of the safety of the American people. We are back today, and we will continue to come back to the House floor, however many times it takes, to give our men and women in the intelligence community the tools that they need to do their jobs and keep America safe, while also preserving our civil liberties. This is a balance that is not only difficult but absolutely critical.

I urge my colleagues to vote "yes" on the rule and "yes" on the underlying legislation.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, yesterday the Rules Committee held a second hearing to consider a second rule to provide for consideration of H.R. 3773, the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective, or the RESTORE Act. As you may recall, a month ago the House considered and approved a closed rule for the RESTORE Act. Not only was it a closed rule, prohibiting any debate on amendments, but it also denied Members the opportunity to cast a separate vote on a manager's amendment and changes to the amendment which became part of the base bill once the rule was adopted.

Mr. Speaker, here we go again. The result a month ago was that the Democrat majority recognized the RESTORE Act was insufficient and decided to pull the bill from the House floor without a vote. Rather than spending a month working in a bipartisan manner to strengthen the bill, yesterday the Democrat-controlled Rules Committee was at it again, rewriting and denying Republican Members the chance to even offer input or suggestions and prohibiting every single Member of the House from offering amendments and alternatives. The

Democrat majority's take-it-or-leave-it strategy on this bill is dangerous and is destined to fail, Mr. Speaker. It will not close our Nation's intelligence gap. In fact, it could widen it.

In 1978, Congress enacted the Foreign Intelligence Surveillance Act, or FISA, to establish a procedure for electronic surveillance of international communications. As enacted into law, FISA had two principles: first, to protect the civil liberties of Americans by requiring the government to first obtain a court order before collecting electronic intelligence on U.S. citizens in our country; second, the law specified how intelligence officials working to perfect our national security could collect information on foreign persons in foreign places without having to get a warrant.

The intent of the original FISA law was to enhance American security, while at the same time protecting American privacy. Recognizing that no responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In August, Congress, in a bipartisan manner, took an important step forward to close our Nation's intelligence gap. The Protect America Act passed only after repeated attempts by Republicans to give our Nation's intelligence professionals the tools and the authority they needed to protect our homeland. This action was long overdue, and this law marked a significant step forward in improving our national security. The Democrats forced the security tools that we passed in August to expire after 6 months.

Now Congress must act again to renew this law by early next year before the Democrat expiration date arrives and our national security once again will be at serious risk. Unfortunately, the legislation before us today does not provide the security we need to protect our Nation from a potential future terrorist attack. It is a retreat, Mr. Speaker, from a law enacted in August, and jeopardizes the safety and security of Americans from foreign terrorist threats.

I am concerned that not only were final changes to the bill given to the minority just yesterday afternoon, but it was stated in our hearing that the Democrat chairman of the Judiciary Committee got the revised text just moments before we did. Mr. Speaker, I would like to recognize Mr. CONYERS' willingness expressed in his testimony before the Rules Committee to work with Republicans and perhaps even postpone consideration of a rule until the bill could be properly reviewed and Republicans had a chance to offer a substitute or changes to the bill. Sadly, the chairwoman of the Rules Committee overruled Mr. CONYERS and expressed her intention to move this bill without any alternatives, amend-

ments, or possible improvements being considered.

The action of the Rules Committee in October and again yesterday to completely shut down the legislative process shatters the promises made by Democrat leaders a year ago. The distinguished chairwoman of the Rules Committee on December 27, 2006, was quoted in the New York Times, Mr. Speaker: "We are going to give people an honest and contemplative body they can be proud of once more. We are going to have a much more open process."

House Majority Leader HOYER, on December 5, 2006, was quoted in Congress Daily PM as saying, Mr. Speaker: "We intend to have a Rules Committee that gives opposition voices and alternative proposals an ability to be heard and considered on the floor of the House."

Mr. Speaker, actions obviously speak louder than words. The modernization of foreign intelligence surveillance into the 21st century is a critical national security priority. It is alarming that the Democrat majority wants to move full speed ahead on a bill that weakens Americans' privacy protections, while at the same time strengthening protections for our enemies in the war on terror. I must therefore urge my colleagues to vote against this closed rule so that we can make absolutely certain that we are making our laws more, not less, effective in our constant battle to prevent a future terrorist attack against our Nation.

If this rule is adopted, Members will only have the choice to vote for or against a seriously flawed bill that threatens, not strengthens, our national security. The Democrat take-it-or-leave-it strategy shuts down all voices from being heard, and ultimately every American can suffer the consequences if this bill and the rule are adopted.

Enacting the Protect Act last August, which was a major accomplishment of this Congress, which has chosen to spend, frankly, more time debating and enacting legislation naming post offices and Federal buildings than real policy, it is ironic that the Democrat majority now wants to pull the rug out from under this successful accomplishment.

Again, Mr. Speaker, I urge my colleagues to vote against this closed rule.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. MATSUI), my colleague and good friend from the Rules Committee.

Ms. MATSUI. I thank the gentleman from Florida for yielding me time.

Mr. Speaker, liberty and security are not mutually exclusive. Reliable intelligence is crucial for the defense of our Nation. Without it, we would not be safe. At the same time, civil liberties are a vital part of our national identity. Without them, we would not be free.

