

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 380

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent that Representative BEAN's name be removed as a cosponsor of H.R. 380. Her name was inadvertently added.

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

There was no objection.

PROVIDING FOR CONCURRENCE IN
SENATE AMENDMENT TO H.R.
3311, AUTHORIZING ADDITIONAL
FUNDS FOR EMERGENCY RE-
PAIRS AND RECONSTRUCTION OF
INTERSTATE I-35 BRIDGE IN MIN-
NEAPOLIS, MINNESOTA; MAKING
IN ORDER AT ANY TIME CONSID-
ERATION OF S. 1927, PROTECT
AMERICA ACT OF 2007; AND MAK-
ING IN ORDER AT ANY TIME
CONSIDERATION OF H.R. 3222, DE-
PARTMENT OF DEFENSE APPRO-
PRIATIONS ACT, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent

(1) that the House hereby concurs in the Senate amendment to H.R. 3311; and

(2) that it be in order at any time on the legislative day of August 4, 2007, to consider S. 1927 in the House under the following terms:

All points of order against the bill and against its consideration are waived except those arising under clause 10 of rule XXI;

The bill shall be considered as read;

The previous question shall be considered as ordered on the bill to its final passage without intervening motion except: (a) 1 hour of debate equally divided among and controlled by the chairman and ranking minority member of the committee on the Judiciary and the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (b) one motion to recommit; and

(3) that it shall be in order at any time on the legislative day of August 4, 2007, for the Speaker, as though pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; and that the first reading of the bill shall be dispensed with; all points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI; points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived; and no general debate shall be in order and the bill shall be considered for amendment under the 5-minute rule; no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chair-

man or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. ROGERS of Michigan increasing funding for cooperative threat reduction programs;

An amendment by Mr. FRANKS of Arizona regarding missile defense;

An amendment by Mr. SESSIONS striking section 8020;

An amendment by Mr. ISSA regarding public disclosure of the aggregate amount of funds appropriated for the National Intelligence program;

An amendment by Mr. WALBERG limiting funds to award grants or contracts based on race, ethnicity or sex;

An amendment by Mr. CASTLE limiting funds for certain contract awards unless certain conditions are met;

An amendment by Mr. CASTLE authorizing the use of funds for certain reserve leave policies;

An amendment by Mr. CAMPBELL of California limiting funds for the Swimmer Detection Sonar Network;

An amendment by Mr. CAMPBELL of California limiting funds for Paint Shield for Program People from Microbial Threats project;

An amendment by Mr. INSLEE regarding the National Security Personnel System;

An amendment by Mr. UPTON or Ms. HARMAN regarding use of Energy Star certified light bulbs;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. FLAKE limiting funds for the National Drug Intelligence Center;

An amendment by Mr. FLAKE limiting funds for the Concurrent Technologies Corporation;

An amendment by Mr. FLAKE limiting funds for the Lewis Center for Education Research;

An amendment by Mr. FLAKE limiting funds for the Presidio Trust;

An amendment by Mr. FLAKE limiting funds for the Atmospheric Water Harvesting Project;

And an amendment by Mr. FLAKE limiting funds for the Doyle Center for Manufacturing Technology.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Defense each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted; and

The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

There was no objection.

PERMISSION TO REDUCE TIME
FOR ELECTRONIC VOTING DUR-
ING FURTHER PROCEEDINGS
TODAY

Mr. HOYER. Mr. Speaker, I ask unanimous consent that, during further proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

AUTHORIZING ADDITIONAL FUNDS
FOR EMERGENCY REPAIRS AND
RECONSTRUCTION OF INTER-
STATE I-35 BRIDGE IN MIN-
NEAPOLIS, MINNESOTA

The SPEAKER pro tempore. Under the order just entered, the Senate amendment to H.R. 3311 is concurred in.

The text of the Senate amendment is as follows:

Senate amendment:

In section 1112(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as added by section 3), strike subparagraph (B) and insert the following:

“(B) use not to exceed \$5,000,000 of the funds made available for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities (without any local matching funds requirement) for operating expenses of the Minnesota State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, which are provided by the Metropolitan Council (of Minnesota) as a temporary substitute for highway traffic service following the collapse of the Interstate I-35W bridge in Minneapolis, Minnesota, on August 1, 2007, until highway traffic service is restored on such bridge.

A motion to reconsider was laid on the table.

□ 2030

PROTECT AMERICA ACT OF 2007

Mr. REYES. Mr. Speaker, pursuant to the previous order of the House, I call up the Senate bill (S. 1927) to

amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1927

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protect America Act of 2007".

SEC. 2. ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ACQUISITIONS OF FOREIGN INTELLIGENCE INFORMATION.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105 the following:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

"ADDITIONAL PROCEDURE FOR AUTHORIZING CERTAIN ACQUISITIONS CONCERNING PERSONS LOCATED OUTSIDE THE UNITED STATES

"SEC. 105B. (a) Notwithstanding any other law, the Director of National Intelligence and the Attorney General, may for periods of up to one year authorize the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States if the Director of National Intelligence and the Attorney General determine, based on the information provided to them, that—

"(1) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under this section concerns persons reasonably believed to be located outside the United States, and such procedures will be subject to review of the Court pursuant to section 105C of this Act;

"(2) the acquisition does not constitute electronic surveillance;

"(3) the acquisition involves obtaining the foreign intelligence information from or with the assistance of a communications service provider, custodian, or other person (including any officer, employee, agent, or other specified person of such service provider, custodian, or other person) who has access to communications, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

"(4) a significant purpose of the acquisition is to obtain foreign intelligence information; and

"(5) the minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h).

"This determination shall be in the form of a written certification, under oath, supported as appropriate by affidavit of appropriate officials in the national security field occupying positions appointed by the President, by and with the consent of the Senate, or the Head of any Agency of the Intelligence Community, unless immediate action by the Government is required and time does not permit the preparation of a certification. In such a case, the determination of the Director of National Intelligence and the At-

torney General shall be reduced to a certification as soon as possible but in no event more than 72 hours after the determination is made.

"(b) A certification under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(c) The Attorney General shall transmit as soon as practicable under seal to the court established under section 103(a) a copy of a certification made under subsection (a). Such certification shall be maintained under security measures established by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence, and shall remain sealed unless the certification is necessary to determine the legality of the acquisition under section 105B.

"(d) An acquisition under this section may be conducted only in accordance with the certification of the Director of National Intelligence and the Attorney General, or their oral instructions if time does not permit the preparation of a certification, and the minimization procedures adopted by the Attorney General. The Director of National Intelligence and the Attorney General shall assess compliance with such procedures and shall report such assessments to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate under section 108(a).

"(e) With respect to an authorization of an acquisition under section 105B, the Director of National Intelligence and Attorney General may direct a person to—

"(1) immediately provide the Government with all information, facilities, and assistance necessary to accomplish the acquisition in such a manner as will protect the secrecy of the acquisition and produce a minimum of interference with the services that such person is providing to the target; and

"(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such person wishes to maintain.

"(f) The Government shall compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to subsection (e).

"(g) In the case of a failure to comply with a directive issued pursuant to subsection (e), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the directive. The court shall issue an order requiring the person to comply with the directive if it finds that the directive was issued in accordance with subsection (e) and is otherwise lawful. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

"(h)(1)(A) A person receiving a directive issued pursuant to subsection (e) may challenge the legality of that directive by filing a petition with the pool established under section 103(e)(1).

"(B) The presiding judge designated pursuant to section 103(b) shall assign a petition filed under subparagraph (A) to one of the judges serving in the pool established by section 103(e)(1). Not later than 48 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the directive. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition. If the assigned judge determines the petition

is not frivolous, the assigned judge shall, within 72 hours, consider the petition in accordance with the procedures established under section 103(e)(2) and provide a written statement for the record of the reasons for any determination under this subsection.

"(2) A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that such directive does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the directive, the judge shall immediately affirm such directive, and order the recipient to comply with such directive.

"(3) Any directive not explicitly modified or set aside under this subsection shall remain in full effect.

"(i) The Government or a person receiving a directive reviewed pursuant to subsection (h) may file a petition with the Court of Review established under section 103(b) for review of the decision issued pursuant to subsection (h) not later than 7 days after the issuance of such decision. Such court of review shall have jurisdiction to consider such petitions and shall provide for the record a written statement of the reasons for its decision. On petition for a writ of certiorari by the Government or any person receiving such directive, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(j) Judicial proceedings under this section shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(k) All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review *ex parte* and in camera any Government submission, or portions of a submission, which may include classified information.

"(l) Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with a directive under this section.

"(m) A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made."

SEC. 3. SUBMISSION TO COURT REVIEW AND ASSESSMENT OF PROCEDURES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105B the following:

"SUBMISSION TO COURT REVIEW OF PROCEDURES

"SEC. 105C. (a) No later than 120 days after the effective date of this Act, the Attorney General shall submit to the Court established under section 103(a), the procedures by which the Government determines that acquisitions conducted pursuant to section 105B do not constitute electronic surveillance. The procedures submitted pursuant to this section shall be updated and submitted to the Court on an annual basis.

"(b) No later than 180 days after the effective date of this Act, the court established under section 103(a) shall assess the Government's determination under section 105B(a)(1) that those procedures are reasonably designed to ensure that acquisitions conducted pursuant to section 105B do not constitute electronic surveillance. The court's review shall be limited to whether the Government's determination is clearly erroneous.

“(c) If the court concludes that the determination is not clearly erroneous, it shall enter an order approving the continued use of such procedures. If the court concludes that the determination is clearly erroneous, it shall issue an order directing the Government to submit new procedures within 30 days or cease any acquisitions under section 105B that are implicated by the court’s order.

“(d) The Government may appeal any order issued under subsection (c) to the court established under section 103(b). If such court determines that the order was properly entered, the court shall immediately provide for the record a written statement of each reason for its decision, and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision. Any acquisitions affected by the order issued under subsection (c) of this section may continue during the pendency of any appeal, the period during which a petition for writ of certiorari may be pending, and any review by the Supreme Court of the United States.”

SEC. 4. REPORTING TO CONGRESS.

On a semi-annual basis the Attorney General shall inform the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning acquisitions under this section during the previous 6-month period. Each report made under this section shall include—

(1) a description of any incidents of non-compliance with a directive issued by the Attorney General and the Director of National Intelligence under section 105B, to include—

(A) incidents of non-compliance by an element of the Intelligence Community with guidelines or procedures established for determining that the acquisition of foreign intelligence authorized by the Attorney General and Director of National Intelligence concerns persons reasonably to be outside the United States; and

(B) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issue a directive under this section; and

(2) the number of certifications and directives issued during the reporting period.

