

**SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.**

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as amended by section 1 of Public Law 110-4 (121 Stat. 7), is further amended by striking “July 31, 2007” each place it appears and inserting “December 15, 2007”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 31, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the legislation being offered today will extend the authorization of the Small Business Administration and its programs through December 15, 2007.

As Congress moves forward on improving SBA and the services it provides, this short-term extension will ensure that small businesses have many of the tools they need to be successful in today’s economy.

I am pleased to say the Small Business Administration Committee has made significant progress in making long overdue improvements to this agency. During the 110th Congress, the House Small Business Committee has successfully reported nearly a dozen bills, each designed to update and upgrade SBA programs to meet the needs of the 21st-century entrepreneur.

Nearly all of this legislation has been passed out of the House, and every single bill has had broad bipartisan support. With their passage, we are well on our way to providing the most significant overhaul of the Small Business Administration and its programs in at least two decades.

During this Congress, the House Small Business Committee has successfully moved forward on legislation that will provide affordable loans to entrepreneurs, prevent large corporations from being awarded small business contracts, and ensure veterans, women, and minority-owned firms have access to the assistance that they need. And in light of the failures we saw during Katrina, the committee reported a bill that will improve SBA’s disaster loan program. This has been completed in a span of a little over 6 months.

Our committee has been able to provide these changes due to the out-

standing leadership of Ranking Member CHABOT and our Chair, Nydia Velazquez. They have worked in a bipartisan manner to provide the necessary tools for this Nation’s small businesses.

The extension before us today will allow the committees in the House and Senate to work out the differences in their bills and get them signed into law. These major changes require time to reconcile the House and Senate bills. H.R. 3206 provides the necessary time while ensuring operation of these programs are not interrupted. I urge support of this extension.

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

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

I rise today in support of H.R. 3206. This bill is very simple: it extends the authorization of all programs authorized by the Small Business Act, the Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated funds. This extension will last until December 15, 2007. This extension is necessary because authorization for various programs operated by the SBA ceases on July 31, 2007, tomorrow.

Working in a bipartisan manner with Chairwoman VELÁZQUEZ and myself, the committee has ordered 12 bills to be reported out, of which nine have passed this body, the House of Representatives.

While the pace has been furious, more needs to be done in the examination of programs within the committee’s jurisdiction. These include small business government contracting programs, investment programs for small businesses, and improving the management of the SBA.

This work cannot be done in a deliberative, thoughtful, and bipartisan manner by midnight tomorrow. Even if the committee and the House finish its deliberations on all aspects of the SBA and its programs, we operate, after all, in a bicameral legislative system. Time is needed for the legislative process in both bodies to function and, if necessary, for the two bodies to meet in a conference to iron out any disagreements concerning each body’s deliberations about how best to ensure that the SBA and its myriad programs are best promoting the health of America’s entrepreneurs. I urge my colleagues to support H.R. 3206.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 3206.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**PROVIDING FOR CONSIDERATION OF H.R. 986, EIGHTMILE WILD AND SCENIC RIVER ACT**

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 986 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). During consideration of this resolution, all time yielded is for the purpose of debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members be allowed 5 legislative days in which to revise and extend their remarks on House Resolution 580.

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

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 580 will allow the House to consider H.R. 986, the Eightmile Wild and Scenic River Act.

Additionally, this rule makes a technical correction in the underlying bill by replacing a letter “a” with a letter “b” in the legislative text.

The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

Mr. Speaker, the Eightmile Wild and Scenic River Act, H.R. 986, was considered under suspension of the rules on

July 11, and received 239 votes, a majority of the House Members voting in favor of the bill. But as you know, Mr. Speaker, two-thirds majority is required for the expedited suspension procedure; and because the Eightmile Wild and Scenic River Act was supported by well over half the Members of the House, H.R. 986 deserves another opportunity for a floor vote. Therefore, today I urge a favorable vote again for H.R. 986.

Mr. Speaker, with over 150 miles of pristine rivers and streams and 62 square miles of relatively undeveloped countryside in the Connecticut area, the Eightmile Wild River watershed is an exceptional natural and cultural resource. This is being championed by House Member JOE COURNEY, a new freshman colleague of mine from Connecticut.