Our Founding Fathers understood that liberty and security complement each other. Unfortunately, this core premise has been muddled as we have debated FISA legislation. This legislation protects the people and the principles that we hold so dear in this country and it modernizes our Nation's intelligence laws to meet the technological demands of the 21st century.

I am especially pleased that the bill before us today provides such strong legal clarity. Without clear boundaries, intelligence officers will err on the side of caution. Strong legal footing not only protects our civil liberties; it also ensures that prosecutions will not be jeopardized.

Mr. Speaker, the American people also deserve disclosure of the data that has been surrendered to the government by the telecommunications industry. It is critical for Congress to be fully informed before making such an important decision as granting retroactive immunity. Brave men and women have sacrificed to protect the civil liberties and values that we hold most dear. We cannot and should not lightly brush their contributions aside. Instead, we must honor their memories by taking responsible action to protect two of the things that our constituents hold most dear, our freedom and our national security. Neither of these basic American values can exist without the other.

I will continue to support bills like the RESTORE Act that recognize this essential truth. I urge all my colleagues to join me in supporting this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the ranking member of the Intelligence Committee.

Mr. HOEKSTRA. I thank my colleague for yielding.

Mr. Speaker, we have talked about the importance, as we have just heard, we have just heard about clear legal authorities; we have talked about the protection of U.S. persons, the need to study this issue in a very important, judicious manner. It's not what happened over the last 4 weeks. Over the last 4 weeks, our colleagues on the other side of the aisle were trying to figure out exactly how to bring this vote forward to get the votes necessary to pass it.

As we went to Rules yesterday, it was about a half hour before we saw the manager's amendment. As I read through the manager's amendment, this is interesting, and as with much else on FISA, I wonder what this really means and how it really works. Does it really provide us with the clear legal authorities? Are the statements that it makes clear? Will it help our intelligence communities?

And while there's a lot of problems in the rest of the bill, I just want to focus on one part of the manager's amendment that is self-enacting today, and that is why I rise in opposition to this

unnecessary second rule. It places unnecessary, burdensome restrictions on the intelligence community through a self-executing amendment.

More importantly, however, I would like to highlight my concern with a provision of the manager's amendment in this rule that appears to give extremely broad and vague authorities to the executive branch to conduct surveillance on undocumented aliens within the United States. Section 18 of the manager's amendment is bluntly titled: "No Rights Under the RESTORE Act for Undocumented Aliens." No rights under the RESTORE Act for undocumented aliens. Then it goes on to say: "This act and the amendments made by this act," and by "this act," it's talking about FISA, not this bill, at least that is how I would interpret it, "shall not be construed to prohibit surveillance of, or grant any rights to an alien not permitted to be in or remain in the United States."

This poorly conceived and ill-advised provision appears to provide an extremely broad and completely blank check to the executive branch to conduct wholly unregulated surveillance on an undocumented alien in the United States. The scope of this is unprecedented. We have never before extended such blanket authority to the intelligence community to collect information on any person within the country, legal or illegal.

The language is also as vague as it is broad. My counsel says he doesn't know what the effect of an alien not permitted to be in or remain in the United States means, since it doesn't define those terms by reference to other laws. The overall effect of this provision could be breathtaking in its scope.

One of the issues that was supposed to be definitively clarified in this bill is whether or not the enhanced authorities of the Protect America Act or this bill would allow physical searches to be conducted of the homes and businesses of innocent Americans. Since that clarification is supposed to be made in the RESTORE Act, it seems that this provision must be read to permit physical searches of the homes and offices of undocumented aliens.

□ 1030

I've got a few questions for the other side that I hope they would take the time to answer when time is yielded back to them. I would like to obtain clarification with respect to a number of ambiguities in the manager's amendment. Would you clarify under which specific laws an alien could be "permitted to be in or remain in the United States" under this manager's amendment? Since it does not refer to specific laws, would the President denying someone permission to remain in the United States under this executive authority trigger this provision?

The amendment also says that it does not prohibit surveillance of undocumented aliens. Would you further

clarify what types of surveillance of undocumented aliens are authorized under this provision?

The amendment does not define the term "surveillance." Would it allow surveillance against possible illegal aliens for law enforcement purposes? Would it allow foreign intelligence surveillance to be conducted against transnational smuggling rings? Would it allow surveillance to determine whether someone is an alien not permitted to be in or remain in the United States? Would the amendment exempt undocumented aliens from the physical search requirements of FISA?

One final clarification. Does the term "this Act," as I said, I believe it refers to all of FISA, or is it just some section? Could you clarify how that is different than "the amendments made by this Act"?

This is unprecedented in its breadth and its scope, potentially unleashing the intelligence community on people in the United States. The practice in the community today is that when someone is in the United States, they are provided the protections of U.S. law. This takes it and shreds it for illegal aliens, or people who may be suspected of being illegal aliens.