SEC. 5. TECHNICAL AMENDMENT AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking “501(f)(1)” and inserting “105B(h) or 501(f)(1)”; and

(2) in paragraph (2), by striking “501(f)(1)” and inserting “105B(h) or 501(f)(1)”.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 105 the following:

“105A. Clarification of electronic surveillance of persons outside the United States.

“105B. Additional procedure for authorizing certain acquisitions concerning persons located outside the United States.

“105C. Submission to court review of procedures.”

SEC. 6. EFFECTIVE DATE; TRANSITION PROCEDURES.

(a) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this Act shall take effect immediately after the date of the enactment of this Act.

(b) TRANSITION PROCEDURES.—Notwithstanding any other provision of this Act, any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall remain in effect until the date of expiration of such order, and, at the request of the applicant, the court established under section 103(a) of such Act (50 U.S.C. 1803(a)) shall reauthorize such order as long as the facts and circumstances continue to justify issuance of such order under the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the applicable effective date of this Act. The Government also may file new applications, and the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall enter orders granting such applications pursuant to such Act, as long as the application meets the requirements set forth under the provisions of such Act as in effect on the day before the effective date of this Act. At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)), shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act. Any surveillance conducted pursuant to an order entered under this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as in effect on the day before the effective date of this Act.

(c) SUNSET.—Except as provided in subsection (d), sections 2, 3, 4, and 5 of this Act, and the amendments made by this Act, shall cease to have effect 180 days after the date of the enactment of this Act.

(d) AUTHORIZATIONS IN EFFECT.—Authorizations for the acquisition of foreign intelligence information pursuant to the amendments made by this Act, and directives issued pursuant to such authorizations, shall remain in effect until their expiration. Such acquisitions shall be governed by the applicable provisions of such amendments and shall not be deemed to constitute electronic surveillance as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

The SPEAKER pro tempore (Mr. PASTOR). Pursuant to the order of the House of today, the gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. SMITH), the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. REYES).

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

Mr. Speaker, we bring up tonight the bill that was passed on the Senate side, S. 1927. Although this bill, in my opinion, is not the ideal bill, I think it is important that all of us understand that under the current situation that our country faces with the threat level being high, it is very important that we do everything that we can to keep the American people safe, to reassure people that this Congress is going to do everything it can to provide the administration the tools to keep us safe and secure.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support S. 1927, the Protect America Act of 2007. We are a Nation at war with foreign terrorists who are plotting deadly attacks. Al Qaeda recently released a video promising a big surprise in the near future. Yesterday, the Senate passed this national security bill, and the Senate got it right. It is time for the House to do the same.

This morning, the President called on the House to pass this critical bill, stating, “Protecting America is our most solemn obligation, and I urge the House to pass this bill without delay.”

Mr. Speaker, last night we wasted valuable time considering a bill on the same subject strongly opposed by the Director of National Intelligence. But that debate did serve a purpose. Now we know where the majority of the majority stands. Ninety percent of the majority voted to deny the Director of National Intelligence what he said he needs to prevent future terrorist attacks.

The majority claimed that its legislation fixed the problem, knowing that the Director had publicly opposed the bill because it would not allow him to carry out his responsibility of protecting the Nation, especially in our heightened threat environment.

In the 30 years since Congress enacted the Foreign Intelligence Surveillance Act, telecommunications technology has dramatically changed. As a result, the intelligence community is hampered in gathering essential information about terrorists needed to prevent attacks against America. Congress must modernize FISA to address this problem.

The bill, one, clarifies well-established law that neither the Constitution nor Federal law requires a court order to gather foreign communications from foreign terrorists; two, adopts flexible procedures to collect foreign intelligence from foreign terrorists overseas; three, provides court review of collection procedures for this new authority; and, four, requires semiannual reports to Congress on the use of this new authority.

Unlike the majority’s proposal from last night, this bill does not impose unworkable, bureaucratic requirements that would burden the intelligence community. Regrettably, the Protect America Act includes a 180-day sunset, but terrorists do not sunset their plots to kill Americans, so Congress must enact a permanent change in our laws.

Mr. Speaker, last April, the Director submitted to Congress a comprehensive proposal to modernize FISA. That proposal already should have been approved. Congress must enact the Director’s proposals from April to give the intelligence community the additional tools they need to keep our country safe.

As we approach the sixth anniversary of the devastating 9/11 attacks, it is critical that we remain vigilant in our war against terrorism. President George Washington once said: “There

is nothing so likely to produce peace as to be well prepared to meet the enemy." Heeding his words, we must maintain our commitment to winning the war against terrorism.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, this bill goes far beyond what is necessary and what was agreed to by the Director of National Intelligence. All of us agree that foreign-to-foreign communications need to be available for surveillance. However, this bill would grant the Attorney General the ability to wiretap anybody, anyplace, anytime, without court review, without any checks and balances.

I think that this unwarranted, unprecedented measure would simply eviscerate the fourth amendment that protects the privacy not of terrorists, but of Americans.

I strongly oppose this warrantless surveillance measure. I realize that in a short period of time, months, we will have an opportunity to undo the damage that is going to be done here tonight, and I pledge to America that should this measure pass, I will give it my all to make sure that we reclaim the fourth amendment in a measure that gains a vote from Members of Congress and Senators who take their oath of allegiance to the Constitution more seriously than has happened to date.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. BLUNT), the minority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding, and I am pleased to see this legislation on the floor this evening. I think it is critical that we pass this bill today, and many in the majority did too. I know it is not the bill that many of our friends on the other side would have liked to have had passed tonight, but I also know that they understand that there is a huge gap at this moment in the intelligence that we are watching, that we are gaining, that we are analyzing. This bill closes that gap.

Earlier today would have been better to pass this bill. Three weeks ago would have been better to pass this bill. But I am grateful that we have a chance before Congress goes into a district work period for a month to get this critically important piece of legislation passed.

Three weeks ago, we read the National Intelligence Estimate, if we wanted to take time to look at that estimate, and it was publicly stated during that estimate that our terrorist enemies were regrouping, that their communications had heightened, that their planning appears to be heightening; and we also understood at that time that we were not monitoring the com-

munication that we knew we needed to be monitored because the law hadn't kept up with technology.

This takes the 1978 law, it provides the same protection for Americans that they had in 1978 and 1988 and 1998. And now, as we approach 2008, it just simply lets us have the definitions of the law meet the technology of the time.

The Attorney General and the Director of National Intelligence have to have approval. That is a change, and it is an important change. This is no longer only one person in the executive branch, but two people, both of whom have both responsibilities and penalties if they don't make the right decision under the law.

This monitors the communication of people who are initiating their communication in a foreign country. It protects Americans. That is why the FISA court was created. Americans are still protected under the FISA court, as they were under the technology of 1978.

I am pleased to see this on the floor. I am glad that the majority has agreed with us, that while many of them don't like this piece of legislation, the gap was too big not to take the bill that could wind up most quickly now on the President's desk and pass it tonight.

I urge my colleagues to support this, and I am grateful to my colleagues for seeing that this gap will not continue between now and Labor Day.

Mr. REYES. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman.

Mr. Speaker, this administration has told us many things, from the beginning with the weapons of mass destruction, to different issues that have had us to the point to where we are tonight. We are here because we are concerned about the safety and well-being of this country. But a number of Members do believe that we have been told many, many things that have not been true.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman for yielding.

Mr. Speaker, the other body has not acted, in my opinion, this humble Member's opinion, in a way that warrants great respect of the American people. It has done not just violence to the fourth amendment and violence to our civil liberties; it has eviscerated them with the bill it has sent over here for action.

The American people have a right to expect more from us. This is the Protect America Act of 2007. The American people expect to be protected and to be secure, not just against terrorists and other foreign threats, but also to be secure in the rights established in the Constitution of the United States, to know that we are standing up for the Constitution and fulfilling our pledge and our oath of office.

This bill does not do this. It purports to provide security, but it certainly

doesn't provide any protections for our constitutional rights and civil liberties. We should have done better, and we could do better.

This administration took the Secretary of State and sent him to the U.N. on a mission which everyone ended up being ashamed of. Now they have sent the DNI, I fear, over here to make an agreement and find a bill that he can live with, under the premise that when he said he would, the President would sign it. Well, the conversations he had, he indicated that our bill strengthened the security of this country. But after a conversation with the White House, that was withdrawn, and now we end up with a bill that does not protect our civil liberties.

The fact of the matter is, Mr. Speaker, we can do better and we should do better. This bill starts off with the words "notwithstanding any other law." That assumes that notwithstanding the Constitution, notwithstanding the fourth amendment, notwithstanding our civil liberties they are giving the authority to a President, a Director of National Intelligence, and an Attorney General, any Attorney General, to make decisions that should be made by a court, that should at least be reviewed by a court.

We have provided in a Democratic alternative a way to secure that protection and the security of this country, while still protecting our rights. The White House saw an opportunity to roll over that into a bill that is going to be I think regretted by everyone in this Chamber if they pass it, and it should be regretted in the Senate for what they did.

□ 2045

We are not doing this country any favors. If we think we are going to correct this in 120 days, when you give up your securities, when you give up your rights under the Constitution, it is not likely you are going to regain them.

As somebody said earlier tonight, your civil liberties don't go in a loud noise and a clap of thunder and the curtain coming down; they go quietly with whispers and into the darkness. That is what is happening with this bill, Mr. Speaker. We will all regret it.

We should pass a bill that secures this country, certainly and gives us all of the intelligence that needs to be intercepted, but we should do it in a way that doesn't sacrifice our civil liberties and the fourth amendment and our Constitution.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT) and a member of the Judiciary Committee.

Mr. GOHMERT. Mr. Speaker, I do appreciate this bill coming to the floor. I do not think it is a travesty against our civil rights.

Some people have some confusion, I think, over civil rights versus rights in a time of war. Believe it or not, and I think most of you should understand, we are in a war. We didn't know it in

1979 when war was declared against us, but we are at war. There are those in the world who believe that freedom and liberty necessarily leads to debauchery and degradation. Therefore, we must have a dictatorial, brutal leader, religious leader that tells us what we can and can't do. If you don't, then they have the right to cut off your head and destroy our way of life.