The watershed contains large areas of unfragmented habitat, an array of rare and diverse wildlife, scenic vistas, high water quality, unimpeded stream flow, and significant cultural features. The Eightmile watershed has historic stone walls, churches and homes, and scenic views throughout, and an abundance of rare and diverse species within the watershed, including 155 at-risk plant and animal species.

□ 1730

The overall Eightmile River watershed ecosystem is healthy and intact throughout virtually all of its range. The Eightmile River is an exceptional

treasure because it is a rare example of an intact river system. This is especially noteworthy in such a highly populated area so close to the coast and within the New York-to-Boston corridor. We must do all that we can to preserve this exceptional natural and cultural resource. The National Park Service agreed in 2006 in its study of the area.

And again, I'd really like to salute my freshman colleague, new Congressman JOE COURNEY. He has championed this effort to designate segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

Communities in the area have been working for over 10 years for this designation, so I congratulate them today and salute the leadership of Congressman JOE COURNEY, who brought new energy and commitment to this effort.

I also thank Natural Resources Committee Chair NICK RAHALL for his leadership.

Mr. Speaker, this is a noncontroversial bill. It was reported favorably by the Natural Resources Committee by voice vote in May. It received the strong bipartisan support of the House with a majority vote on July 11. Therefore, I urge my colleagues to support the rule and support the act.

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

Mr. SESSIONS. Mr. Speaker, I rise in strong opposition to this completely

closed rule and to the underlying big government legislation to use eminent domain to strip property owners of their rights that the Democrat majority is bringing to the House floor today.

This is the first of two closed rules being brought to the floor today courtesy of the Democrat majority from the graveyard of democracy and good ideas in the House of Representatives, the Rules Committee. It represents yet another example of the procedural gimmickry being blatantly exploited by the Democrats as they continue to completely ignore their campaign to run the most honest, open Congress in history.

Mr. Speaker, as any 5-year-old could tell you, the opposite of open is closed, and that's precisely what the American people are getting from the Democrats once again, another closed rule.

In fact, as compared with last Congress, through the same date, as of July 30, the Democrats have brought exactly twice as many closed rules to the floor as Republicans did when we held the Speaker's gavel.

Mr. Speaker, I will insert in the RECORD a document prepared by the Republican staff of the Rules Committee comparing the Democrats' awful record of reporting out closed rules in the 110th with last year's record of those controlled by the Republican Congress.

COMPARISON OF 110TH TO 109TH TYPES OF AMENDMENT PROCESSES FOR BILLS CONSIDERED BY THE HOUSE THROUGH JULY 30, 2005 (EXCLUDING MEASURES CONSIDERED BY SUSPENSION OR UC) CURRENT AS OF JULY 30, 2007

	Percent			Percent	
<b>109th—Through July 30, 2005:<sup>1</sup></b>			<b>110th—To Date:</b>		
Open .....	12	23.1	Open .....	<sup>2</sup> 10	14.1
Modified Open .....	0	0	Modified Open .....	7	9.9
Structured .....	26	50	Structured .....	26	36.6
Closed .....	14	26.9	Closed .....	28	39.4
<b>Total .....</b>	<b>52</b>	<b>100</b>	<b>Total .....</b>	<b>71</b>	<b>100</b>
<b>109th—Through July 30, 2005:<sup>1</sup></b>			<b>110th—To Date:</b>		
Open .....	212	27.3	Open .....	<sup>2</sup> 10	14.1
Restrictive .....	40	72.7	Restrictive .....	61	85.9
<b>Total .....</b>	<b>52</b>	<b>100</b>	<b>Total .....</b>	<b>71</b>	<b>100</b>

<sup>1</sup>Through H. Res. 399 adopted on July 29, 2005.

<sup>2</sup>Including approps.

Prepared by the Committee on Rules Republican Staff.

The closed rule that we are debating is also a function of an overall sloppy and rushed approach to handling this particular bill. Because the Democrats' leadership failed to pass this poorly drafted legislation on July 11 under suspension of the rules, after rushing it through the legislative process, they're bringing it back to the floor today with no improvements, just a closed process that chokes off thoughtful debate and provides a reduced hurdle for the number of votes they need to cram it through the House over substantial objections of a number of Members.