And talk about protecting rights, this bill shreds the rights of people who are in this country. It is a significant problem, and this is what happens when you go through a process on this type of technical legislation and do not go through a process that allows the minority or hearings to take place.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend from California, the gentleman from Michigan, the ranking member of the Intelligence Committee raised a plethora of questions. I would say to him that he can expect his answers in the general debate, and I am sure that the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. REYES) will enlighten him as to the scope of questions that he put. I would like to, for I feel that he knows the answer to every one of them, but I won't take the time.

I am very pleased to yield 3 minutes to the distinguished gentlewoman from California, the Chair of the Intelligence, Information Sharing and Terrorism Risk Assessment Subcommittee of the Committee on Homeland Security, and if you can say all of that, then you must be somebody, JANE HARMAN.

Ms. HARMAN. I thank the gentleman for yielding. I commend his service on the Rules Committee and his long service, much of which I shared, on the House Intelligence Committee.

Mr. Speaker, I rise in strong support of this rule and the underlying bill. Many in this House, including me, have worked over years to get surveillance right. This bill does a good job, a far better job than the bill reported last month by the Senate Intelligence Committee.

Protecting America from the real threat of additional attacks requires

the strongest possible tools. It also requires a flexible, agile and constitutional set of authorities to guarantee that those who do the surveillance clearly know the rules and obey them and that Americans who may be targeted have appropriate safeguards.

This legislation arms our intelligence professionals with the ability to listen to foreign targets, without a warrant, to uncover plots that threaten U.S. national security.

The bill also protects the constitutional rights of Americans by requiring the FISA Court, an article III court, to approve procedures to ensure that Americans are not targeted for warrantless surveillance.

I have reviewed the changes to this legislation made by the manager's amendment. This amendment makes the bill stronger in two important ways: First, it clarifies that nothing in the bill—repeat, nothing—inhibits the ability to monitor Osama bin Laden, al Qaeda, proliferators of weapons of mass destruction or any terror group or individual who threatens our national security. Second, and this is a point that was just addressed by the gentleman from Michigan (Mr. HOEKSTRA), it clarifies that nothing, nothing, in the bill extends any rights to people who are not in the United States legally. Undocumented aliens, people who aren't citizens or have overstayed their visas receive no rights under this bill. Some may try to scare us into thinking otherwise, but they're just wrong.

The bill does not change current law, and this is a point that may have been overlooked by the gentleman from Michigan. It does not change current law regarding the surveillance of undocumented aliens. Since 1978, FISA, which was enacted in that year, has extended fourth amendment protections to persons legally in the United States. The Protect America Act, which the Republican minority in this body supported in August and which was enacted into law that month, continues that same definition. The Protect America Act defines the coverage of the bill just the way this legislation does. We're not changing the coverage of U.S. persons as defined in 1978 and since under the original Foreign Intelligence Surveillance Act.

Mr. Speaker, terrorists won't check our party registration before they blow us up. Security and liberty are not a zero sum game. The RESTORE America Act will protect the American people and defend the Constitution. Vote "aye."

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida, a member of the Rules Committee, Mr. DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend for yielding.

When we see significant changes in law included in the rule as we see this morning, in other words, self-executed in the rule, it's important that these questions be asked during the debate

on the rule, because after this rule is passed, changes in the law will already have been made. The changes in the law are included in the rule.

I have some serious questions. Some of them were already brought out by the ranking member of the Intelligence Committee. For example, there is this section, section 18 in the legislation being brought to us today. Basically it says, warrantless surveillance is authorized by this legislation on any undocumented person in the United States. Now, that's in the law. And I would ask any colleague listening to this, it's in the self-executing part of this rule, section 18, "This act shall not be construed to prohibit surveillance of any alien not permitted to be in or remain in the United States."

Now, how do you know, Mr. Speaker, if they're undocumented or not? Thus, now, this will give the right to surveillance, warrantless surveillance with regard to any household where there may be an undocumented worker? This is extremely serious. The question needs to be asked.

The ranking member of the Intelligence Committee pointed out, that's why this needs to be vetted, to be discussed, and not to be included in a rule where we find out about this the morning that the rule is on the floor and the rule makes it law, because it includes in the rule changes in the law that we hadn't even been able to see before.

Now, other questions. There is a prior section in the legislation, section 3, that creates what they call basket warrants for terrorists throughout the world. But wait a minute. Section 18 says that if you are someone not permitted to be in the United States, it should not be construed to prohibit surveillance. My question is, does that section void the prior basket warrant section? I don't know. What I know is that it's in the rule.

When we vote on the rule in a few minutes, we will be self-executing legislation, because these changes in the law are in the rule to be self-executed, to be made already part of the law. So these are serious questions. I wish that there would have been an opportunity for the gentleman from Michigan, along with the chairman, to be vetting these issues, because they're serious issues, serious questions, like the one I asked before.

Now, unlimited, warrantless surveillance for the undocumented. And those who live with the undocumented, I would ask? Those who share a residence with the undocumented? Those who share a workplace with the undocumented and who are citizens, are legal immigrants in the United States? These are serious questions. And now we can ask them on the morning that the legislation is on the floor. And, by the way, it's being included in the rule, so that as soon as we vote on the rule, we will already have voted on this legislation.