Now we happen to believe when you declare war against us and you want to cut off our heads and destroy our way of life, then we have a right to protect ourselves. In criminal law, it is called self-defense, and that is an exception to some of the rights others may have. What some have confused, I think, is civil rights versus rights of those declare war against your way of life.

This is not a bill that will allow surveilling American citizens on American soils. But the message is this: If you declare war on this country and you are a foreigner, we may just listen in on your conversations and you can be prepared for that. I have every confidence because of the oversight that will be coming with Chairman CONYERS and the reports that are required in this bill, if they are not forthcoming, I expect to see to people held accountable, and I know Chairman CONYERS will make sure that happens. And hopefully some day, Chairman SMITH will be doing the same thing.

But the message, Mr. Speaker, is clear. You declare war on this Nation and you are in a foreign country, we may come after you and listen to what you have to say.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the chairman of the Constitution Subcommittee on Judiciary, JERRY NADLER of New York, and I am happy to yield to him 2 minutes.

Mr. NADLER. Mr. Speaker, I rise in opposition to this dangerous and ill-considered legislation.

Once again, this House is being stampered by fear-mongering and deception into signing away our rights. If you trust this President and if you trust this dishonest Attorney General to exercise unfettered power to spy on Americans without any court supervision, then you should support this bill.

If you still believe in the America our Founders, the Framers and every succeeding generation has fought and died for, then you must oppose this legislation.

This bill is not what the Director of National Intelligence told us he needed. That was embodied in the bill that we considered last night and that we should be considering tonight, the House bill. We were told that we needed to fix the foreign-to-foreign intelligence. That bill fixed it.

We were told we had to compel electronics companies to do what the government needs to do on properly authorized surveillance. That bill did it. The Director of National Intelligence told us we had to deal with all foreign

intelligence, we had to deal with recurring communications into the United States from foreign targets. That bill did it. That bill dealt with everything we were told was necessary for national security.

This bill is what Karl Rove and his political operatives in the White House decided they need to win elections. That is not national security, that is political warfare.

I do not believe we will soon be able to undo this damage. Rights given away are not easily regained. This bill is not needed to protect America from terrorists. * * *

We should stand up for America. We should stand up for our freedoms. We should stand up for our security. We should reject this bill so we can go and do the right thing and pass the bill that we had on the floor last night that did everything necessary for our national security. It gave us all the right to do the wiretapping and the surveillance we need. We should all be willing to stay here as long as it takes. I urge my colleagues to vote "no."

Mr. ISSA. Mr. Speaker, the gentleman has alleged illegal acts by the President's administration in his speech. I ask that those words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. NADLER. Mr. Speaker, in the interest of our getting home at some reasonable hour, I will be happy to withdraw the truthful and accurate statements I made a moment ago.

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

Mr. ISSA. The gentleman asked to withdraw the what statements? I couldn't quite hear it.

Mr. NADLER. Accurate statement I made a moment ago.

Mr. ISSA. No, he is not withdrawing them if he claims they are accurate. They are inaccurate.

Mr. NADLER. I am withdrawing them.

Mr. ISSA. Is the gentleman withdrawing them without any other reservation?

Mr. NADLER. I withdraw them without any reservations; but I retain my opinion.

Mr. ISSA. That's fair. Thank you.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS) who is a member of the Judiciary Committee and ranking member of the Constitution Subcommittee.

Mr. FRANKS of Arizona. Mr. Speaker, 9/11 is the ultimate reminder of the countless innocent American lives at stake when we miss critical or e-mail communications between foreign terrorists in foreign countries. If our national intelligence community is to effectively anticipate future threats, it must be allowed to keep up with the

rapidly evolving world of telecommunications technology.

Mr. Speaker, last night in this House, Democrats chose to blatantly disregard the appeals of both the Director of National Intelligence as well as those of the FISA courts who have pleaded for a modernization of the system in order to reduce the needless burden of FISA court orders for foreign terrorist surveillance.

Instead, Democrat Members passed a bill that only further immobilizes our outdated foreign intelligence system.

Mr. Speaker, whether or not liberal Democrats acknowledge the threat that we face, that threat is very real, as terrorists themselves continue to remind us. Al-Manar recently said on BBC: "Let the entire world hear me. Our hostility to the great Satan [America] is absolute . . . Regardless of how the world has changed after 11 September, death to America will remain our reverberating and powerful slogan: Death to America."

Mr. Speaker, tonight is the last opportunity before leaving Washington for Members of this House to address the imminent possibility of a terrorist attack by effectively modernizing our FISA regulations to provide for the defense of the American people.

One thing is absolutely clear, Mr. Speaker: Al Qaeda will not rest when this body adjourns for the August recess. If we do not address the critical loopholes in our foreign surveillance system tonight, our children may some day face nuclear jihad, perhaps even in this generation. And what we will tell them, Mr. Speaker, when they look back on this day and condemn this generation for unspeakable irresponsibility in the face of such an obvious threat to human peace. We must pass this critical bill.

Mr. REYES. Mr. Speaker, I yield 2 minutes to the chair of the Select Intelligence Oversight Appropriations panel, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, this tonight is about how our government treats its people. One of the characteristics of oppressive governments that we detest throughout history is that they spy on their own people. The chilling intrusion into people's lives, effects, and relationships must be controlled even if the government officers think that the intrusion is necessary to preserve safety, security and order. Indeed, civil protections are necessary, especially if the government says they are trying to protect safety, security and order.

Courts must establish that there is a probable cause to believe an American is a threat to society, and it must be the courts, not the Attorney General, not the Director of National Intelligence, who determine that the standard is being met.

Let me correct some points. There is not a huge gap. FISA is not broken. Do not believe these scare tactics. Legislation should not be passed to respond to fear-mongering. Of course, we need

good intelligence to protect Americans, but we are being asked to enter a “just trust us” form of legislation. Just trust an Attorney General who has provided demonstrably false or misleading testimony before Congress on this very issue. We are being asked to just trust this Attorney General with unlimited authority to authorize spying on Americans through this legislation without oversight of the courts, even after his own Inspector General has revealed massive abuses of civil liberties through his department’s unchecked use of national security letters.

I urge my colleagues to recognize this for the historic importance it has and vote down this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), a member of the Appropriations Committee.

Mr. KIRK. Mr. Speaker, when our foreign wiretap law was enacted in 1978, telephones were plugged into a wall, cell phones did not exist, and no one had heard of e-mail. Bin Laden was in college and Zawahiri was in medical school.

Today, these men are now responsible for the murder of 3,000 Americans. They attacked the embassies in Kenya and Tanzania and nearly sunk the USS *Cole*.

They talk to each other now with cell phones, satellite phones, e-mail and Internet chat. While they have changed their communications, our law has not.

As a currently serving Naval intelligence officer, I am not just a Congressman, I am also a customer of these programs. Serving on the House Foreign Operations Subcommittee, we watch foreign matters closely.

And look at the issues we will deal with just in August: A reactor shutdown in North Korea; the Hamas takeover of Gaza; Venezuelan arms purchases from Iran; a war in Iraq; a war in Afghanistan, the rise of the Taliban in Pakistan; narco-traffickers in Colombia; genocide in Darfur. That is just this month’s list.

The bipartisan bill passed by over 60 votes in the Senate. It will help us learn more about dangers. It doesn’t just protect the rights of Americans. It will protect the lives of Americans.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a valued member of our committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee and I do applaud him for his consistent and impeccable commitment to civil liberties and civil rights.

Mr. Speaker, this administration has the law to protect the American people. Let no one come to this floor and suggest that what we are doing tonight is going to save lives because last night

we passed legislation that indicated that foreign-to-foreign communication had no barriers, no barriers for those who are seeking intelligence.

Yet when an American was involved, the Bill of Rights, the fourth amendment, civil liberties with the underpinnings, and therefore a court intervened.

□ 2100

Homeland security is not a Republican issue. It is an issue for all Americans—all of us. Not one of us who sang “God Bless America” on the steps of this House will allow anyone to undermine the security of America.

The legislation last night offered by the Majority gave the Administration everything that they needed, but what we’re doing here tonight, we are shredding the Constitution. We are tearing up the Bill of Rights because we are telling Americans that no matter what your business is, you are subject to the unscrupulous, undisciplined, irresponsible scrutiny of the Attorney General and others without court intervention.

This is not the day to play politics. It is important to balance civil liberties along with the homeland security and the protection needs of America. I feel confident that the House FISA Bill does do that.

Shame on the other body for failing to recognize that we can secure America by securing the American people with fair security laws and by giving them their civil liberties.

I would ask my colleagues to defeat this so that we can go back to the bill that protects the civil liberties of Americans and provides homeland security. I ask my colleagues to support the Bill of Rights and National Security.

Mr. Speaker, I rise today in strong opposition to S. 1927. Had the Bush Administration and the Republican-dominated 109th Congress acted more responsibly in the two preceding years, we would not be in the position of debating legislation that has such a profound impact on the national security and on American values and civil liberties in the crush of exigent circumstances. More often than not, it is true as the saying goes that haste makes waste.

Mr. Speaker, the legislation before us is intended to fill a gap in the Nation’s intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell, by amending the Foreign Intelligence Surveillance Act, FISA. But in reality it eviscerates the Fourth Amendment to the Constitution and represents an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led by an Attorney General whose reputation for candor and integrity is, to put it charitably, subject to considerable doubt.

Mr. Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing and I am far from persuaded that it needs to be jettisoned or substantially amended. But given the claimed exigent circumstances by the Administration,

let me briefly discuss some of the changes to FISA I am prepared to support on a temporary basis, not to exceed 120 days.

First, I am prepared to accept temporarily obviating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. But I do insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a “basket warrant” without making individual determinations about foreign surveillance. There should be an initial 15-day emergency authority so that international surveillance can begin while the warrants are being considered by the Court. And there must also be congressional oversight, requiring the Department of Justice Inspector General to conduct an audit every 60 days of U.S. person communications intercepted under these warrants, to be submitted to the Intelligence and Judiciary Committees. Finally, as I have stated, this authority must be of short duration and must expire by its terms in 120 days.

In all candor, Mr. Speaker, I must restate my firm conviction that when it comes to the track record of this President’s warrantless surveillance programs, there is still nothing on the public record about the nature and effectiveness of those programs, or the trustworthiness of this Administration, to indicate that they require any legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This could have been accomplished in the 109th Congress by passing H.R. 5371, the “Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act,” LISTEN Act,” which I have co-sponsored with the then Ranking Members of the Judiciary and Intelligence Committees, Mr. CONYERS and Ms. HARMAN.