This legislation would designate a 25-mile stretch of the Eightmile Wild River as part of the National Park System's National Wild and Scenic Rivers System. To accomplish this, what

would otherwise be a noble goal, this legislation includes language that leaves the door open for the Federal Government to use eminent domain to seize private property in this new designation.

This is especially offensive because the stretch of the river where this dispute is taking place is the same congressional district where the *Kelo v. New Haven* case originally originated, another controversial piece of litigation that recently and correctly sparked a great deal of outrage from property rights advocates all across the country.

I remind my colleagues that many times the Federal Government uses just the threat of condemnation to frighten property owners and to bully

them until they become so-called willing sellers. As Members of Congress, it is our duty to protect our constituents from this wanton abuse of power, and we could have done so by making our intent clear in this legislation.

However, rather than making congressional intent clear, the Democrat majority has refused to allow a simple, clarifying amendment that was offered in the Rules Committee last Friday by my good friend and former Rules Committee colleague, ROB BISHOP, to be debated here on the floor today.

Mr. BISHOP's amendment was plain and clear. It simply inserted a sentence in the legislation that Congress would not empower the Federal Government to condemn land and pressure owners into selling. Shockingly, these efforts

were rebuffed by Democrats throughout the process, both on the Natural Resources Committee and on the Rules Committee.

It is still unclear, at least to me, why the majority wants to expose property owners to the threat of eminent domain. The only reasonable conclusion is that they believe that the Federal Government should, and must, confiscate private property.

I believe this is the wrong message to send to property owners, and I'm at a complete loss as to why the Democrat leadership is so fearful of allowing the House to debate openly and to take a vote on a simple clarifying amendment to protect the taxpayers and residents of Connecticut who would be adversely impacted by this legislation. Presumably, it is to protect some of the more vulnerable Members having to take a public stand on whether they believe that property owners deserve this protection or not. This triumph of politics over policy is not only bad for residents of Connecticut along the Eightmile River, I think it's also bad for America.

I strongly oppose this closed rule and the underlying legislation to increase the Government's ability to strip property owners of their land without even providing with the appropriate compensation through heavy-handed big government tactics.

I urge all of my colleagues on both sides of the aisle to join me in standing up for property rights and by opposing this rule and the underlying legislation.

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

Ms. CASTOR. Mr. Speaker, I would inquire of the gentleman from Texas (Mr. SESSIONS) if he has any remaining speakers.

Mr. SESSIONS. I appreciate the gentleman's inquiring about our intent. We have at least two speakers who would wish to speak on this issue at this time.

Ms. CASTOR. Mr. Speaker, I'll reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise today in strong opposition to this completely closed rule for the consideration of the Eightmile Wild and Scenic River Act.

This bill is a controversial one because of the chilling effect it will have on the private property rights of citizens located in the same area affected by the infamous Kelo decision. In *Kelo v. City of New London*, the Supreme Court gave State and local governments broad authority to seize private property and give it to another private entity under the guise of economic development.

When citizens believe that their land can be snatched up by the government for nearly any reason, then the principle of private property rights becomes meaningless.

The bill before us today will severely restrict the property rights of individuals who happen to live near the Eightmile River by tightening zoning restrictions on private land and prohibiting any physical alteration to private property.

Furthermore, and perhaps most troubling, the bill leaves the door wide open to actual condemnation proceedings against private land.

The majority already tried once to ram this controversial bill through the House without an opportunity for amendments. That attempt, fortunately, failed to garner the two-thirds vote necessary to pass on the suspension calendar. Now the majority is back at it again.

It's bad enough that the majority is bringing this bill back to the floor with no improvements to protect private property rights. However, it is worse that the majority has made the decision to suppress debate on this controversial bill and deny Members the opportunity to correct the land-grabbing provisions with constructive amendments.

Private ownership of property is vital to our freedom and our prosperity and is a basic principle embedded in our Constitution. No one should have to live in fear of the government snatching up their home, farm, church or business.

I introduced legislation earlier this year, the STOPP Act, along with Representative HERSETH SANDLIN to rein in State and local governments' abuses of their eminent domain powers.

Unfortunately, H.R. 986 goes in the opposite direction and sets a precedent for more land-grabbing by government entities. I urge the Members of this body to oppose both this rule, which bans debate on protecting private property rights, as well as the misguided underlying bill.