No, this is not the way to run this place, Mr. Speaker. It's another exam-

ple of an excessively exclusivist process keeping out debate affecting legislation, including extremely serious legislation, like this legislation that should be protecting the American people, and that's why this is most unfortunate, this process today, Mr. Speaker.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to my friend from Florida that this rule doesn't change the law. Members will still have an opportunity to vote on the base text of this bill. It doesn't change the law of FISA.

I yield 2 minutes to the gentleman from Texas, my good friend and classmate, Mr. DOGGETT.

Mr. DOGGETT. But there is an "alien" issue in this bill and only one alien issue—those who have been so alien to the freedoms we hold dear as Americans.

This is an Administration that has desecrated our Constitution, debased our values and repeatedly undermined our freedoms. For a party that purports to hate Big Government, these Republicans sure do seem to love Big Brother. They demand unlimited Executive power and unrestrained authority to intrude into our everyday lives. Today, we dare to impose some limitations on one of so many examples of their callous disregard of our liberties.

If even former Attorney General John Ashcroft, sitting there in his hospital bed in intensive care, if even he could recognize the illegality of the surveillance that DICK CHENEY demanded, why shouldn't we in Congress be able to do the same? And if one telecommunications company had the courage to say "no" to this Administration's wrongdoing, why not the others? And why would we want to protect these corporate accomplices in the surreptitious destruction of our freedom from any accountability whatsoever?

□ 1045

Yesterday, we told this President "no more blank checks for Iraq." And today we say no more unauthorized blanket surveillance of American citizens. Those of us who love liberty must stand up to this Administration's fear-mongering, to its continued leveraging of fear for its own political purposes.

As Mr. CHENEY's current chief of staff once said and what many Americans now recognize is an irresponsible and unconstitutional expansion of Presidential power: "We're going to push and push and push until some larger force makes us stop."

Well, today we must be that force. This Congress must stay "stop."

Liberty is our strength. Fear is our enemy. This legislation strikes an appropriate balance to keep our families safe and ensure they remain free.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee.

Mr. GOHMERT. First I've got to comment on some things we heard previously. We heard the right honorable

chairman indicate that the last motion to recommit was designed to delay. If it was merely designed to delay, then why in the world was the bill pulled from the floor and sat on for 4 weeks? The answer: it was not for delay. We had some serious considerations and questions and points to be made about the risk that this was raising.

When I hear my friend from Texas talk about those who love liberty, listen, some of us love liberty enough that we believe the Constitution should not be extended on the battlefield to those who are trying to destroy what our forefathers and foremothers have fought and died to give us.

Now, unless the Democrats believe that they have improved this bill, then there was no reason for a month delay. So either you improved it, Mr. Speaker, either the Democrats improved it or there was no reason to sit on it for a month. And if they did improve it, then the motion to recommit was not political, but apparently helpful.

The problem is this doesn't fix the problems. And unless one party in this body has 100 percent on God's truth all the time, they ought to allow some input from the other side. We were told that was going to happen. It hasn't happened here. We went to the Rules Committee the last time and were shut out. Before the hearing started we were told, put on your evidence but no amendments will be allowed. This time, once again, no amendments are allowed. There is some expertise in this body outside the Democratic Party. I would think it would be helpful to hear some of that.

Anyway, let's look at the bill itself. We are told, well, we can't get into it, we have limited time. Who did that? The Rules Committee did that. The Rules Committee did that.

I would say to everyone, Mr. Speaker, that we have some smart people on both sides of the aisle on the Rules Committee, but their talents are being wasted when they keep having Rules Committee meetings that come back over and over, no amendments. They are wasting their time. They ought to ask for different committees because there is too much intelligence and talent on that committee to waste it like that.

Now, in this new bill that we've got, we had to make amendments without even seeing the new bill. How outrageous is that? But still, we have the requirement that the Director of National Intelligence, and I realize some people think he is suspect on the Democratic side because he worked for the Clinton administration for 6 years. I think he is a brilliant, sharp fellow.

But anyway, he testified before our Judiciary Committee that he cannot swear, nobody can honestly swear that they reasonably believe that a terrorist on foreign soil will never call the United States. Therefore, since he can't testify to that, they can't use this provision.

We are told this is protective because in the emergency provision that is al-

lowed, all you have to do is get that emergency relief, and you can get that in 7 days instead of 15. Even under the emergency relief, you have to reasonably believe there will never be a call into the United States, and we had testimony that can never be done.

This guts our foreign intelligence capability. I think the easier thing to do is just have everybody tell their U.S. friends that if you are getting calls from foreign terrorists, tell them not to call, use some other means of communication. That's the point.

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

The SPEAKER pro tempore. The gentleman from Florida has 15½ minutes and the gentleman from Washington has 9½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished chairman of the Select Committee on Intelligence, Mr. REYES.

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

Mr. Speaker, this is an incredible turn of events from our colleagues on the other side of the aisle who are now arguing for undocumented people within the confines of this country.

Let me start out by making a flat statement. The RESTORE Act confers no additional rights on undocumented aliens beyond those that they already have under the Constitution or current U.S. law.