The Bush Administration has not complied with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees “fully and currently informed” of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush Administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important; (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Mr. Speaker, the legislation before us is not necessary. The bill which a majority of the

House voted to pass last night is more than sufficient to address the intelligence gathering deficiency identified by Director McConnell. That bill, H.R. 3356, provided ample amount of congressional authorization needed to ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans. That is why I supported H.R. 3356, but cannot support S. 1927. I encourage my colleagues to join me in voting against the unwise and ill-considered S. 1927.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), who's a member of the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, after listening to my friend from Texas, with whom I serve on two committees, I just must say that I'm sure she misspoke when she said that we passed a bill on the floor yesterday that would have done all those things. If the gentlelady will recall, it failed on the floor because it was under suspension, and that recollection is about as accurate as the description of the bill before us that I've heard from the other side.

I am disappointed to hear the rhetoric on this floor that scares the American people into believing that somehow we're tearing up the Constitution.

The fact of the matter is in 1978, when we passed the original version of FISA, we exempted from its consideration our capture of foreign conversations involving someone in a foreign country. The technology that was used at that time is different than the technology now, and what we are doing with this bill is making the law compatible with current technology.

What is that section of the bill that we've heard our colleagues on the other side get so upset about? It is this section, section 105(a): Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

And what the Director of National Intelligence has told us is the interpretation of current law forbids him to do that to a large extent. Now, we can spend hours on the floor explaining why, but that's the fact. He was not here trying to scare us. I am amazed that some of my friends on the other side would suggest that Admiral McConnell, with his distinguished career of service, 40 years as mentioned by the chairman of the Intelligence Committee, serving under Presidents Democrat and Republican, would be involved in scare tactics. He came to us and told us we need this because America is blinded in a significant degree by current law.

If, in the capture of this information, we do come into contact with communication that involves someone in the United States, an American citizen, we

go through a process called minimization, which means we get it out of there if it has nothing to do with the evil actor. We get rid of it, as we've done for 50 years in the criminal justice system, 28 years under FISA.

But if, in fact, that individual is someone who is involved in terrorism, a reasonable suspicion that that is the case, then we get a warrant. Not only do we do that and maintain that in this bill, we beef up the minimization process, and we beef up the oversight, and we allow the FISA court to look at it and to approve it and to audit it, and in addition, we require reports to the committees of the House and the Senate.

How that is tearing up the Constitution I do not know unless you haven't read the Constitution, unless you haven't read the history of FISA, unless you haven't read the means by which we have extracted communications around the world.

All this does is bring the law up to present-day technology. It does nothing to tear up the Constitution. And please, talk about fear-mongering, to stand on this floor and say that this allows the Attorney General or anybody else in the Federal Government to listen in to any conversation you have is absolutely untrue. No one should believe that. It hasn't been done in the past. It's not being done now. This law does nothing but bring us up to present-day technology.

If you will look at the original FISA law, you will see that it specifically exempts from the definition of electronic communications these kinds of communications, but they used to be carried in a different way, and we captured them in a different way. We just want to capture them now under the technology that is currently used in the world. That's all we're doing; nothing more, nothing less.

Let's not involve ourselves in fear tactics, scare tactics on the floor and suggest to the American people something which is occurring which has not, is not, and will not and cannot be done under this bill.

Mr. REYES. Mr. Speaker, I think the American people are going to decide for themselves when they read the text of this bill.

I yield 2 minutes to the gentlelady from California, a valued member of our committee, Ms. ESHOO.

Ms. ESHOO. Mr. Speaker, I thank the chairman of the House Intelligence Committee.

In listening to my colleague from California, he talked about technology, and I think I know something about it. I represent the place, Silicon Valley, which is the home of innovation and technology for our Nation and the world, but this isn't just a matter of how. This is a matter of who, of who.

Now, for the American people that are tuned in, what is this debate about? We all know that there are sworn enemies of our country. There are those that would do us harm and do us in,

and every President of the United States deserves the best intelligence. We take an oath to protect our country and also to protect our Constitution.

So where's the dispute here? The dispute is that this bill allows the Attorney General, without any legal framework, when someone from outside the country calls, our government can monitor you, and we are saying that this is an abrogation of rights that we have.

This side, what we have fought for all along is to protect our country, protect our Constitution and have a legal framework. This is the administration that had to acknowledge that they were operating outside the law. This is the Attorney General that has disgraced himself, his office and the department with how he has conducted himself. Most frankly, this should not be a matter of trust of individuals. This should be a matter of legal framework, a matter of law, and this bill does not accomplish it.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman's time has expired. The gentleman from Michigan has 9¼ minutes remaining. The gentleman from Michigan has 15.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to a valued member of the committee, Mr. ISSA of California.

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

Mr. ISSA. Mr. Speaker, I want to lower the tone and the rhetoric for just a moment and in 2 minutes give the American people and the body here the opportunity to reflect on what we're really doing here tonight.

Mr. Speaker, I travel throughout the Arab world regularly. People in that area of the world are more afraid of Islamic terrorism than any American here tonight. They count on us to be their eyes and ears. Most of those countries do not have the resources we have.

So when they hear tonight that we don't want a foreign terrorist who calls into a cell in the U.S. to be listened to, they're shocked. They're shocked that we wouldn't at least listen to the foreign side of the operation or see the e-mail, and if the President doesn't sign this by tomorrow, there will be plenty of terrorists who will take note of this because they didn't think, in fact, we weren't able to listen to foreign callers who are calling in to their terrorist cells.

Mr. Speaker, oddly enough, September 11 is a story of exactly this, that we were not listening to Osama bin Laden. We were not monitoring Osama bin Laden's instructions to his cells as they went back and forth into the U.S. and even into my home of San Diego.

Mr. Speaker, what's amazing to me here tonight is that we're arguing as though we're changing the Constitution arbitrarily. Mr. Speaker, what

we're doing is passing a stopgap 6-month, I repeat, 6-month bill. This thing sunsets in 6 months. One of those months, everybody here will be out on vacation or in their districts doing town hall meetings.

The fact is that only 5 months will remain when we come back from the August recess to work further on refinements on a lasting bill.

So, Mr. Speaker, I would close by saying, if people would understand, that really what we're doing is we're simply buying the ability to leave town and letting our allies and the American people know that they can sleep safely tonight. I urge you to take this compromise bipartisan bill.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute to continue the discussion raised by the gentleman from California (Mr. DANIEL E. LUNGREN) because he doesn't think that we're having constitutional problems that are legitimate over here.

Now, he's been on both committees, so he knows that the FISA experts call reverse targeting the ability of the Attorney General to conduct surveillance on every American's calls with people abroad, with or without probable cause or warrant just by characterizing the surveillance as concerning persons abroad. He can claim that the target is abroad, but the real target is an American citizen in New York who is on the line, and this is called reverse targeting.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, simply just to answer this distinguished chairman and friend and distinguished colleague from Michigan, reverse targeting is not in this bill. It is not in this bill.

When I was a young FBI agent, this whole thing started a lot differently. We had to target the phone. We didn't target the individual. We targeted the phone. So we had to develop a probable cause case on the phone that an individual was using, that phone, that bit of copper wire, to further a criminal enterprise and have criminal discussions. Think about how long ago that was and how the world has changed. And the big thing for us, by the way, was to get a pay phone, where they would change pay phones because they were trying to outsmart us. They'd go to one pay phone and go to the other one, and if we didn't have a warrant on that other pay phone, couldn't listen to them even though we knew what the heck they were doing on that phone. We had to go back to the court, develop probable cause on that particular phone. You can see how technology even then started to get ahead of us a little bit.

Then we realized in America we got really smart and we said, hey, wait a minute, it's not the phone that's the criminal. It's the bad guy. Let's target the bad guy. So, if he goes to phone A or phone B or phone C, it shouldn't

matter. We know that he's the bad guy using those instruments to further their criminal enterprise.

That's what we did, and we all did, and you did that. When I was an agent, you passed those laws and they were good. They were good laws and they helped us keep abreast of technology and changes and changing in criminal activity.

Think about today, prepaid phones. If I'm a terrorist, I buy a thousand of them. I don't ever use the same phone again. It means we have to be that much better.

And what this bill does, what the bill yesterday did not do, is make it technology neutral. Everyone got up last night and said this is about foreign-to-foreign. We don't care about that, but the bill and the language as it was written did, and it put technology in there. So now you had some FBI agent trying to figure out how do I catch this guy, because not that I don't know he's a bad guy and I can prove it to the judge, but because of the kind of technology he's using.

It took us right back into the 1970s and 1980s when we had to scratch our head and we came to Congress and said don't do that to us.

Yesterday, you're saying we're going to do it to you again, and it's wrong. And I guess I'm so disappointed. I know you hate the Attorney General and I know you hate the President of the United States, but don't you love soldiers? Don't you love people who are risking their lives to catch terrorists? Of course you do, and I know you do.

□ 2115

This bill helps us protect them so they can protect us. Right now there are billions, and I mean billions of conversations and communications every single day, and I mean billions. There is nothing in this bill that circumvents a United States citizen's right to the fourth amendment protections, nothing, nothing. It protects them.

What we are trying to say is, let us, let the intelligence community go overseas.

May I have an additional 30 seconds?

This bill is an important step to protect us to bring technology to the point where we don't make agents and officers worry about foreign-to-foreign communications between terrorists we ought to be listening to. The court should not be involved. America believes it. I know my colleagues believe it too.

Pass this bill.

The SPEAKER pro tempore. The Chair assumed that the gentleman yielded an additional 30 seconds.

Mr. HOEKSTRA. No, I did not yield an additional 30 seconds.

The SPEAKER pro tempore. The Chair is corrected.

Mr. HOEKSTRA. The gentleman appreciates the generosity of the Chair.

Mr. REYES. Mr. Speaker, don't worry, they snooker us all the time.

Mr. Speaker, it's now my privilege to yield to the distinguished chairman of the Judiciary Committee 1½ minutes.

Mr. CONYERS. Let me assure the gentleman from Michigan (Mr. ROGERS), and everyone in the House, that I do not hate the Attorney General, and I do not hate the President of the United States. I disagree strongly with what they are doing and doing to the Constitution, but I do not hate them. I just want the RECORD to show that.

I am offended by the gentleman suggesting this on the floor of the House.