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

Mr. SESSIONS. Mr. Speaker, the bill that is being brought forward today, I believe, is yet another example of the Democrat majority's attack on what I would refer to as constitutional balanced authority in this country. By virtue of bringing this bill forward, it means that what we will be doing is not allowing what I think is a fair process for people dealing with their own private land.

And I'm sure that you'll have lots of people who are my friends who are Democrats say, well, this is so important that we've got to have this land for the interest of all of the people, so we can have this pristine land. But, Mr. Speaker, we're talking about private property. And private property rights are those things under which this country, one of the things that this country is founded under that makes us entirely different than other countries. Other countries, many of them, all around the world, do not extend to their citizens the right for private property.

And so today, once again, what we're seeing is an assault, an attack, using Congress to come and use the powers of the Federal Government against private landowners. I'm sure if their story were being presented today, these private landowners may tell the story about how, for many, many years, I don't know the stories, but how many, many years, being from Texas we could tell the same story, in Connecticut it might be even longer, how people have passed these pieces of property down through generations.

But the fact of the matter is that any time that private property is being taken as a result of a force or a threat, in this case, to make a scenic wilderness area pristine and to preserve that as opposed to a single property owner keeping what they had, making those choices within the law and looking up and seeing the Federal Government staring down at them with all the resources of the Federal Government, knowing that the United States Congress brought this action on them, is regrettable.

It's regrettable that it had to happen this way. It's regrettable that we could not at least, through the Rules Committee, make a simple amendment in order that would say, why don't we clarify that we're not going to force this issue, that we'll hope that some compromise happens, but that we're not going to allow this condemnation.

Not at all. Can't have that kind of debate here.

And this Congress had claimed that we were going to be open and honest, and it would be the most open and honest Congress in the history of the United States Congress.

So that's what's regrettable. That's what's regrettable that here we find ourselves on a Monday at the end of July trying to help the big Federal Government to grab the land from private landowners. And I think that's wrong. I think it's wrong. I think it's wrong for this House to do that without being on record of saying we're not going to sick the Federal Government on these people who might be private landowners.

Mr. Speaker, I will be asking for a recorded vote for the previous question for this rule. And if the previous question fails, I will ask the House to amend the rule to provide for the separate consideration of H.R. 3138, which would amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance.

□ 1745

Our country is facing a very serious problem, and I said this on the floor of the House twice last week, that must be addressed before the House adjourns in August. That means last week we had two weeks to get it done; this week we have one week to get it done. The majority Democrats continue to shirk their responsibilities to keep Americans safe by ignoring the seriousness of this threat.

Mr. Speaker, at this time I would like to yield 11 minutes to the gentlewoman from New Mexico, the "Land of Enchantment" (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from Texas for yielding, and I thank him for being here tonight.

I would urge all of my colleagues to defeat the previous question on the rule here tonight.

We now have 4 legislative days before the Congress recesses in August. In the middle of April, the Director of National Intelligence wrote to this body with draft legislation saying we needed to change the Foreign Intelligence Surveillance Act. He wrote a letter to this Congress last week saying that there is an "intelligence gap." We have an intelligence gap, and we need to fix it. He has proposed a much smaller piece of legislation which he sent to the Congress last Friday night, saying it is critical that we fix this problem before the House goes on recess for the month of August.

If the previous question is defeated, we will immediately bring legislation to the floor to solve this intelligence gap.

Technology has outstripped the law in the field of signals intelligence. We are now in the odd situation where we require our intelligence community to go to judges in the Foreign Intelligence Surveillance Court to get warrants on foreigners in foreign countries. This doesn't make any sense, and it wasn't what the Foreign Intelligence Surveillance Act was set up to do. The Foreign Intelligence Surveillance Act was written in 1978 to protect the civil liberties of Americans. It wasn't intended to be a barrier for American intelligence to protect terrorists overseas who are plotting to kill us. But because of changes in technology, that is where we find ourselves today.

The Director of National Intelligence has told us the situation is critical, that we must fix this intelligence gap. And yet for over 3 months now, this Congress has done nothing.

We cannot afford to wait. We must act and fix the Foreign Intelligence Surveillance Act so that we do not require a warrant to listen to foreigners in foreign countries communicating with other foreigners and plotting to kill us.