You know, there is an old lawyer's adage, and I am not a lawyer but I am told by my friends who are, when the facts are not on your side, you are taught to argue the law. When the law is not on your side, you are taught to argue the facts.

Well, here on the floor like we have in the past, we have our colleagues on the other side of the aisle that are so conflicted as to be humorous if this wasn't such a serious, serious issue for our country and for our national security.

When they complain about not having any input, let me just clear the record and for the record state that they filed 12 amendments with our committee, the Intelligence Committee. Yet, when it came time to offer and proffer those amendments, they only had two. One was on immunity which, by the way, we have never been given the documents to review, so we would not have known what we were granting immunity to the telecom companies for. But that one was of their amendments. The second amendment was to substitute the Protect America Act for the RESTORE Act.

That gives you a clear indication that, today just as in the previous Congresses, the Congressional Republicans were and are in a rush to rubber-stamp every single thing that the administration wanted. And so now when things have changed and we have checks and balances, we have our colleagues who

formerly rushed, rubber-stamped anything and everything that the administration wanted to do, now they are using delaying tactics. And so when it is convenient, they argue the law. When it is convenient, they argue the facts.

What is clear, crystal clear, here is that we have to have checks and balances. In order to protect this country, in order to protect our national security, there have to be checks and balances. That's what the RESTORE Act does.

And when they complain about the rule, it is a sham argument. When they complain about not having enough input, it is a sham argument. When they argue the facts, it is because the law is not on their side. When they argue the law, it is because the facts are not on their side. So it is not about truth; it is not even about justice. It is about scoring political victories.

There is a publication here on the Hill that said FISA is coming back up on the floor and it will determine who can maneuver best. You know what, as an American, I am sick and tired of maneuvering. I am sick and tired of people saying we need to work in a bipartisan manner when they work to undermine the process of checks and balances. The American people are sick and tired.

I support this rule. I think we have a great bill here in the RESTORE Act. I think this is something that we need to pass today, take it to conference and start being serious about balancing the tools that our agencies need to protect us with a careful balance of protecting Americans' rights under the Constitution. Vote for this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in opposition as ranking member of the Foreign Affairs Terrorism Subcommittee. And I can share this: there has not been a terrorist attack on our soil since 9/11, and that is due in part to the improved surveillance in real-time that we are able to conduct against foreign terrorists. There is no disputing that.

I cannot help but feel that many of my colleagues have become so blinded by their hatred of this administration that they have put the threat from radical jihadists in the back of their mind. But given the threat, it is unfathomable that we would weaken our most effective preventive tool, and that is exactly what this bill does.

Before we unilaterally disarm, before we hobble our ability to listen in real-time to the very real terrorists who are plotting against our country around this globe, shouldn't we have something of an accounting of the supposed civil liberties price we are paying?

I asked the Congressional Research Service for such an accounting. They reported there is no available evidence of the type of privacy violations critics

are pointing at. The case can't be proven.

But under this bill, for the first time this bill would stop intelligence professionals from conducting surveillance of foreign persons in foreign countries unless they can read the mind of their terrorist targets and guarantee that they would not call into the United States, that they would not call one of their people here.

This is more protection than Americans get under court-ordered warrants in Mob and other criminal cases here in the United States that we are now granting these terrorists under this act.

We are, frankly, confronting a virtual caliphate. Radical jihadists are physically dispersed, but they are united through the Internet; and they use that tool to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose. They are very sophisticated in that.

So how has the West attempted to confront that? Well, the British use electronic surveillance in real-time. They used it last year to stop the attack on 10 transatlantic flights, and they prevented that attack in August of last year by wiretapping. The French authorities used wiretaps to lure jihadists basically into custody; and, thereby, they prevented a bomb attack.

Given this threat, it is unfathomable that we would weaken our most effective preventive tool, and that is exactly what this bill does.

Before we passed the Protect America Act in August, the Director of National Intelligence told this Congress we are losing up to two-thirds of our intelligence on terrorist targets.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from New Jersey (Mr. HOLT), who is a member of the Select Intelligence Committee and had substantial input with reference to this provision.

Mr. HOLT. Mr. Speaker, I thank my good friend from Florida, and I rise in support of the rule and the underlying bill.

When Congress made the error of passing in haste and in fear the unconstitutional Protect America Act this past August, some of us could take a bit of comfort from this sorry episode in that it would expire. That meant we would get another chance to get things right, to actually pass a bill that would protect our country from terrorists and also from those in government who would turn the fearsome powers of our Federal intelligence and enforcement communities against the American people. I am pleased to say that after some intense work, we have a bill that does that.

The RESTORE Act now includes provisions via the manager's amendment that will ensure that it is the courts, not an executive branch political appointee, who decides whether or not

the communications of American citizens are to be seized and searched, and that such seizures and searches must be done pursuant to a court order that meets the standard of probable cause.

This bill now gives our citizens the best protection we can provide them: good intelligence and the review of the executive branch's actions by a court. We, everyone here, can tell each of our constituents, Muslim Americans, soldiers in uniform, international businessmen, college students: you have the protection of the courts.

