

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Illinois, the whole number of the House is 430.

RAISING A QUESTION OF THE  
PRIVILEGES OF THE HOUSE OF  
REPRESENTATIVES

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

## H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, “There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that’s important . . . And I know people are concerned about that, but I do believe that’s the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;”

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill’s passage, stating in part “A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;”

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and “the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;”

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that “the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled” by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that “electronic communication service providers acted on a good faith belief that the President’s program, and their assistance, was lawful;”

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate In-

telligence Chairman Jay Rockefeller (D-WV) and Kent Conrad (D-ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D-ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, “The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;”

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, “we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;”

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as “indeed causing a potentially dangerous gap in the nation’s defenses” and “creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity;” and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 has brought discredit to the House of Representatives: Now, therefore, be it

*Resolved*, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

□ 1645

The SPEAKER pro tempore. The gentleman may offer his resolution.

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution just noticed.

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

The Clerk read as follows:

## H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, “There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that’s important . . . And I know people are concerned about that, but I do believe that’s the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;”

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to

House of Representatives leaders in support of the Senate bill’s passage, stating in part “A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;”

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Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that “the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled” by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that “electronic communication service providers acted on a good faith belief that the President’s program, and their assistance, was lawful;”

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D-WV) and Kent Conrad (D-ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

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Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, “we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;”

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as “indeed causing a potentially dangerous gap in the nation’s defenses” and “creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity;” and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of

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

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

Mr. PRICE of Georgia. I do.

The SPEAKER pro tempore. The gentleman is recognized.

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

The Senate voted 68-29, 68-29.

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

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

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

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

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

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

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

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

MOTION TO TABLE OFFERED BY MR. HOYER

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

[Roll No. 116]

AYES—218

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

NOES—192

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

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

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

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

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

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—18

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

□ 1718

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

A motion to reconsider was laid on the table.

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

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

The Clerk read the title of the bill.

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