Mr. Speaker, all of us remember where we were the morning of September 11. We remember whom we were with, what we were wearing, what we had for breakfast. None of us in this room, I would wager, remember where we were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow Airport and blowing them up over the Atlantic. The reason we don't remember it is because it didn't happen. It didn't happen because the British, American, and Pakistani intelligence services detected the plot before it was carried out.

Intelligence is the first line of defense in the war on terror, and our Di-

rector of National Intelligence has told us in black and white that we have an intelligence gap, that there are things we should be listening to that we are missing.

It is up to us in this House to act this week to close that intelligence gap and protect the country.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding, Mr. Speaker.

I would just like to inquire of my friend, as she began this explanation of the 1978 Foreign Intelligence Surveillance Act, FISA, as it is called, as we look at where we were in 1978, the way she has just explained it is that if you look at the fact that what we are trying to do is ensure that we can go after foreigners in foreign countries to ensure that we are protected, why in the world would we in any way want to actually restrict our ability to go after foreigners in foreign countries who are terrorists and trying to do us in? We are today restricted because of the existence of the 1978 Foreign Intelligence Surveillance Act from doing that?

Mrs. WILSON of New Mexico. Reclaiming my time, Mr. Speaker, that is the anomaly of the law. In 1978 your telephone was hooked to a wire on a kitchen wall. Blackberries grew on bushes, the Internet didn't exist, and almost all long-haul communications went over the air. They were bounced off satellites. And those are completely excluded from the Foreign Intelligence Surveillance Act because we wanted to protect our ability to collect foreign intelligence, but you were required to have a warrant if you touched a wire in the United States. Almost all short-haul communications were over wires.

Now the situation is completely reversed. The majority of local calls now are over cell phones, 230 million cell phone users. They are all radio, or the equivalent. Almost all long-haul communications, international communications, are now over wires or over fiber-optic cables.

Mr. DREIER. Mr. Speaker, if the gentlewoman would continue to yield, I would like to ask her, if, in fact, Mr. McConnell, the Director of National Intelligence, has used words like we are "blind" and "deaf" when it comes to our need to try to interdict these communications, and, in fact, we are in a position today where, tragically, because of the Foreign Intelligence Surveillance Act and the fact that it is so antiquated, we are allowing information to slip through and not be, in fact, monitored. Am I correct in concluding that?

Mrs. WILSON of New Mexico. You are correct. We are doing everything we can to collect information overseas. We spy on these guys. We try to find out what they are going to do to stop them before they attack us. But the irony is we are hamstrung here in the United States to collect any foreign in-

telligence information on any facility, wire, or whatever here in the United States. So you need a warrant.

Mr. DREIER. Mr. Speaker, will the gentlewoman further yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from California.

Mr. DREIER. The reason I am pursuing this, Mr. Speaker, is that we feel very strongly about the need to take action. And the gentlewoman, in her statement, has just talked about the imperative for us to act. Now, we for months, because there has been no legislation forward, we have been working on this notion of saying that on virtually every rule that we bring to the floor, we are seeking to defeat the previous question so that we can finally take some action to ensure that we are going to be able to intercept conversations not taking place in the United States of America but among foreigners in foreign countries who want to kill us.

Am I correct in assuming that?

Mrs. WILSON of New Mexico. That is absolutely correct. And to me, Mr. Speaker, the thing that bothers me most is that for 3 or 4 months now we have been talking and I have been talking to my Democratic colleagues and to leadership here and my colleagues on the Intelligence Committee, and I have begged them to take up this issue, to do it in their own way, figure out their own bill. But for God's sake, let's fix this problem because all of us know that American lives are at risk because this Congress fails to act.

Mr. DREIER. If the gentlewoman would further yield, Mr. Speaker, I know that the goal that Mr. SESSIONS has just put forward here is the one that managers in the minority in the past have, and that is we are urging all of our colleagues to vote "no" on the previous question so that we will be able to take the very thoughtful piece of legislation that the gentlewoman from New Mexico has introduced and make that in order. After delaying for months and months and months, after these warnings that have come not only from Mike McConnell, the Director of National Intelligence, but from the Secretary of Homeland Security, Secretary Chertoff, who has talked about the fact that the chatter level is unusually high, and we all know that he said that rather famously in an interview before the editorial board of the Chicago Tribune, so we have continued to receive these warnings; yet because of the fact that this Congress has failed to act on our need to update that nearly 30-year-old law when we have seen such dramatic changes take place in technology over the past three decades, we have been forced to this position where we have to continually try to urge our colleagues to defeat the previous question so that we can make this legislation in order.

