

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 34, not voting 16, as follows:

[Roll No. 42]

YEAS—380

Abercrombie Diaz-Balart, L.
Ackerman Diaz-Balart, M.
Aderholt Dicks
Akin Dingell
Alexander Doggett
Allen Donnelly
Altmire Doolittle
Andrews Doyle
Arcuri Drake
Baca Dreier
Bachmann Edwards
Bachus Ehlers
Baldwin Ellison
Barrett (SC) Ellsworth
Barrow Emanuel
Bartlett (MD) Emerson
Barton (TX) Engel
Bean English (PA)
Becerra Eshoo
Berkley Etheridge
Berman Fallin
Biggart Fattah
Bilbray Feeney
Bilirakis Ferguson
Bishop (GA) Filner
Bishop (NY) Fossella
Bishop (UT) Foxx
Blackburn Frank (MA)
Blumenauer Franks (AZ)
Blunt Frelinghuysen
Boehner Gallegly
Bonner Gerlach
Bono Mack Giffords
Boozman Gilchrest
Boren Gillibrand
Boswell Gonzalez
Boustany Goodlatte
Boyd (KS) Gordon
Brady (PA) Granger
Brady (TX) Graves
Braley (IA) Green, Al
Brown (SC) Green, Gene
Brown, Corrine Grijalva
Brown-Waite, Gutierrez
Ginny Hall (NY)
Buchanan Hall (TX)
Burton (IN) Hare
Butterfield Harman
Buyer Hastings (FL)
Calvert Hastings (WA)
Camp (MI) Hayes
Cannon Heller
Cantor Hensarling
Capito Herger
Capps Herseth Sandlin
Capuano Higgins
Cardoza Hill
Carnahan Hinchey
Carney Hinojosa
Carter Hirono
Castle Hobson
Castor Hodes
Chabot Hoekstra
Chandler Holden
Clarke Holt
Clay Honda
Cleaver Hooley
Clyburn Hoyer
Cohen Hulshof
Cole (OK) Inglis (SC)
Conaway Israel
Conyers Issa
Costa Jackson (IL)
Costello Jackson-Lee
Courtney (TX)
Crenshaw Jefferson
Crowley Johnson (GA)
Cuellar Johnson (IL)
Culberson Johnson, E. B.
Cummings Johnson, Sam
Davis (AL) Jones (NC)
Davis (CA) Jones (OH)
Davis (IL) Jordan
Davis (KY) Kagen
Davis, David Kanjorski
Davis, Lincoln Kaptur
DeFazio Keller
DeGette Kennedy
Delahunt Kildee
DeLauro Kilpatrick
Dent Kind

King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markley
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter

Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda
T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souders
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney

NAYS—34

Baird
Berry
Boyd (FL)
Broun (GA)
Burgess
Campbell (CA)
Coble
Cooper
Cubin
Deal (GA)
Duncan
Flake
Forbes
Garrett (NJ)
Gingrey
Gohmert
Goode
Hunter
Kingston
Linder
Lungren, Daniel
E.
Moran (KS)
Paul

Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

Peterson (MN)
Poe
Price (GA)
Rohrabacher
Royce
Sensenbrenner
Shadegg
Simpson
Tancredo
Taylor
Westmoreland

NOT VOTING—16

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1944

Mr. HUNTER changed his vote from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 12, 2008

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

February 7, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign en-

rolled bills and joint resolutions through February 12, 2008.

NANCY PELOSI,

Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, for the purpose of inquiring about next week's schedule, I yield to my friend, the majority leader from Maryland, to give us that information.

Mr. HOYER. I thank the Republican whip.

On Monday, the House will not be in session. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday, Thursday, and Friday the House will meet at 10 a.m.

We will consider several bills under suspension of the rules. A list of those bills will be announced by close of business this week.

We will consider H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. In addition, we will consider legislation regarding the Foreign Intelligence Surveillance Act, as we expect the Senate to act on the bill the House sent, hopefully, early next week.