Mr. Speaker, I thank both chairmen of the Intelligence and Judiciary Committees for working so diligently to get this right. I urge my colleagues to vote "yes" on the rule and "yes" on the RESTORE Act later today.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3½ minutes to the gentleman from California (Mr. LUNGREN), a member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this rule.

People should understand that this is one of the single-most important issues we will deal with this year or this Congress, and yet it has been trivialized by the way it has been handled by the Rules Committee.

We were shown what purported to be the bill that we would be working on today 45 minutes before the Rules Committee convened, at which time we were supposed to present our amendments to this bill, draft our amendments to this bill. Maybe it made no difference because they had no intention whatsoever of allowing us any input by way of amendment.

This was startling to me because, having done two 1-hour Special Orders on this subject, I had a distinguished Member from their side of the aisle come to me and say: You know that provision you pointed out, that was placed into this bill as a result of a self-execution rule that actually grants greater protection to Osama bin Laden or anybody else than it would to an American citizen charged with a crime in America. You were right on that. We made a mistake, and we are going to change it.

So I look at this bill and it is still there.

What provision am I talking about? It is the provision that talks about treatment of inadvertent interceptions. If we have an electronic communication which we believed in the first instance was foreign to foreign but we find that it actually is foreign to someone in the United States, what happens? If we inadvertently collect a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General. And

that is fine. But then it goes on to say: that require that no contents of any communication to which the United States person is a party shall be disclosed, disseminated, or used for any purpose, or retained for longer than 7 days unless a court order under section 105 is obtained, or unless the Attorney General determines that the information indicates the threat of death or serious bodily harm to any person.

Now, if Osama bin Laden in a conversation or communication with someone in the United States, which we inadvertently pick up because we thought we were listening to foreign to foreign and we hear this, and in that Osama bin Laden indicates where he is, we are prohibited by this provision in this section of the bill from being able to disseminate it to anybody, FBI or anybody else, or using it for any purpose unless we go to a court. That is absolutely absurd. So absurd that a Member of that side of the aisle, the chairman of the Constitutional Law Subcommittee of Judiciary said: You are right, we will take it out. It is not taken out.

That is just one of the problems when you have a rule that doesn't allow people to look at the bill you are going to present to them nor does it allow any amendments to be brought forward.

This not only points out the seriousness of this issue, but it shows that, when you play political games with bringing it to the floor, you might have unintended consequences.

Do I believe that side wants to give greater protection to Osama bin Laden than an American citizen charged with a crime in America? I hope not. But it is in this bill. I was told it was going to be taken out. It has not been taken out. We ought to defeat this rule for that reason whatsoever and defeat the bill if it remains in.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from Missouri, the distinguished chairman of the Armed Services Committee, Mr. SKELTON.

Mr. SKELTON. Mr. Speaker, as chairman of the Armed Services Committee, our purpose is to defend America and American interests, American citizens. And this bill is a good bill. I speak for this rule. I speak for it because this is a balanced rule. On the one hand, it helps protect Americans; on the other hand, it is a balance in favor of the Constitution. We have to keep, of course, those two goals in mind, but keeping in mind the fact that we need good intelligence, and this is a means and the law to allow us to get good intelligence and protect America and American interests.

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

The SPEAKER pro tempore (Mr. PAS-TOR). The gentleman is recognized for 3½ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, we have talked a lot about

process here on this very, very important issue. Everybody on both sides of the aisle has talked about the need to make sure that we have the right intelligence, and yet through this process there are a number of questions, I think very legitimate questions, that were raised; because if this rule is adopted, then we will have no opportunity to even vote on the manager's amendment. It will be self-executing.

It seems to me like it is a process by which, because we all know pretty much that rule votes are party votes. So it is like denying anybody an opportunity. If somebody on the other side has some questions about the questions that were raised here, they will be denied the opportunity because you have got to stay with the party and support the rule. Mr. Speaker, I just simply say that is a very, very bad process.

Mr. Speaker, we also need to pass the stand-alone veterans funding bill. It has now been over 150 days since the veterans funding bill was approved by the House. The Senate passed a similar bill and appointed its conferees 2 months ago. Sadly, Democrat leadership in the House has refused to name conferees and instead has chosen to put politics and partisanship ahead of ensuring that our veterans' needs are met.

Once the Democrat leaders appoint conferees, the House can move forward and pass the stand-alone veterans bill. Mr. BOEHNER took a positive historic step in that direction; now Speaker PELOSI must follow. Therefore, I will be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs Funding Bill and appoint conferees.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to oppose the previous question and the 42nd, Mr. Speaker, closed rule that we are debating here today.

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

Mr. HASTINGS of Florida. Mr. Speaker, for a year and a half, the Intelligence and Judiciary Committees have been working with the administration to craft a bill that will ensure our Nation is protected, without sacrificing American constitutional liberties. Let me just talk about some of the people that have had input into that particular measure. The chairman of the Judiciary Committee, JOHN CONYERS; the chairman of the Select Committee on Intelligence, SILVESTRE REYES; the ranking members of both of those committees, including Mr. HOEK-

STRA; all of the members of the Select Committee on Intelligence, including myself; Ms. HARMAN, who serves on Homeland Security.