Mrs. WILSON of New Mexico. Reclaiming my time, Mr. Speaker, that is the circumstance in which we find ourselves, and it is a tragic one because I

think people ignore problems until there is a crisis and then they say, Why didn't you do something? Why didn't you fix it when you knew there was a problem?

I pray that we will never have to have another 9/11 Commission. We passed a 9/11 Commission bill last week that had the remaining elements of pieces of legislation we have been working on for 5 years, and in it we didn't take care of the most pressing problem that is squarely in our lap, which is that we know that technology has outpaced the law. Now, there have been amendments to the Foreign Intelligence Surveillance law since 1978, but the basic structure of the law and the problem has not changed, which is if you touch a wire in the United States, you have got to get a warrant. That is the irony here.

We are taking tremendous risks overseas to keep this country safe and to spy on our enemies. But we are tying our hands when we own the infrastructure. They are using the communications systems that we built, as the greatest country in the world, to plot and plan and target to kill us, and this body will do nothing about it.

We have 4 days, 4 days, until we are out of town for another month, another month being deaf and blind in a time of heightened threat.

I would ask my colleagues to defeat the previous question on the rule, to vote "no" on the previous question on the rule, and to immediately take up this critical piece of legislation so that we can protect this country.

Ms. CASTOR. At this time, Mr. Speaker, I will reserve the balance of my time until the gentleman from Texas has made his closing statement.

Mr. SESSIONS. By prior agreement, I will close at this time, and I thank the gentlewoman.

Mr. Speaker, if the Rules Committee wants to spend special time on the House floor debating these closed rules, I believe that we can do better than the Eightmile Wild and Scenic Rivers Act.

However, for some reason this Democrat leadership cannot seem to find time to schedule consideration of legislation that was just spoken about by the gentlewoman from New Mexico and the gentleman from California that clarifies one very specific thing, and that is that the United States Government will no longer be required to get a warrant to listen to foreign terrorists who are not even located in the United States of America.

Once again, Mr. Speaker, we have got time to pick on private landowners and to take their land by the use and force of the Federal Government, but we don't have time to schedule legislation to come and protect this country. Utterly incredible.

The Director of the National Intelligence, Michael McConnell and the Director of the CIA, Michael Hayden, have testified to this Congress that under current law their hands are tied. They are giving this body notice: we

cannot do this under the law. And as Director McConnell testified, FISA is outdated and has been made obsolete by technology.

Today, once again, the Republicans are asking for us to support the intelligence community because they are forced to obtain warrants to listen to terrorists outside of our Nation, and as a result, and this is a quote, "We are actually missing a significant portion of what we should be getting," directly from the Director of Central Intelligence.

This Congress has known about it for months. Republicans were on the floor last week. We are on the floor again this week. We are saying we are getting ready to go on break, we need to protect this country, we need to pass the law. We are asking the Democrat leadership once again if you have got time for this bill that is about a river, you certainly should have time to protect this country when our intelligence people are saying we need it. We have been saying for months we need it. The Republicans are on the floor today again to say there are 5 days left and then we will be on vacation.

□ 1800

Are they going to say to the American people and to the intelligence community, "Too bad, we didn't have time to do that?"

If my colleagues on the other side of the aisle are serious about facing down this threat, Mr. Speaker, they should come and join us. They should join us in defeating the previous question so that the House will be able to then address this issue since the Democrat leadership won't.

Don't hide behind something that deals with Republican or Democrat, and do the right thing for the country. This is a very real and a very serious threat.

Mr. Speaker, I ask unanimous consent to include my amendment and extraneous material in the CONGRESSIONAL RECORD.

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

There was no objection.

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

Ms. CASTOR. Mr. Speaker, I am pleased to return the debate to the matter on the floor.

The Eightmile Wild and Scenic River Act sponsored by my colleague, Congressman JOE COURTNEY of Connecticut, which designates certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System.