Mr. BLUNT. I thank the gentleman for that information. Regarding FISA, regarding the Foreign Intelligence Surveillance Act, I hope that we are moving toward a long-term resolution of that. I know the Senate, we believe, will pass a long-term bill possibly as early as tomorrow.

On the Foreign Intelligence Surveillance Act, as we hopefully move toward a longer-term bill, we had a 6-month extension the first of August. We did a 2-week extension last week.

I think the Senate will send over a bill that has a longer term and includes things like liability protection for companies that cooperate with the government under the law. I also understand that at least 21 Members of the majority have sent a letter saying they would like to see a long-term solution dealt with next week. I wonder if my friend has any sense of how that may go next week and, again, I am hoping that we encourage a longer-term solution before this short-term extension runs out.

Mr. HOYER. I appreciate the gentleman's confidence that the Senate is going to send us a bill, short-term, medium-term or long-term duration. We have been waiting for that for some time, obviously.

It is my understanding the Senate is going to address this bill on Tuesday. Now, if they send it to us on Tuesday, we will see what they have in the bill. There obviously will be little, if any,

time for a conference. My expectation is there will be a difference between the House bill which passed here 2½ months ago and the Senate bill.

As I said on the floor, when we passed the Foreign Intelligence Surveillance Act bill on November 15 or 16, I said at that time I was hopeful that we would pass it, that the Senate would pass it, and that we could have a conference in which the very important specifics of the bill might be discussed and differences ironed out. That has not yet occurred, unfortunately.

In addition, as I told my friend last week, we had still not gotten access to the documents that we had asked to see to indicate what, in fact, immunity was being asked for. Those documents, my friend and I had an opportunity to discuss that, I don't know whether he had any role in that, but they will now be made available as of today. As a matter of fact, I intend to take the opportunity tomorrow, much of the morning, perhaps even into the afternoon, to review those documents. Some few Members have had that opportunity already, but very few. So we have been very late and compressed in the schedule of dealing fully with what is the thorniest issue on the Foreign Intelligence Surveillance Act bill, and that is the granting of immunity.

I will tell my friend that, as I said, when we extended it for 15 days, when we had an agreement to do that, to give the Senate time to act, I was hopeful they could act within that time. The problem we now find ourselves in, if they act on Tuesday, and they send the bill to us on Wednesday or late Tuesday night, I don't know how long their consideration is going to take.

As you know, there is substantial controversy, as is evident by the difficulty they have had in passing it, so I don't know exactly how quickly they will be able to pass that bill. But as I have said on numerous occasions, we believe, I believe, there are serious issues on which there are obviously honest differences of opinion.

I agree with my friend, we would like to resolve this. We would like to have it resolved so that we don't visit it monthly or every 3 months or every 6 months. We believe, as I said before, that the current bill, the current FISA law, if it is reverted to, will provide for all of the intelligence surveillance that is needed by the administration.

It would require, of course, getting FISA approval, the court's approval, which was, of course, contemplated in 1978 when it was adopted so that with or without an extension or new legislation, we believe the administration can pursue, as all of us want to, there is nobody on this floor who doesn't want to make sure that we facilitate the protection of the American public and America through the interception of communications which may be by terrorists planning to attack us.

But having said that, I am sure my friend appreciates, as I have said all

along, this is a serious issue, a difficult issue for many. I think we are all agreeing on the enforcement and interception part. It is the immunity issue that gives many concerns, and they want to look at that carefully, and I think that's fair to do. Whether or not we will be able to do that next week, frankly, I tell my friend, I am not sure.

Mr. BLUNT. Well, I appreciate that; I hope we can. I do think that there is the likelihood that a very quick problem develops if you don't have the ongoing ability that we currently have to try to intercept communications. There is some argument even about the short-term of that, and I think almost any expert will say that the long-term challenge there actually becomes a short-term problem pretty quickly.