Countless testimonies during that year and a half, hundreds of discussions and negotiations between the staffs of the respective committees, and a markup of this particular provision that the Republicans brought only two amendments to in the markup in the Select Committee on Intelligence.

We negotiated. We compromised. We reached an agreement. Then the administration backed out of the agreement. So we negotiated some more. We compromised some more. We reached another agreement. We reached agreements until we were blue in the face here in August. Everybody was so tired, and the administration continued to back out of the agreement. Then, less than 24 hours before the bill was supposed to come to the floor in August, the administration reneged on the agreement and refused to work with us to protect the American people.

Last month, Democrats again brought this bill to the floor, and yet again Republicans tried to play politics with the safety of the American people. Just as they did this past summer, Republicans and the administration now seem content on letting the clock run out on the current FISA law rather than working with us to get something done. They choose and chose obstructionism rather than bipartisan cooperation.

Mr. Speaker, the American public needs to know that there are no persons in the United States Congress that do not want to protect the security and liberty of the United States.

So I do not cast aspersions on my colleagues for having a different view as to how administratively we should proceed to protect those securities and liberties, but everybody here is mindful of all of our responsibilities. So the hyperbole is off the chain sometimes when I hear people talk and it is as if we didn't really do substantively what was required of us as individuals on behalf of the American people.

None of us should be ashamed of any of the work that was done with reference to the RESTORE Act. We made a bad bill better. And it is not as good, for example, as I would like for it to be, but it is as good as we are going to get with this administration at this time.

The esteemed chairperson of the Intelligence Committee, Representative REYES, has noted on more than one occasion: You can have your own opinion, but you can't have your own facts.

Mr. Speaker, those are the well-documented facts that I just got through dealing with. The RESTORE Act protects the American people. It protects them at home and on the streets. It protects their safety and the constitutional rights, which have been intact more than 225 years, and no one need fear when the fearmongers come here and try to divide people by having

somebody think that undocumented aliens are going to be put in some category. I personally am just tired of the smearing that is being done with reference to immigration in this country. We need a solid immigration policy, and we need a policy that contemplates all of the particulars of that immigration set of circumstances.

Mr. Speaker, this body has the responsibility today to pass this rule and the underlying legislation today. The security of this Nation requires it of all of us, and I believe all of us want that security and liberty. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 824 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. I yield back the balance of my time and move the previous question on the resolution.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 825, by the yeas and nays;

Adoption of House Resolution 825, if ordered;

Ordering the previous question on House Resolution 824, by the yeas and nays;

Adoption of House Resolution 824, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 3915, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 825, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 13, as follows:

[Roll No. 1109]

YEAS—224

| | | |
|----------------|-----------------|------------------|
| Abercrombie | Green, Gene | Murphy, Patrick |
| Ackerman | Grijalva | Murtha |
| Allen | Gutierrez | Nadler |
| Altmire | Hall (NY) | Napolitano |
| Andrews | Hare | Neal (MA) |
| Arcuri | Harman | Obey |
| Baca | Hastings (FL) | Olver |
| Baird | Herseth Sandlin | Ortiz |
| Baldwin | Higgins | Pallone |
| Bean | Hill | Pascarell |
| Becerra | Hinchey | Pastor |
| Berkley | Hinojosa | Payne |
| Berman | Hirono | Perlmutter |
| Berry | Hodes | Peterson (MN) |
| Bishop (GA) | Holden | Pomeroy |
| Bishop (NY) | Holt | Price (NC) |
| Blumenauer | Honda | Rahall |
| Boren | Huoley | Rangel |
| Boswell | Hoyer | Reyes |
| Boucher | Inslee | Richardson |
| Boyd (FL) | Israel | Rodriguez |
| Brady (PA) | Jackson (IL) | Ross |
| Braley (IA) | Jackson-Lee | Rothman |
| Brown, Corrine | (TX) | Roybal-Allard |
| Butterfield | Jefferson | Rush |
| Capps | Johnson (GA) | Ryan (OH) |
| Capuano | Johnson, E. B. | Salazar |
| Cardoza | Jones (OH) | Sanchez, Linda |
| Carnahan | Kagen | T. |
| Carney | Kanjorski | Sanchez, Loretta |
| Castor | Kaptur | Sarbanes |
| Chandler | Kennedy | Schakowsky |
| Clarke | Kildee | Schiff |
| Clay | Kilpatrick | Schwartz |
| Cleaver | Kind | Scott (GA) |
| Clyburn | Klein (FL) | Scott (VA) |
| Cohen | Lampson | Serrano |
| Conyers | Langevin | Sestak |
| Cooper | Lantos | Shea-Porter |
| Costa | Larsen (WA) | Sherman |
| Costello | Larson (CT) | Shuler |
| Courtney | Lee | Sires |
| Cramer | Levin | Skelton |
| Crowley | Lewis (GA) | Slaughter |
| Cuellar | Lipinski | Smith (WA) |
| Cummings | Loeb sack | Snyder |
| Davis (AL) | Lofgren, Zoe | Solis |
| Davis (CA) | Lowe | Space |
| Davis (IL) | Lynch | Spratt |
| Davis, Lincoln | Mahoney (FL) | Stark |
| DeFazio | Maloney (NY) | Stupak |
| DeGette | Markey | Sutton |
| Delahunt | Marshall | Tanner |
| DeLauro | Matheson | Tauscher |
| Dicks | Matsui | Taylor |
| Dingell | McCarthy (NY) | Thompson (CA) |
| Doggett | McCollum (MN) | Thompson (MS) |
| Donnelly | McDermott | |
| Edwards | McGovern | |
| Ellison | McIntyre | |
| Ellsworth | McNerney | |
| Emanuel | McNulty | |
| Engel | Meek (FL) | |
| Eshoo | Meeks (NY) | |
| Etheridge | Melancon | |
| Farr | Michaud | |
| Fattah | Miller (NC) | |
| Filner | Miller, George | |
| Frank (MA) | Mitchell | |
| Giffords | Mollohan | |
| Gillibrand | Moore (KS) | |
| Gonzalez | Moore (WI) | |
| Gordon | Moran (VA) | |
| Green, Al | Murphy (CT) | |