Mr. Speaker, how fortunate we are to live in such a beautiful country; spacious skies, amber waves of grain, purple mountain's majesty, and the Eightmile Wild and Scenic River corridor.

Despite the protestations from the other side of the aisle, it has been the

communities and the residents of this area that have worked on this designation for 10 years or more. And so I congratulate them today. And I salute the leadership of Congressman JOE COURTNEY, who brought a new energy and commitment to this effort, and I thank Natural Resources Committee Chair NICK RAHALL for his leadership.

This is a noncontroversial bill. It was reported favorably by the Natural Resources Committee by a voice vote in May. It received the strong bipartisan support of the House, over 235 Members on July 11. Mr. Speaker, the Eightmile River is a national treasure, and we must do all that we can to preserve it.

This bill enjoys bipartisan support. A majority of the Members of this House have voted for it, and we're going to vote for it again. I urge my colleagues to support this rule and the important Eightmile Wild and Scenic River Act.

I urge a "yes" vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 580

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(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.

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

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

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

Mr. SESSIONS. 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.

#### PROVIDING FOR CONSIDERATION OF H.R. 2831, LILLY LEDBETTER FAIR PAY ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 579 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 579

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify

that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2831 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SALAZAR). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 579 provides for the consideration of H.R. 2831, the Lilly Ledbetter Fair Pay Act of 2007, under a closed rule.

The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI.

Mr. Speaker, I rise in strong support of this rule and the underlying legislation, the Lilly Ledbetter Fair Pay Act. This legislation can be summed up in one word, "fairness." And what better summarizes the idea of fairness than equal pay for equal work.

We've all heard it; we've all said it in speeches, but right now we have a real opportunity to make it happen. I wish we did not have to be here today, but the shortsighted and unfortunate recent Supreme Court ruling has forced us to revisit this painful issue from our Nation's past.

Lilly Ledbetter spent 19 years of her life working at the Goodyear Tire and

Rubber Company in its Gadsden, Alabama plant. What she did not know for most of that time was that she had been subjected to systematic pay discrimination over the course of 15 years simply because she is a woman. By the time of her retirement, she was earning \$45,000 a year. The lowest paid male supervisor at the plant was making \$6,500 a year more.

As the case of Lilly Ledbetter clearly shows, there is still discrimination in the workplace, and it is our responsibility and it is our duty to ensure that every worker in this Nation receives fair compensation for their work.

We had a bipartisan solution to this problem, known as title VII of the Civil Rights Act of 1964. While this legislation was groundbreaking and certainly was a giant step forward for our workers, there was clearly a hole in the law, and that is what we are filling today.

Lilly Ledbetter proved her case. A jury found that she had been discriminated against and awarded her the back pay she should have received, attempting to fulfill the purpose of title VII, to make her whole and to discourage other employers from discriminating in the future. But those goals were thwarted by a 5-4 Supreme Court decision earlier this year. The Court held that in order to recover the back wages she was owed, Lilly Ledbetter needed to file a complaint at the time the discrimination began, even though she did not become aware of it until more than a decade later. What we are doing is reclaiming the original purpose, the legislative intent of title VII, which unfortunately the Supreme Court, in one fell swoop, completely, outrageously undermined.

Their decision was as if to say that because Lilly Ledbetter didn't know she was being treated unfairly, that therefore she was not being treated unfairly. This was, of course, irrespective of the fact that the Court and those of us here in this Chamber unequivocally know Lilly Ledbetter suffered the consequences of discrimination throughout the course of her life and her career.

Mr. Speaker, Lilly Ledbetter joined the workforce and worked hard, assuming that she would receive fair compensation for her efforts. But her story and the stories of countless others is not one of fairness or justice.

I will not retell her story because I think we have all heard it and we all understand that she was wronged. Instead, I will share with you some of her testimony before the House Education and Labor Committee in June. And although I was not there to hear her speak, you can feel the passion of someone who knows she was wronged. These are the words of Lilly Ledbetter, and I quote: "What happened to me is not only an insult to my dignity, but had real consequences for my ability to care for my family. Every paycheck I received I got less than what I was entitled to under the law. The Supreme Court said that this didn't count as illegal discrimination, but it sure feels