We saw how encumbered the FISA Court became when this law was not in existence and how difficult it was. I hope that the Senate can act quickly. We saw them act quickly today, certainly.

In fact, today is a good example of what we can do working together. The House worked together. We sent a bill to the Senate, the House stood firm in defense of that bill, and at the end of the day the Senate sent a bill back pretty quickly with improved changes that the House could agree to.

I would like to see us respond to a bipartisan Senate bill, and I anticipate that would be the case with a bipartisan House vote. Even though we had sent a bill initially over a long time, this issue has been out there a long time. I think the documents that the leader was talking about were available at the White House at an earlier time, but I am glad those documents are now available in a way more easily accessed over the next few days for our Members.

Hopefully, that resolves what the leader has just described as the last significant outstanding issue, and that we get this done. A significant amount of what we know about our enemies in the world is found out today through the structure of the Foreign Intelligence Surveillance Act, and we want to continue that.

Mr. HOYER. I agree with my friend, and that is correct, and I think that is why all of us want to facilitate and ensure that the work of the NSA and others can go forward. I don't know whether the gentleman had an opportunity to either see or hear this; but I just wanted to bring to your attention, because we do share that concern, that in testimony this morning before the Intelligence Committee, the Director of National Intelligence, Mike McConnell, whom we work with, said that all current surveillance activity under the Protect America Act would continue even after the law expires.

He went on to say, after being asked about the backlog of surveillance, because, as you recall when we were back in August or July of last year, there was a concern about the backlog and therefore it couldn't get approval as

quickly as might be needed. Director McConnell informed the House Intelligence Committee that the backlog that existed has been eliminated, saying we are caught up on everything at this point in time.

I think we can have a confidence level. I agree with you, we want to get this done as quickly as possible. Because I am concerned that we not have a gap, we are trying to assure ourselves, and believe we are assured that there will not be a down time for our intelligence service should we not be able to reach agreement either with the Senate or with ourselves in the time frame of next Friday.

I am hopeful that we can do that, and we will work toward that end.

Mr. BLUNT. I am hopeful of that, too. I appreciate that.

In an article from the New York Times, January 23, 2008, that the leader was able to share a part of with me on that date, Kenneth Wainstein, who is the Assistant Attorney General for National Security, said in an interview, according to the Times, "that if the August bill was allowed to expire in 10 days," that was 10 days before the expiration date, "intelligence officials would still be able to continue" the word he used was "eavesdropping on already approved targets for another year under the law."

I think that essentially verifies my friend's comments on that and possibly, as you have explained it to me, the admiral's comments this morning. But Mr. Wainstein went on to say but "there is a risk" that the officials would not be able to use their broadened authority to identify and focus on new suspects and would have to revert to the more restrictive pre-August standards if we wanted to eavesdrop on someone.

I think we want to not revert to that if we don't have to. I believe that the 2½ months we have waited for the Senate and now the 2 weeks that we have had in addition to that time hopefully will turn out to be appropriate; and certainly as we have worked together this week to get the stimulus package off the floor, this is a critical item that I hope we can all work together next week to try to find a permanent solution on.

Mr. HOYER. I appreciate your bringing to my attention, and we discussed the second sentence, which you just read regarding the more restrictive. When he refers to the more restrictive, he simply refers to the fact that they would have to go to the FISA Court for approval of such intercept as they want, and that would be within the, of course, authority within 72 hours to act and then get approval after the fact, which is why I indicated that Admiral McConnell had said that the backlog had been eliminated.

You recall previous testimony, or comments, that one of the officials who dealt with these in the administration indicated that, and the court could, frankly, within minutes, give approval

in many situations, and now that the backlog has been eliminated, it is correct, it would be more restrictive, it would have to go to the court, but that, of course, is what was contemplated in 1978. We do not believe that that would in any substantial way slow down the process and, therefore, not in any way put us at risk.

Having said all of that, we still agree with you that if we can get this done in a timely fashion that would be good.

