

The bill permits the Government to start a spying program and wait to go to court for up to seven (7) days every time "intelligence important to the national security of the U.S. may be lost or not timely acquired." The problem with H.R. 6034 is that court applications take time and will delay the collection of information. Therefore, it is possible that there will not be resort to prior judicial review.

Under H.R. 6304, the Government is permitted to continue surveillance programs even if the application is denied by the court. The Government has the authority to wiretap through the entire appeals process, and then keep and use whatever it gathers in the meantime.

I am also troubled by H.R. 6304's dismissal of all, cases pending against telecommunication companies that facilitated the warrantless wiretapping program over the last 7 years. The test in the bill is not whether the Government certifications were actually legal—only whether they were issued. Because it is public knowledge that they were, all the cases seeking to find out what these companies and the Government did without communications will be dismissed. Under this bill, we will start as a *tabula rasa*. Telecommunications companies will be prevented from having their day in court and we, the American people, will never have a chance to know what the companies did and what information is collected. I am deeply troubled by this, and frankly, you should be, too.

Madam Speaker, let me be clear in my opposition. Nothing in the Act or the amendments to the Act should require the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, what should be required, is a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

Thus, the way forward to victory in the war on terror is for the United States country to redouble its commitment to the Bill of Rights and the democratic values which every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave, and the country we love.

Madam Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counterintelligence purposes on a sound legal footing, and I am far from persuaded that it needs to be jettisoned.

However, I know that FISA as outlined in this bill, H.R. 6304, attempts to curtail the Bill of Rights and the civil liberties of the American people. I continue to insist upon individual warrants, based upon 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.

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.

Madam Speaker, I encourage my colleagues to join me in opposing the rule on H.R. 6304. In my view, this is wrong and unacceptable.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order: approval of the Journal, *de novo*; ordering the previous question on H. Res. 1276, by the yeas and nays; adoption of H. Res. 1276, if ordered.

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

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 which the Chair will put *de novo*.

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. ARCURI. Madam 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 230, nays 168, not voting 36, as follows:

[Roll No. 434]

YEAS—230

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)

Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Clever
Clyburn
Cohen
Conyers
Cooper
Costa

Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel

Engel
English (PA)
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Goodlatte
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kuhl (NY)
Lampson

Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebbeck
Loftgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reichert
Reyes

NAYS—168

Ehlers
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Granger
Graves
Hall (TX)
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
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 (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)

Rogers (KY) Shimkus
 Rogers (MI) Shuler
 Rohrabacher Shuster
 Ros-Lehtinen Simpson
 Roskam Smith (NE)
 Royce Smith (NJ)
 Ryan (WI) Smith (TX)
 Sali Souder
 Saxton Stearns
 Scalise Stupak
 Schmidt Sullivan
 Sensenbrenner Tancred
 Sessions Terry
 Shadegg Thompson (CA)
 Shays Thornberry

Tiberi
 Turner
 Udall (CO)
 Upton
 Walberg
 Walden (OR)
 Walsh (NY)
 Wamp
 Weldon (FL)
 Westmoreland
 Wilson (SC)
 Wittman (VA)
 Wolf
 Young (FL)

Dicks
 Dingell
 Doggett
 Donnelly
 Doyle
 Edwards (MD)
 Edwards (TX)
 Ellison
 Ellsworth
 Emanuel
 Engel
 Eshoo
 Etheridge
 Everett
 Farr
 Filner
 Foster
 Frank (MA)
 Giffords
 Gillibrand
 Gonzalez
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hare
 Harman
 Hastings (FL)
 Higgins
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hooley
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Johnson (GA)
 Johnson, E. B.
 Jones (OH)
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick
 Kind
 Klein (FL)
 Kucinich
 Lampson

Larsen (WA)
 Larson (CT)
 Lee
 Levin
 Lewis (GA)
 Lipinski
 Loebsack
 Lofgren, Zoe
 Lowey
 Lynch
 Mahoney (FL)
 Maloney (NY)
 Markey
 Marshall
 Matheson
 Matsui
 McCarthy (NY)
 McCollum (MN)
 McDermott
 McGovern
 McIntyre
 McNerney
 McNulty
 Meek (FL)
 Melancon
 Michaud
 Miller (NC)
 Miller, George
 Mitchell
 Molohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murtha
 Nadler
 Napolitano
 Neal (MA)
 Obey
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor
 Payne
 Perlmutter
 Peterson (MN)
 Pomeroy
 Price (NC)
 Rahall
 Rangel
 Reyes
 Richardson
 Rodriguez
 Ross

Rothman
 Roybal-Allard
 Ryan (OH)
 Salazar
 Sánchez, 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
 Speier
 Spratt
 Stupak
 Sutton
 Tanner
 Tauscher
 Taylor
 Thompson (CA)
 Thompson (MS)

Nunes
 Pearce
 Pence
 Petri
 Pickering
 Pitts
 Platts
 Poe
 Porter
 Price (GA)
 Pryce (OH)
 Putnam
 Ramstad
 Regula
 Rehberg
 Reichert
 Renzi
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)