Secondly, I was advised by my friend from California that reverse targeting isn't in the bill, so we don't have to worry about it. Well, of course it isn't in the bill. If they did that, you would be over here arguing the same thing I am.

But what is in the bill at section 105(a) is, nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance directed at a person reasonably believed to be located outside of the United States.

There is your reverse targeting that is in this bill. They didn't name it that way, but I think we can read the English language sufficiently.

I thank the gentleman.

Mr. HOEKSTRA. Mr. Speaker, I am not sure if it is in order, but I would like to ask unanimous consent, recognizing the generosity of the Chair to this side, that my colleague from the State of Michigan also be given an additional 30 seconds.

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

There was no objection.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to my colleague from Arizona (Mr. FLAKE).

Mr. FLAKE. I rise in perhaps reluctant support of the measure tonight. I rise reluctantly because I supported a lot of the Democrat proposal yesterday, save one piece. I didn't believe that FISA should be inserted where it hasn't been inserted already, but I do believe FISA should govern foreign surveillance when it comes in contact with an American.

I am troubled that this legislation does not have language which would allow the Inspector General to actually report to Congress. That's how we learned that there were abuses going on in the national security letter division or department. But I am convinced by the testimony that I have heard, the briefings that I have gone to, that we do need to move forward.

I see this as an interim measure and hope to come back in 180 days and put in additional protections. But in the meantime, feel that we do need to move forward and we need the make sure that we are catching the intelligence that we need to.

Mr. REYES. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, this is not the United Nations of Alberto

Gonzales, it is the United States of America.

In America, we do not allow Alberto Gonzales to listen to our phone conversations while we are sitting in our living room talking to our daughter anywhere in the world without judicial review, and that's what this bill does.

In America, we do not allow Alberto Gonzales to intercept our e-mail conversations to our business partners anywhere in the world without some kind of judicial review. In America, we have that concept because we understand people who can make mistakes.

I base my principle on fundamental tenet that the Americans trust the United States Constitution more than they trust Alberto Gonzales. What Benjamin Franklin said still holds true, those who would give up essential liberty to purchase a little temporary safety deserve neither liberty and safety. He was right then. He is right now.

Don't pass this bill. Come back and have something that allows surveillance with protections from our judicial system.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

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

Mr. FOSSELLA. I remember after 9/11 how there was a lot of finger pointing as to who made mistakes and who caused it, where was the intelligence community, where were our defenses?

Isn't that what this is all about, trying to put in place mechanisms to ensure and to allow our intelligence community to stop another attack? Isn't this what it's all about to protect the American people and not to have so many police officers and firefighters rush into a burning and collapsing building?

Just remember one thing. On 9/11, aside from a tragedy that occurred that day, about 3,000 kids lost a parent, 450 kids on Staten Island alone. Just think of how many missed birthdays there are, missed weddings, missed graduations, 3,000 kids lost a parent because of what happened on that day.

Shouldn't we be standing united to ensure that not one more kid in this country loses their parents because some terrorist wants to blow up a building in this country? Shouldn't we err on the side of giving our folks the power to stop that?

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to Mr. SCOTT of Virginia, the chairman of the Crime, Terrorism, and Homeland Security Subcommittee on Judiciary.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, last night we considered a bill that the Director of National Intelligence said provided everything we needed. We didn't pass that bill, and here we are today.

This bill, unfortunately, does more than what's needed. It really lets the Director of National Intelligence and

the Attorney General to kind of use their imagination to decide when surveillance is appropriate without any meaningful review.

This bill will allow warrantless collection of personal data, e-mails, Internet usage, and allows the Attorney General and the Director of National Intelligence to do data mining, Internet usage monitoring, reading e-mails or otherwise acquiring information on every American, even domestic communications, as long as they determine that the surveillance is gathering foreign intelligence, that's not terrorism information, that's anything involving diplomacy, concerning someone abroad, not someone who is abroad. It could be a conversation, if the conversation concerns someone abroad. It's helpful just to read the language of the bill.

Section 105(b)(a), notwithstanding any other law, the Director of National Intelligence and the Attorney General may, for periods of up to 1 year, authorize the acquisition of foreign intelligence information concerning persons reasonably believed to be outside the United States if the Director of National Intelligence and Attorney General determine, based on information, so on and so forth, that, among other things, that the information that they are gathering is that a significant purpose is the acquisition of foreign intelligence, doesn't even have to be the main purpose, just a significant purpose.

There is no meaningful oversight. They just have to determine that and put it in writing. Then they can listen in.

In terms of the reverse targeting, the language that the gentleman used makes it clear that if they are talking to somebody outside, they can listen to someone domestically.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to a valued member of the committee, Mr. THORNBERRY.

Mr. THORNBERRY. Mr. Speaker, just briefly to the gentleman from Virginia's point, the very next section on that page says this does not include electronic surveillance.

The operative part of this bill is a short paragraph which essentially brings up the checks and balances that were originally in the 1978 FISA and brings it up to 2007 technology. That is what's going on here.

Now, there are some people who do not agree with the checks and balances that were in the 1978 FISA. Some people think it went too far one way, some people think it went too far another way.

This bill does not touch that. What it does is it just brings up those same checks and balances with the way we communicate today, and the way that technology has changed.

Mr. Speaker, I think it's important to emphasize what's going on here. Information is the critical element, which allows us to defend the country, which allows troops to operate in the

field, which allows Homeland Security folks of all sorts to defend us against terrorism.

We are not collecting, today, the information we were able to collect a short while ago. Most of us would agree, not all of us, but most of us would agree it's information we should be collecting from foreign targets in foreign countries. The heart of the problem is a law that has not kept up with technology.

Now, there have been efforts for many months in this Chamber to try to update that law. Last September, the gentlelady from New Mexico (Mrs. WILSON) had a bill which passed this House, which was a comprehensive bill, more than 40 pages, that tried to fix this law.

Unfortunately, that did not get signed into law and the chairman of Intelligence Committee says that we are going to get back to that more comprehensive view. But while we are waiting for that, the danger persists, and the danger grows.

Now we have a very small bill, just a few pages, that tries to close the gap between the intelligence we need to keep us safe and the intelligence we are getting. It doesn't do everything, it doesn't do nearly as much as I would like to do, but it does close the gap at a critical time.

It's important, even with that limited bill, it's important to get the details right. That's why, for all of the talk we have heard about what the Director of National Intelligence has or has not said, the only thing we have in writing is the bill we considered last night did not enable him to do his job, but he says this bill will.

Mr. Speaker, I wish passing this bill would guarantee we will not suffer another terrorist attack. It won't, but it will provide a significant step towards getting the information we need and the information that the troops in the field need. It's worth passing tonight.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, the former speaker indicated that I didn't read the whole section where he said that acquisition does not constitute electronic surveillance. That's true, it doesn't include wiretap, but it does include searches, e-mail review, all kinds of data mining so long as it's not electronic surveillance.

This is overly broad. It can happen in the United States so long as it concerns someone we reasonably believe to be outside of the United States. It doesn't even have to be the primary purpose of the search. It can be a significant purpose of the search.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the former ranking member of the Intelligence Committee, Ms. HARMAN.

Ms. HARMAN. I thank the gentleman for yielding and commend him for his steadfast protection of civil liberties in this country.

Mr. Speaker, in June, I received the CIA Seal Medal, the Agency's highest

civilian award. As one who lives and breathes security issues, this was a tremendous honor which I share with the courageous women and men of the intelligence community, serving in unaccompanied posts in austere locations around the world.

I have visited them and thank them again for their bravery and selfless patriotism. Why do I mention this? Because the issue before us is fundamental to our efforts to track terrorists and to ensure that our freedoms and liberties are protected in the process.

□ 2130

Only a handful of us in this House are fully briefed on the Terrorist Surveillance Program, a program which gives those who implement it incredible tools to find people who would harm us or to engage in unprecedented violations of Americans' constitutional rights for improper, ideological, or political purposes.

Mr. Speaker, the Senate-passed bill punts on the need for a clear legal framework, to check and balance unfettered executive power. In my view, we are drilling down to bedrock principle here, and sadly we in this House appear poised to repeat the Senate's mistake.

We can track terrorist communications, and we must, but we must do this without starting down the slippery slope to potential unprecedented abuse of innocent Americans' privacy. This is our challenge, and work starts today on building the bipartisan support necessary to do a crucial course correction by the time this bill sunsets.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentlelady from New Mexico, who has been a champion on this issue and leading the effort to get us to where we are tonight, Mrs. WILSON.

Mrs. WILSON of New Mexico. Mr. Speaker, I think it is important for people to understand why we are here tonight. In April of this year, the Director of National Intelligence, Admiral Mike McConnell, came to the Congress and said, we have a problem, and the only thing that can fix that problem is legislation. We have an intelligence gap. There are things that we should be listening to that we are missing. Over the intervening months, we came to discover that the gap was larger than any of us suspected.

FISA, the Foreign Intelligence Surveillance Act, is frozen in time in 1978. While it has been updated since then in some respects, the basic structure of treating wire communications differently than over-the-air communications is still there. In 1978, the phone was on the wall in the kitchen, and blackberries grew on bushes. Technology has changed, and we have not kept pace by changing the law.

FISA was never intended to acquire warrants for foreigners in foreign countries just because the point of access was in the United States. And FISA

court judges have told us and expressed frustration that they are spending so much of their time dealing with foreigners in foreign countries. We need to update this law.

The bill before us would continue to require warrants on people in the United States. Let me say that again. The bill before us would continue to require warrants on people in the United States. It would stop requiring warrants on people reasonably believed to be outside of the United States.

That is the problem.

There are procedures in the bill that must be reviewed by the FISA court for compliance with the law and reasonableness. It has a 180-sunset, which puts the obligation on us as a Congress to review the implementation of this law, to learn from that experience, to see if it works, and to monitor implementation.

Now, we do not all agree in this House. That is very natural for our self-governing Republic. But on the floor tonight and yesterday, there are some Members who have questioned the integrity and the independence of the Director of National Intelligence. He is a retired admiral of 40 years' service who has come back to take a job, at a considerable pay cut probably, to serve his country. And while it may not violate the rules of the House to question his integrity and his independence, those words do bring discredit to this House.

The bill we have before us tonight got 60 votes in the United States Senate, 16 from Democrats. The Director of National Intelligence has told us that it will close the gap that must be closed to give our intelligence community the tools they need to keep us safe. I would ask my colleagues to support it.