I want to tell my friend, though, very candidly, I think there is some sentiment that if we don't get it done that that is going to put this side of the aisle that wants to look at this bill, after the Senate passes it back to us, with whatever provisions they include in it, carefully, we understand that we are going to be portrayed as somehow undermining the security of America. We think that argument is bogus, but we do think it may well be made.

Mr. BLUNT. Well, if I determine to make that argument, I will tell my friend, I will make it in good faith, and we do have a difference of opinion on this. Hopefully, the Senate will get its work done in a way that we will have a maximum amount of time in the relatively short time available here to look at this, and we won't have to have the argument about how critical that change is.

I personally believe that the 1978 law was written in a way where it was not anticipated that we would have to go to the FISA Court to listen to people in a foreign country who were making calls or communicating, and because of the way the law was written, it had come to mean that by now.

□ 2000

Mr. HOYER. I do want to make the point that I don't think we have much difference on that issue because we agree that technology has changed. As we all know, there is a switch here in the United States now that the 1978 law did not anticipate. Frankly, I don't think there is a great deal of contention. I think in a bipartisan fashion we believe that needs to be addressed. We addressed it in our bill and the Senate addressed it in their bill. Frankly, I don't think that is one of the items in contention.

In fact, I would suggest to my friend we could deal with the immunity issue, which looks back not at present capacity nor future capacity, and resolve that issue in a separate bill if that was the concern about going forward. I think that could be done relatively quickly.

My only point to the gentleman is I agree with you, technology has changed. I think there is bipartisan agreement we need to address that and facilitate the foreign-to-foreign intercept with a blanket approval simply related to process, and I think we could do that relatively easily because I don't think that is particularly contentious between us.

Mr. BLUNT. I appreciate that, and we will see where we are next week,

and I look forward to the review that you and I will both have a chance to make of those documents.

You didn't mention it, but I heard there is a possibility we may take up an energy-related tax bill next week, something similar to the energy-related tax provisions that we had in the first year of this Congress in December of last year. I wonder if there is any information you can give me on that topic.

Mr. HOYER. There is a possibility we will be considering an energy bill much like some of the provisions that were included in H.R. 6 in the 6 for '06 package that we passed in the first 100 hours, and other portions of which were included in the energy bill that did not make it through.

I don't have specifics on that at this point in time, but that is being discussed and that is a possibility and he is correct.

Mr. BLUNT. So the schedule for next week is Tuesday through Friday, and we are looking at the items we discussed plus the possibility of other work that might come from the Senate.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

Obviously Friday is on the schedule. I expect we will be here on Friday. We have some other legislation on the suspension calendar. I don't know how extensive that will be.

Clearly we have been talking about FISA. FISA authorization ends on Friday. Again, we have a difference in perception of the consequences of that; but nevertheless, we have scheduled Friday so we are available depending on what the Senate does and depending on whether we can get to some agreement to ensure our presence to act on that, if possible.

Mr. BLUNT. I thank the gentleman for that information.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

HOURLY MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, February 12, for morning-hour debate.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SPACE) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 6, 2008, at 9:35 a.m.:

That the Senate passed S. 2457.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 5, 2008, at 1:00 p.m.:

That the Senate passed with an amendment; requests a conference with the House and appoints conferees H.R. 2419.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

HONORING OFFICER CHRISTOPHER RIDLEY

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, nearly 2 weeks ago Officer Christopher Ridley, age 23, of the Mount Vernon New York Police Department saw a street scuffle outside a county social services building in White Plains, New York. While off duty and in plain clothes, he drew his service weapon and attempted to break up the fight.

Unfortunately, officers from the Westchester County police also came upon the scuffle and tragically and mistakenly fired on Officer Ridley, who was killed.

Last week I attended the wake and funeral of Officer Ridley in the City of Mount Vernon, which is in my congressional district. Hundreds of local residents, police, and others from throughout the area turned out to pay their final respects. My heart goes out to Officer Ridley and his family by this terrible tragedy. One of our finest was