Welch (VT)
Wexler

Woolsey
Wu

Wynn
Yarmuth

NAYS—195

| | | |
|-----------------|-----------------|---------------|
| Aderholt | Fox | Musgrave |
| Akin | Franks (AZ) | Myrick |
| Alexander | Frelinghuysen | Neugebauer |
| Bachmann | Gallegly | Nunes |
| Bachus | Garrett (NJ) | Paul |
| Baker | Gerlach | Pearce |
| Barrett (SC) | Gilchrest | Pence |
| Barrow | Gingrey | Peterson (PA) |
| Bartlett (MD) | Gohmert | Petri |
| Barton (TX) | Goode | Pickering |
| Biggart | Goodlatte | Pitts |
| Blibray | Granger | Platts |
| Bilirakis | Graves | Poe |
| Bishop (UT) | Hall (TX) | Porter |
| Blackburn | Hastert | Price (GA) |
| Blunt | Hastings (WA) | Pryce (OH) |
| Boehner | Hayes | Putnam |
| Bonner | Heller | Radanovich |
| Boozman | Hensarling | Ramstad |
| Boustany | Herger | Regula |
| Boyda (KS) | Hobson | Rehberg |
| Brady (TX) | Hoekstra | Reichert |
| Broun (GA) | Hulshof | Renzi |
| Brown (SC) | Hunter | Reynolds |
| Brown-Waite, | Inglis (SC) | Rogers (AL) |
| Ginny | Issa | Rogers (KY) |
| Buchanan | Johnson (IL) | Rogers (MI) |
| Burgess | Johnson, Sam | Rohrabacher |
| Burton (IN) | Jones (NC) | Ros-Lehtinen |
| Buyer | Jordan | Roskam |
| Calvert | Keller | Royce |
| Camp (MI) | King (IA) | Ryan (WI) |
| Campbell (CA) | King (NY) | Sali |
| Cannon | Kingston | Saxton |
| Cantor | Kirk | Schmidt |
| Capito | Kline (MN) | Sensenbrenner |
| Carter | Knollenberg | Shadegg |
| Castle | Kuhl (NY) | Shays |
| Chabot | LaHood | Shimkus |
| Coble | Lamborn | Shuster |
| Cole (OK) | Latham | Smith (NE) |
| Conaway | LaTourette | Smith (NJ) |
| Crenshaw | Lewis (CA) | Smith (TX) |
| Culberson | Lewis (KY) | Souder |
| Davis (KY) | Linder | Stearns |
| Davis, David | LoBiondo | Sullivan |
| Davis, Tom | Lucas | Tancred |
| Deal (GA) | Lungren, Daniel | Terry |
| Dent | E. | Thornberry |
| Diaz-Balart, L. | Manzullo | Tiahrt |
| Diaz-Balart, M. | Marchant | Tiberi |
| Doolittle | McCarthy (CA) | Turner |
| Drake | McCaul (TX) | Upton |
| Dreier | McCotter | Walberg |
| Duncan | McCrery | Walden (OR) |
| Ehlers | McHenry | Walsh (NY) |
| Emerson | McHugh | Wamp |
| English (PA) | McKeon | Weldon (FL) |
| Everett | McMorris | Westmoreland |
| Fallin | Rodgers | Whitfield |
| Feeney | Mica | Wicker |
| Ferguson | Miller (FL) | Wilson (NM) |
| Flake | Miller (MI) | Wilson (SC) |
| Forbes | Miller, Gary | Wolf |
| Fortenberry | Moran (KS) | Young (AK) |
| Fossella | Murphy, Tim | Young (FL) |

NOT VOTING—13

| | | |
|--------|---------------|-------------|
| Bono | Kucinich | Simpson |
| Carson | Mack | Weller |
| Cubin | Oberstar | Wilson (OH) |
| Doyle | Ruppersberger | |
| Jindal | Sessions | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1136

Mr. GUTIERREZ changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.