Mr. REYES. Mr. Speaker, I now yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, this past week the Director of National Intelligence came before the Congress and told us that there was an important gap in our Nation's intelligence capabilities. So we responded swiftly, by crafting legislation tailored to concerns outlined by Director McConnell. We did what the Director of National Intelligence asked us to do: we drafted legislation that protected America.

But we also did one thing that the administration did not ask us to do: we protected the Constitution; we protected civil liberties. Because we believe that you can both protect the Nation and the liberties upon which it was founded.

Regrettably, that is not the legislation that is before you today. This bill undermines longstanding protections for the civil liberties of Americans. It sweeps aside constitutional norms that have governed the relationship between the people and the government since its founding. It puts all domestic spying power back in the hands of Alberto Gonzales. Now, that ought to scare ev-

erybody. It scares me. It makes FISA a rubber stamp for the Attorney General, and it fails to provide for adequate oversight of the activities that it authorizes.

I urge my colleagues to vote against the Senate bill that is before us tonight so that we can once again bring up the House bill that strikes a balance between protecting America from terrorists and preserving our civil liberties.

Mr. HOEKSTRA. Mr. Speaker, may I inquire as to how much time is left for each of the three Members.

The SPEAKER pro tempore. The gentleman from Michigan has 1¼ minutes; Mr. CONYERS from Michigan has 5¼ minutes; Mr. REYES has 3¼ minutes.

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

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the gentleman from North Carolina (Mr. WATT), a distinguished member of the Judiciary, for 1 minute.

Mr. WATT. Mr. Speaker, in North Carolina at 9:35 on a Saturday night, I doubt that there are any people who are worried about what this Congress is doing to their constitutional rights, and probably that is so for people throughout America. I doubt that many of them understand what a FISA court is. But what they do understand is they don't want to entrust their constitutional rights to the Attorney General Alberto Gonzales. They don't trust him, and rightfully so.

So when Mr. ISSA says that we worry about what the terrorists might be thinking tomorrow, I worry about what they might be thinking tonight, because they must be thinking: You know, we might have won the battle, because we have the United States reacting and giving up its constitutional rights.

Vote against this bill.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to a member of our committee, the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. This bill is an offense to the Constitution that we are sworn to protect. Let me tell you what we are voting on tonight.

If we pass this bill, we are voting for the warrantless, that means no court order, warrantless surveillance of our phone calls, a warrantless collection of personal data, e-mails, and Internet usage, the evisceration of the power of the Foreign Intelligence Surveillance court, and making it little more than a rubber stamp for Alberto Gonzales. Are these the principles our Nation was built on?

Our Founding Fathers knew better.

John Adams: "A Constitution of government once changed from freedom can never be restored. Liberty, once lost, is lost forever."

We have Thomas Jefferson: "I would rather be exposed to the inconveniences attending too much liberty than

to those attending too small a degree of it.”

And, finally, Ben Franklin: “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

We can have liberty and safety. The House Democrats offered that plan. We should heed the word of our Founding Fathers and reject this legislation.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, we are pleased to yield to the gentleman from Tennessee, Mr. STEVE COHEN, 1 minute.

Mr. COHEN. Mr. Speaker, I think it has well been addressed here the dangers that this side of the aisle and possibly some well-meaning folks on the other side of the aisle have about the encroachment on the Constitution that this bill will have. What it basically does is take judges out of the process. When we fear judges, we have got a real problem in this country, and from a court that routinely approves all requests made of it, the FISA court.

On our walls enshrined forever are the words of Judge Lewis Brandeis in 1928. Judge Brandeis said: “The greatest danger to liberty lurks in insidious encroachment by men of zeal, well-meaning, but without understanding.”

The greatest danger to liberty lurks in insidious encroachment by men of zeal, well-meaning, without understanding. I am afraid in Attorney General Gonzales we have somebody without understanding and maybe not even well-meaning. And the problem is, he should resign, because he is jeopardizing the security of this country, because the people of this country and most of the Members of this Congress don't trust him with additional powers. He should resign.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the distinguished gentleman from Minnesota, KEITH ELLISON, 1 minute.

Mr. ELLISON. Mr. Speaker, the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Mr. Speaker, I remind us of those words in our Constitution tonight, because I believe that this Senate bill has forgotten about them. I remind us of these words because, as I consider this bill before us today, the administration, this legislation would allow the NSA warrantless access virtually to all international communications of Americans with anyone outside the U.S., including Americans, as long as the government declared that the surveillance was directed at people which includes foreigners or citizens reasonably believed to be located outside the U.S., a definition which covers literally billions of people.

Mr. HOEKSTRA. I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I now yield 1¼ minutes to the gentleman from Pennsylvania who serves on the Armed Services Committee, Mr. SESTAK.

Mr. SESTAK. Mr. Speaker, through my 31 years in the military, I came to understand throughout this world how much we are respected for the power of our military, for the power of our economy, and admired for the power of our ideals.

After I became head of the Navy's antiterrorism unit after 9/11, I came to truly understand the value of data mining facilitated by eavesdropping properly done. But I relearned the lesson I had learned at the White House as Director of Defense Policy, as intelligence officers came forward to the President, that seldom does one need a one-armed intelligence officer. In their gray world, it is often on the one hand, but on the other hand. Therefore, you often press for more intelligence. When I went into Afghanistan with the CIA and we had millions of dollars to buy loyalty on that ground, we wanted all the intelligence. But I know the FISA system, and that is giving to them the ability to give it.

What we did is we met with my colleague from the Navy, Admiral McConnell. We facilitated the ease by which we could do this. The bill we voted on last night is the right bill. It gives the proper balance. It gives the ability to the President to come and do his intelligence seeking, even coming later if he must, to the FISA court.

My concern is what Benjamin Franklin said: Those who give up liberty for the sake of security deserve neither liberty nor security.

□ 2145

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to my colleague, Mr. TIAHRT.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Michigan for yielding.

This bill is a good bill and it is needed to fill the gap.

I have heard a lot of hate for Attorney General Gonzales and the President tonight, but legislation should not be written based on one individual or two individuals.

In 1995 the Republican majority didn't pass legislation because Attorney General Janet Reno took credit for the fiasco in Waco when more than 20 children were burned to death. We didn't write legislation because government agents shot to death a woman holding her child in Ruby Ridge, Idaho. Instead, we went ahead and did the right thing. And tonight, Attorney General Gonzales shouldn't have anything to do with the legislation we are going to pass because the leaks and the lawsuits that have occurred from liberal Democrats have placed this country in jeopardy.

Do you realize we don't listen to the terrorist calls like we used to, we don't listen to e-mails or follow e-mails like

we used to, we don't follow terrorist finances like we used to because of these leaks and lawsuits from liberal Democrats. But this legislation tonight will pass and it will fill the gap.

If you don't pass this legislation, you will be responsible for any attacks that could occur on America.

The SPEAKER pro tempore (Mr. PAS-TOR). The Chair would advise Members that the gentleman from Michigan (Mr. HOEKSTRA) has 45 seconds remaining, the gentleman from Texas (Mr. REYES) has 45 seconds remaining, and the gentleman from Michigan has 2¼ minutes remaining. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. REYES. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, we teach American children that we ought to protect both our safety and our privacy with equal vigor, and tonight we fail these children and we fail future generations.

The Senate bill before us empowers the Attorney General to authorize surveillance. It empowers the Attorney General to develop the regulations guiding that surveillance. It empowers the Attorney General to audit the compliance with his own guidelines. This bill makes Albert Gonzales the sheriff, the judge, and the jury.

Americans expect accountability, that their private lives remain private, and that their government is one they need not fear.

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

Mr. CONYERS. Mr. Speaker, it is with great pleasure that I yield 1 minute to the majority leader of the House, STENY HOYER of Maryland.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding.

I want to thank the chairman of the Judiciary Committee, one of our most senior Members and a gentleman who is deeply committed to civil liberties and the protections being accorded that our Constitution guarantees to every citizen.

I also want to thank Mr. REYES, the chairman of the Intelligence Committee, an individual who has been involved in law enforcement all of his life before coming to the Congress of the United States, who understands the necessity for constraints on those in power.

We all understand as well the threat that confronts us from terrorism. And every Member of this body, without exception, wants to assure the safety and security of our homeland and of our people. Every Member of this body wants to assure that we have given to those in charge of protecting this country the tools necessary to accomplish that objective.

Our Founding Fathers were convinced that if we worked hard at it and cooperatively, that we could accomplish both of those objectives.

I want to congratulate Mr. REYES and Mr. CONYERS for working hard at

this. I participated myself, as I have said the other day when we passed another bill, to accomplish what I believed was much better as far as both objectives.

I believe that every Member in this House wants to protect America. Each of us will exercise our judgment when this vote comes on whether or not this bill is supportable given what I think is the failure to pay attention, as it should have, to the constitutional protections while focusing on the protections against terrorism and against those who would harm and undermine the interests of our country. I regret that.

I spent time talking to Admiral McConnell. ROY BLUNT, my friend, and I spent time talking to Admiral McConnell. We spent time reviewing the legislation. I believe that we could reach agreement. I will tell my friends here that I think if we had been dealing with Admiral McConnell, that we would have reached agreement. It became evident, however, that that was not the case. I say that candidly and disappointedly. It became obvious that we were dealing with the administration. There are many of us in this House who believe the administration has focused on the security interests, unfortunately to the exclusion too often of the constitutional requirements.

I will be voting against this legislation, not because I don't want to give the tools to our security apparatus that I think they need, that I want them to have, that I think the American people expect us to make sure they have, but because I believe we have not reached the balance that our Founding Fathers expected.

Now, there would be some on my side and many on the other side who will vote for this legislation. From my perspective, however, we have much work that remains to be done. Mr. REYES, Mr. CONYERS, and Mr. HOEKSTRA will be working very hard during the coming days to fashion permanent legislation.

This legislation is for 6 months. And my plea to each one of us on this floor and to the administration is to work together to ensure that we protect both the American public from terrorists and, as our Founding Fathers expected our Constitution to do and as conservatives have always focused attention on, protecting our people from the excesses and abuse of those to whom we give power in this country. Because we have done that through the decades and centuries, our country is unique and respected for that protection of liberty and freedom.

So I urge my colleagues, whatever the outcome on this floor tonight, as we proceed over the next few months, let us work together as Americans committed to both of those objectives.

Mr. HOEKSTRA. Mr. Speaker, I submit for the RECORD a statement by the Director of National Intelligence, Mr. Mike McConnell, of August 3.