Rohrabacher
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Sali
 Saxton
 Scalise
 Schmidt
 Sensenbrenner
 Sessions
 Shadegg
 Shays
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Souder

Stearns
 Sullivan
 Tancred
 Terry
 Thornberry
 Tiberi
 Turner
 Upton
 Walberg
 Walden (OR)
 Walsh (NY)
 Wamp
 Weldon (FL)
 Westmoreland
 Wilson (SC)
 Wittman (VA)
 Wolf
 Young (FL)

NOT VOTING—36

Bartlett (MD)
 Barton (TX)
 Bilbray
 Blunt
 Boustany
 Brown-Waite,
 Ginny
 Cannon
 Cubin
 Culberson
 Davis, Lincoln
 Fattah
 Ferguson
 Fortenberry
 Gerlach
 Gilchrest
 Gingrey
 Gohmert
 Gordon
 Jones (NC)
 Kennedy
 Langevin
 Meeks (NY)
 Oberstar
 Paul
 Peterson (PA)

□ 1029

Messrs. EVERETT and SHIMKUS changed their vote from “yea” to “nay.”

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Madam Speaker, on rollcall No. 434, I was meeting with constituents in my district office. Had I been present, I would have voted “yea.”

Mr. VISCLOSKY. Madam Speaker, had I been present for rollcall 434, on approving the Journal, I would have voted “yea.”

PROVIDING FOR CONSIDERATION OF H.R. 5876, STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1276, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 179, not voting 35, as follows:

[Roll No. 435]

YEAS—220

Abercrombie
 Ackerman
 Allen
 Altmire
 Andrews
 Arcuri
 Baca
 Baird
 Baldwin
 Barrow
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boren
 Boswell
 Boucher
 Boyd (FL)
 Boyda (KS)
 Brady (PA)
 Braley (IA)
 Brown, Corrine
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson
 Castor
 Chandler
 Childers
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Cramer
 Crowley
 Cuellar
 Cummings
 Davis (AL)
 Davis (CA)
 Davis (IL)
 DeFazio
 DeGette
 Delahunt
 DeLauro

Aderholt
 Akin
 Alexander
 Bachmann
 Bachus
 Barrett (SC)
 Biggert
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boustany
 Brady (TX)
 Broun (GA)
 Brown (SC)
 Buchanan
 Burgess
 Burton (IN)
 Buyer
 Calvert
 Camp (MI)
 Campbell (CA)
 Cantor
 Capito
 Carter
 Castle
 Cazaayoux
 Chabot
 Coble
 Cole (OK)
 Conaway
 Crenshaw
 Culberson
 Davis (KY)
 Davis, David
 Davis, Tom
 Deal (GA)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Doolittle
 Drake
 Dreier
 Duncan
 Ehlers
 Emerson
 English (PA)
 Fallon
 Feeney
 Flake
 Forbes
 Fossella
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gingrey
 Goode
 Goodlatte
 Granger
 Graves
 Hall (TX)
 Hastings (WA)
 Hayes
 Heller
 Hensarling
 Herger
 Hill
 Hobson
 Hoekstra
 Hulshof
 Hunter
 Inglis (SC)
 Issa
 Johnson (IL)
 Johnson, Sam
 Jordan

NAYS—179

Keller
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Knollenberg
 Kuhl (NY)
 LaHood
 Lamborn
 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
 Musgrave
 Myrick
 Neugebauer

NOT VOTING—35

Bartlett (MD)
 Barton (TX)
 Bilbray
 Brown-Waite,
 Ginny
 Cannon
 Cubin
 Davis, Lincoln
 Fattah
 Ferguson
 Fortenberry
 Gerlach
 Gilchrest
 Gohmert
 Gordon
 Hall (NY)
 Herseth Sandlin
 Jones (NC)
 Kagen
 Langevin
 Meeks (NY)
 Oberstar
 Paul
 Peterson (PA)
 Radanovich
 Reynolds
 Ruppertsberger
 Rush
 Stark
 Tiahrt
 Towns
 Visclosky
 Weller
 Whitfield (KY)
 Wilson (NM)
 Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1037

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Madam Speaker, on rollcall No. 435, I was meeting with constituents in my district office. Had I been present, I would have voted “yea.”

Mr. HALL of New York. Madam Speaker, on rollcall No. 435, I was in a classified briefing on H-405. Had I been present, I would have voted “yea.”

Mr. VISCLOSKY. Madam Speaker, Had I been present for rollcall No. 435, H.R. 1276, on ordering the previous question for the consideration of H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, I would have voted “yea.”

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

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

RECORDED VOTE

Mr. ARCURI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 185, not voting 26, as follows:

[Roll No. 436]

AYES—223

Abercrombie
 Ackerman
 Allen
 Altmire
 Andrews
 Arcuri
 Baca
 Baird
 Baldwin
 Barrow
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boren
 Boswell
 Boucher
 Boyd (FL)
 Boyda (KS)
 Brady (PA)
 Braley (IA)
 Brown, Corrine
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson
 Castor
 Chandler
 Childers