I look forward to working with my colleagues on crafting permanent legislation.

STATEMENT BY THE DIRECTOR OF NATIONAL INTELLIGENCE, MR. MIKE MCCONNELL

I have reviewed the proposal that the House of Representatives is expected to vote on this afternoon to modify the Foreign Intelligence Surveillance Act. The House proposal is unacceptable, and I strongly oppose it.

The House proposal would not allow me to carry out my responsibility to provide warning and to protect the Nation, especially in our heightened threat environment.

I urge Members of Congress to support the legislation I provided last evening to modify FISA and to equip our Intelligence Community with the tools we need to protect our Nation.

Mr. Speaker, I yield the balance of my time to the distinguished minority leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker and my colleagues, we live in a dangerous world. If you have read the National Intelligence Report or if you have read reports of it, you understand the growth of al Qaeda not only in the Middle East but around the world. You have read about other organizations in other parts of the world, radical jihadist movements aimed at killing Americans and our allies both here and abroad.

Our intelligence capabilities are the first line in our defense of providing safety and security to the American people and information to our troops around the world who are out there on the front lines being the beacons of hope and opportunity for those who live in very oppressed areas of the world.

Today all of us know that we have a gap in our intelligence-gathering operations. I believe that the bill we defeated last night was the right move on behalf of the House because it would not have provided our intelligence agencies the tools they needed to protect the American people and to provide the information to help protect our troops and to give them the information they need to win the war against terrorists.

I believe that the bill, crafted by our colleagues in the Senate in a bipartisan way, that we are dealing with here tonight does, in fact, give our intelligence agencies the tools they need to help keep Americans safe, to help provide the tools for our men and women around the world as they are out there doing their job to protect the American people and to win the war against terrorism.

We all know there is an increased threat of terrorism here in our country. We all know that we are expected to be more vigilant. Why should we tie the hands of our intelligence-gathering capability at a time when we are facing an increasing threat?

I believe that the bill we have here before us does give our agencies the tools they need. This bill is only for 6 months. Six months. We have a lot of

work to do to modernize the underlying bill in order to put in place a system that allows us to collect the information we need while protecting the rights of the American people.

We are dealing with the right bill tonight. It deserves the support of all of our Members, and I would urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to a distinguished member of our Judiciary Committee, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, 2½ years ago, this body, during another congressional recess, debated and passed a bill that dealt with the right to privacy: the Terri Schiavo legislation. The Republican Congress shredded the right to privacy in the Constitution then, and many Members regretted their vote because they got home and faced their constituents that were aghast at what we had done.

This bill is far worse because it treads on all Americans' civil liberties and their right to privacy. It allows warrantless wiretaps with no prior court review. It allows the government to spy on Americans without suspicion of their wrongdoing. It allows the government to force telecommunication companies to conduct the eavesdropping.

We need to adopt a wiretap program that protects our constitutional rights. Do we trust this administration with respecting the privacy of Americans and not casting the widest net possible? When do we say "this far and no farther"?

Voting for this bill lets the terrorists win. It lets them force us to choke off our citizens' rights. Americans want us, as they have repeatedly shown, to uphold the finest example of democracy and civil liberties the world has ever known.

Don't let the terrorists win. Vote against this bill. Adopt a surveillance program that protects our citizens and our rights.

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

Mr. Speaker, the preferable legislation we debated yesterday. Having done that, we are going to do vigorous oversight over this legislation we have debated tonight, and we are going to do our best to bring permanent legislation at the end of September.

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

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

This measure fails because it allows targeting under section 105(a). This measure fails because it contains no guidelines that are missing in 105(b).

MR. KUCINICH., Mr. Speaker, I wish to make clear my opposition to H.R. 3356, the Improving Foreign Intelligence Surveillance to Defend the Nation and the Constitution Act of 2007, and S. 1927, both of which I proudly voted against.

This legislation must be opposed because the Bush administration cannot be trusted with

any additional surveillance powers. This administration has actively violated the Foreign Intelligence Surveillance Act by engaging in surveillance of Americans without warrants. And the administration violated our Constitution by hiding this fact from Congress and the American public.

The only legislation that should come to the floor in this Congress is legislation that would limit the powers of this rogue presidency. Democrats must challenge the President and take back the power granted to Congress by the Constitution.

Instead this Congress has given into the fear tactics of the administration. Those who use fear to gain power are themselves subverting democracy. This Congress must not accept this false choice and defend Americans and their Constitution from the politics of fear.

The Democrats cannot shrink from this fight. We must demand that the President cease his attacks on our civil liberties.

For these reasons Mr. Speaker I opposed this legislation and I will oppose all future attempts by this body to pass gratuitous, fear provoking legislation that sanctions oppression against the American people.

Ms. HIRONO. Mr. Speaker, I rise in strong opposition to S. 1927. This bill represents a shocking and grave invasion of long-held constitutional rights of American citizens that—until the abuses of this administration—have been regarded as sacrosanct and inviolable. This bill codifies violating the Fourth amendment “right of the people to be secure in their person, homes, papers, and effects against unreasonable searches and seizures . . .”

S. 1927 will permit the National Security Agency (NSA) to acquire and analyze all international communications of Americans, without any meaningful judicial oversight. It will allow the NSA to gain warrantless and unchecked access to virtually all international communications of Americans with anyone outside the United States. All the government has to do is to declare that the surveillance was directed at people—which includes foreigners and citizens alike—it “reasonably believed” to be located outside the United States. It doesn’t have to even target terrorists; all that the government needs to do is to determine that the purpose of the acquisition is to obtain “foreign intelligence information” outside the United States. These overly broad definitions covers millions of people—and potentially millions of U.S. citizens—and the purpose need not involve the surveillance of suspected terrorists. We are giving the government, and specifically this administration, entirely too much power.

One of the two people given extraordinary power to authorize these warrantless intrusions into our private communications is the Attorney General of the United States.

Can we be assured that this Attorney General—or any Attorney General for that matter—will have the integrity and sound judgment to faithfully carry out his or her responsibilities in a way which will inflict the least possible harm to the constitutional rights of American citizens?

Can we be assured that each Attorney General who is granted this power will have only the national security in mind, and not any political motivation in exercising his or her extraordinary power?

Mr. Speaker, we Americans don’t like governments which spy on their people. This bill

allows just that in our own country. I urge my colleagues to vote no on this bill.

Mr. CHRISTENSEN. Mr. Speaker, I stand in strong opposition to the S. 1927, the Senate FISA bill and urge all of my Democratic colleagues, who are the last remaining protectors and defenders of our Constitution and democracy, to oppose it as well.

Benjamin Franklin is quoted as having said something to the effect of, “He who would sacrifice liberty for security deserves neither.”

Mr. Speaker, I would say that this bill before us purports to offer security, but what it does is it gives someone who has proven untrustworthy the ability to wiretap conversations of any one of us he deems a threat, and thus trashes the 4th amendment—something the President, Alberto Gonzales and all of us took an oath to uphold as part of our Constitution.

I want to take this opportunity, Mr. Speaker, to remind everyone that President Bush and the Attorney General have every authority needed to do surveillance of any phone conversation or wire communication between persons who they have substantive reason to suspect is involved in activities against our government and the American people. And they don’t even have to get the FISA court order before in cases where time lost would put us at increased risk; they can go ahead and go to the court up to 72 hours later.

H.R. 3356, the bill we passed last night, was drafted with the input and blessing of Admiral Mike McConnell before he was advised to oppose it by his Commander in Chief. It provides the authority he said would be what is needed, without trampling the rights that you, I and every American hold dear.

I urge my colleagues to vote this measure down and bring back H.R. 3356 the bill the Director of National Intelligence says does what he, his office and our country needs. And should our Republican colleagues and the President prevail tonight, we ought to begin tonight to reverse the overly broad authority given.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today with great remorse that we are considering the legislation before us. I believe that the basic foundation of our Nation is inextricably linked between our national security and our civil liberties. Indeed, it was the very battle to secure our civil liberties that brought our Nation into being. Unfortunately, the current Attorney General and the White House continue to obfuscate the line between these links by casting inflammatory rhetoric that has little basis in truth.

And now we have bad legislation and few options. The Senate has sent this bill to us and has gone home, leaving the House in the position of considerable difficulty. The effort of the House leadership in the last six months, and in particular in the past two weeks, has been one of compromise, of negotiation, and of listening, and the legislation upon which this body voted on yesterday demonstrated that. That is why I voted in favor of its passage. The legislation today is little more than an ill-advised attempt by the Senate at a quick fix that will do nothing to protect our civil liberties and everything to give the continued opportunity of threatening American citizens’ freedoms.

It is absolutely essential that the Congress deliberate extensively before reaching a final legislative conclusion on a matter of this mag-

nitude. As with my vote on the PATRIOT Act, I do not believe that changes to the FISA Court—and allowing the surveillance activity of the Attorney General to remain untethered and unchecked—should be supported simply due to the rhetoric of a few. I have supported the investigation of the Attorney General because I believe he has failed in his duties to protect the American people from a deterioration of our basic civil liberties. For all of these reasons, I will vote against today’s legislation.

Mr. UDALL of Colorado. Mr. Speaker, I regret that I cannot vote for this bill.

The bill is intended to provide a temporary response to the request of Admiral McConnell, Director of National Intelligence, for legislation to address what he says is a critical collection gap in our electronic surveillance capabilities.

I think Congress should take such action. That is why on August 3rd I voted for the House version of the legislation. That bill was supported by a majority of the House. However, it was considered under a procedure requiring a two-thirds vote, so our Republican colleagues, taking their lead from President Bush, were able to block it—and so now we are considering this different version, which has already passed the Senate.

Like the version I voted for earlier, this bill would make clear that no warrant or court order is required for our intelligence agencies to monitor communications between people located outside the United States, even if those communications pass through the United States or the surveillance device is located within the United States. The point of this clarification is to resolve doubts about the status of communications between foreign persons located overseas that pass through routing stations here in the United States.

I have no reservation in supporting this clarification to help resolve questions related to changes in communications technology since enactment of the Foreign Intelligence Surveillance Act, or FISA. And I think it is useful that the bill reiterates that individual warrants, based on probable cause, are required when surveillance is directed at individuals in the United States.

However, this Senate bill would go much further than the House version. It would allow interception, without warrants, of communications between someone in the United States and a foreign party suspected of involvement in “foreign intelligence” matters, which is broader and less precise than the requirement that the party be suspected in connections to a terrorist group such as al-Qaida.

I am not convinced such a sweeping grant of authority is justified, and cannot support it.

The bill does require a warrant from the special FISA court for surveillance of a U.S. resident who is the chief target of the surveillance. And the bill requires involvement of the Director of National Intelligence, as well as the Attorney General, in approving surveillance, rather than just the Attorney General alone as the Administration wanted. In that regard, it is not as troublesome as it might have been. However, again, I am not convinced that its safeguards of Americans’ privacy and civil liberties are adequate.

I greatly regret that our Republican colleagues made it impossible for the House to pass a better version of this legislation. I recognize that the bill before us is not a permanent measure, but will expire in six months. Nonetheless, while I do think Congress should

act on this subject, I cannot support this bill as it stands.

Mrs. WILSON of New Mexico. Mr. Speaker, today we will pass the Senate version of a bill to modernize the Foreign Intelligence Surveillance Act (FISA). Because I have been actively involved in the crafting of this legislation and the review of the FISA law over the last two years, I feel it is important to be very clear about our legislative intent on some key points.

The legislation is intended to make clear that our intelligence agencies do not need a warrant from the Foreign Intelligence Surveillance Court to target people for electronic surveillance who are reasonably believed to be located outside of the United States.

While the law prior to these amendments does not require warrants on communications between foreigners in foreign countries, because technology has changed, it is only in rare circumstances that our agencies can tell in advance that there is no chance that a target will not call a number in America. Because they can't tell in advance that the targeted communication is not to an American and there is no "safe harbor" in the current law, they are forced to get warrants to avoid potentially committing a crime. As a result, increasingly, our intelligence agencies have been forced to get warrants on foreign targets in foreign countries. The foreign intelligence surveillance court is increasingly spending time approving warrants on people who have no privacy rights under our Constitution in the first place.

Because of recent court decisions relying on the statute, this problem has become worse. This bill was intended to not require warrants if the target is reasonably believed to be located outside the United States even if the point of the intercept or the technology used to intercept the communication is inside the United States. What matters is the location of the person who is communicating, not the location of the communications device or the interception technology.

The bill is also intended to retain very important protections of American civil liberties. If the target of a collection is a person in the United States, the government must get a warrant to intercept the content of that communication, as required by current law.

There was some concern during work on the bill about "reverse targeting". In its simplest form, this could be "targeting" a foreign number frequently called by an American so that the government could collect the content of the American's conversation. It is our intention that this "reverse targeting" would be illegal under the statute. If the intent is to collect the content of communications of a U.S. person who has an expectation of privacy, a warrant is required, even if the number targeted for that collection is a foreign number.

With this new legislation, the role of the FISA Court is limited to reviewing the new procedures for collection, not approving individual warrants or micromanaging collection. The intention is to have the Court review the process, the protections of privacy and the audits in place to determine that they are satisfactory and in compliance with the law. The Court may also issue orders to assist the Government in obtaining compliance with lawful directives to provide assistance under the bill, and review challenges to the legality of such directives.

The legislation provides for compulsion certifications for telecommunications carriers. These compulsion certifications are intended to provide the same degree of legal protection as a FISA court order.

This is a narrowly crafted change to FISA that fixes an immediate problem. The bill contains a sunset and we must review how the law is being implemented during the early months to determine what, if any, other provisions need to be changed.

There are issues we must address when we reauthorize this legislation, including how the Congress should provide immunity, including retroactive immunity, for telecommunications carriers that are parties to lawsuits based on allegations that they assisted the government.

Mr. KAGEN. Mr. Speaker, our Nation has faced many challenges in our history, and none more serious or deadly than our battle against violent extremists. Make no mistake, we must do whatever it takes to defend America and keep hostilities from our shores. We must be tough and we must be smart. We have the tough part right, and now more than ever we must be smart.

The bill now before the House asks the American people to give up our Fourth amendment rights—without firing a single shot—even when the facts reveal we already have laws to allow intelligence agencies to protect all of us.

The Senate-sponsored bills trades our Fourth amendment rights for a false promise of security. It pretends to offer our people the reassurance that the current Attorney General—a man few believe to be honorable or honest—will exercise good judgment in defending all of us.

Our Nation has lost faith in this administration's competence, and has lost faith in the ability of President Bush to understand and obey the rule of law. Having lost our faith in this President, we must not lose our constitutional rights as well. We must defend our Nation, and we can continue to do so under the rule of law.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

All time for debate has expired.

Pursuant to the order of the House of today, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 183, not voting 23, as follows:

[Roll No. 836]

YEAS—227

Aderholt	Altmire	Baker
Akin	Bachmann	Barrett (SC)
Alexander	Bachus	Barrow

Bartlett (MD)	Franks (AZ)	Pearce
Barton (TX)	Frelinghuysen	Pence
Bean	Gallely	Peterson (MN)
Biggart	Garrett (NJ)	Peterson (PA)
Billbray	Gerlach	Petri
Bilirakis	Gilchrest	Pickering
Bishop (UT)	Gillmor	Pitts
Blackburn	Gingrey	Platts
Blunt	Gohmert	Poe
Boehner	Goodlatte	Pomeroy
Bonner	Gordon	Porter
Bono	Granger	Price (GA)
Boozman	Graves	Pryce (OH)
Boren	Hall (TX)	Putnam
Boswell	Hastings (WA)	Radanovich
Boustany	Heller	Ramstad
Boyd (FL)	Hensarling	Regula
Brady (TX)	Hergert	Rehberg
Broun (GA)	Herseth Sandlin	Reichert
Brown (SC)	Higgins	Renzi
Brown-Waite,	Hill	Reynolds
Ginny	Hobson	Rodriguez
Buchanan	Hoekstra	Rogers (AL)
Burgess	Hulshof	Rogers (KY)
Burton (IN)	Inglis (SC)	Rogers (MI)
Buyer	Issa	Rohrabacher
Calvert	Jordan	Ros-Lehtinen
Camp (MI)	Keller	Roskam
Campbell (CA)	King (IA)	Ross
Cannon	King (NY)	Royce
Cantor	Kingston	Ryan (WI)
Capito	Kirk	Salazar
Carney	Kline (MN)	Sali
Carter	Knollenberg	Schmidt
Castle	Kuhl (NY)	Sensenbrenner
Chabot	Lamborn	Sessions
Chandler	Lampson	Shadegg
Cole (OK)	Latham	Shays
Conaway	LaTourette	Shimkus
Cooper	Lewis (CA)	Shuler
Costa	Lewis (KY)	Shuster
Cramer	Linder	Simpson
Cubin	Lipinski	Smith (NE)
Cuellar	LoBiondo	Smith (NJ)
Culberson	Lucas	Smith (TX)
Davis (AL)	Lungren, Daniel	Snyder
Davis (KY)	E.	Souder
Davis, David	Mack	Space
Davis, Lincoln	Manzullo	Stearns
Davis, Tom	Marchant	Sullivan
Deal (GA)	Marshall	Tanner
Dent	Matheson	Taylor
Diaz-Balart, L.	McCarthy (CA)	Terry
Diaz-Balart, M.	McCaul (TX)	Thornberry
Donnelly	McCotter	Tiahrt
Doolittle	McCrery	Tiberi
Drake	McHenry	Turner
Dreier	McHugh	Upton
Duncan	McIntyre	Walberg
Edwards	McKeon	Walden (OR)
Ehlers	McMorris	Walsh (NY)
Ellsworth	Rodgers	Walz (MN)
Emerson	Melancon	Wamp
English (PA)	Mica	Weldon (FL)
Etheridge	Miller (FL)	Weller
Everett	Miller (MI)	Westmoreland
Fallin	Miller, Gary	Whitfield
Feeney	Mitchell	Wicker
Ferguson	Moran (KS)	Wilson (NM)
Flake	Murphy, Tim	Wilson (OH)
Forbes	Musgrave	Wilson (SC)
Fortenberry	Myrick	Wolf
Fossella	Neugebauer	Young (FL)
Fox	Nunes	

NAYS—183

Abercrombie	Carnahan	Eshoo
Ackerman	Carson	Farr
Allen	Castor	Fattah
Andrews	Cleaver	Finer
Arcuri	Clyburn	Frank (MA)
Baca	Cohen	Giffords
Baird	Conyers	Gillibrand
Baldwin	Costello	Gonzalez
Berkley	Courtney	Green, Al
Berman	Crowley	Green, Gene
Berry	Cummings	Grijalva
Bishop (GA)	Davis (CA)	Gutierrez
Bishop (NY)	Davis (IL)	Hall (NY)
Blumenauer	DeFazio	Hare
Boucher	DeGette	Harman
Boyd (KS)	DeLauro	Hastings (FL)
Brady (PA)	Dicks	Hinchee
Brale (IA)	Dingell	Hirono
Brown, Corrine	Doggett	Hodes
Butterfield	Doyle	Holden
Capps	Ellison	Holt
Capuano	Emanuel	Honda
Cardoza	Engel	Hooley

Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty

Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Becerra
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Goode

Hastert
LaHood
Lantos
Paul
Saxton
Skelton
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 2220

Ms. GIFFORDS, Mr. AL GREEN of Texas and Ms. SOLIS changed their vote from “yea” to “nay.”

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

Mr. WALDEN of Oregon. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 187, not voting 40, as follows:

[Roll No. 837]

YEAS—205

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyd (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon

Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseht Sandlin
Higgins
Hill
Hinchev
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kind
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman

Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney

Carter
Castle
Chabot
Cole (OK)
Conaway
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle

Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latham

LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert

Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Nunes
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—40

Bachus
Baker
Becerra
Boucher
Clarke
Clay
Coble
Crenshaw
Davis, Jo Ann
Delahunt
Edwards
English (PA)
Goode
Hastert

Hayes
Hinojosa
Holden
Hulshof
Hunter
Jindal
Johnson, Sam
Kilpatrick
Klein (FL)
Knollenberg
LaHood
Lantos
Murphy (CT)
Paul

Peterson (MN)
Peterson (PA)
Renzi
Rothman
Sánchez, Linda
T.
Sanchez, Loretta
Saxton
Shuster
Skelton
Tancredo
Wu
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2237

Mrs. MUSGRAVE changed her vote from “yea” to “nay.”

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore. The Chair lays before the House a Senate concurrent resolution.

The Clerk read as follows:

S. CON. RES. 43

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Friday, August 3, 2007, through Friday, August 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September