for the war in Iraq, but ask them to prioritize the health care needs for 10 million low-income children, and they can't be bothered. Every month, every month we are spending $9 billion in Iraq that is borrowed from our children, because the President has always demanded that funding for the Iraq war be classified as emergency spending and, therefore, not subject to the pay-as-you-go rules.

Three-and-a-half months of Iraq war funding equals the funding needed to extend health care coverage to 10 million children over the next 5 years. Unlike the war, our children's health is fully paid for with absolutely no deficit spending; yet President Bush vetoed this bipartisan compromise because he said it included excessive spending.

Mr. Speaker, House Republicans need to show the President that there are other priorities in our Nation besides the never-ending war in Iraq. They should send that message by joining us tomorrow in overriding the President's veto and caring about our Nation's children.

TRIBUTE TO NEBRASKA NATIONAL GUARD 1074TH DIVISION

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

Mr. SMITH of Nebraska. Mr. Speaker, on Friday October 12, the Nebraska National Guard's 1074th returned to a hero's homecoming in North Platte, Nebraska. The 1074th, headquartered out of North Platte, with detachments in Broken Bow, Ogallala, and Sidney, Nebraska, returned to Nebraska after a year-long deployment to Iraq. While in Iraq, the 1074th Transportation Company's primary missions were convoy security and local humanitarian support.

The 1074th tragically lost one of their own. Sergeant Randy J. Matheny, a native of McCook, Nebraska, made the ultimate sacrifice to his country on February 4, 2007. I join my fellow Nebraskans in offering my sincere sympathy and continued thoughts and prayers for the Matheny family.

The reception the 1074th received from families, friends and supporters upon their return to Nebraska was truly inspiring, as thousands, literally thousands of well-wishers welcomed these American heroes home in an incredible display of patriotism and pride. I wish to convey appreciation to the 1074th upon their safe return to Nebraska, and certainly commend Nebraskans for their amazing show of support in giving our soldiers the warm, heartfelt reception they deserve.

RESTORE ACT GIVES INTELLIGENCE COMMUNITY THE TOOLS IT NEEDS TO CONDUCT SURVEILLANCE

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

Mr. PALLONE. Mr. Speaker, today we will restore some important checks and balances to our Nation's intelligence gathering. In August, the Bush administration pushed through Congress a last-minute bill that gave it the authority to go after Americans without warrants, a direct violation of our Nation's Constitution. The administration's bill included ambiguous language that could be read by some as authorizing warrantless domestic searches.

The RESTORE Act clarifies this language and specifically prohibits warrantless surveillance of Americans and requires a court order before targeting American's phone calls or e-mails. It also includes strong new audit and reporting requirements so that Congress knows whose conversations are being captured. We include all these protections, but we also ensure intelligence officials have the ability to conduct responsible surveillance under the law.

Mr. Speaker, every Member of Congress is committed to strengthening our intelligence community and ensuring they have tools they need to keep our country safe. But the RESTORE Act finds the proper balance and should receive strong bipartisan support today.

DISCHARGE PETITION FOR BROADCAST FREEDOM ACT

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

Mr. WALDEN. Mr. Speaker, I join the Congressman from Indiana, my friend from Indiana, MIKE PENCE, in asking our colleagues to sign the discharge petition today to bring the Broadcast Freedom Act to the floor. The Broadcast Freedom Act builds on an initiative that was passed yesterday overwhelmingly by this House to protect the rights of reporters and their sources from government interference so that we can have a vibrant fourth estate, a vibrant press, and free and informed democracy.

Mr. Speaker, the Broadcast Freedom Act would prevent bureaucrats and government agencies from censoring and micromanaging what is said on the public's airwaves. It's all under the guise of restoring the Fairness Doctrine, or so-called, which had an incredible, incredible free speech problem that even the courts recognized. Yet, there are some who don't like what they hear on broadcast and TV talk shows, and the powerful elite in this city would like to restore the Fairness Doctrine. We cannot let that happen, not on religious broadcasters, not on liberal broadcasters, not on conservative broadcasters. Sign the discharge petition. Bring the Freedom Act up for a vote.

PROVIDING FOR CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 746 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 746

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of such report, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and 30 minutes of debate, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3773 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SNYDER). The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my namesake and good friend, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

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

GENERAL LEAVE

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

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 746 provides for consideration of H.R. 3773, the RESTORE Act of 2007, under a closed rule. The rule provides 90 minutes of debate. Sixty minutes will be equally divided and controlled by the chairman and

ranking minority member of the Committee on the Judiciary. Thirty minutes will be equally divided and controlled by the chairman and ranking minority member of the House Permanent Select Committee on Intelligence.

Mr. Speaker, with the resurgence of al Qaeda and an increasing global threat from weapons of mass destruction in places such as Iran, every single person in this body wants to ensure that our intelligence professionals have the proper resources they need to protect our Nation. As vice chairman of the House Intelligence Committee, I assure you that every one of us on that panel and others, Republican or Democrat, are working tirelessly and often together to do just that. But the government is not exempt from the rule of law, as our Constitution confers certain unalienable rights and civil liberties to each of us.

After the terrorist attacks of September 11, the Bush administration upset that balance by ignoring the Foreign Intelligence Surveillance Act, commonly referred to as the FISA law, establishing a secret wiretapping program and refusing to work with Congress to make the program lawful. Democratic members of the Intelligence Committee, led by the distinguished chairperson, SYLVESTRE REYES, have been trying to learn about the Bush administration's FISA program for years. But the administration, which has been anything but forthcoming, has done everything it can to stop us from doing our job and helping them to do theirs better.

A footnote right there, Mr. Speaker. In today's Washington Post, it is reflected as late as now, when the RESTORE Act is on the floor, the administration has agreed to give certain information to the Senate and still not to the House.

When the administration finally came to Congress to modify the law, it came with the flawed proposal to allow sweeping authority to eavesdrop on Americans' communications, while doing almost nothing to protect their rights. The RESTORE Act, true to its name, restores the checks and balances on the executive branch, enhancing our security and preserving our liberty. It rejects the false statement that we must sacrifice liberty to be secure. It does not go as far as I would want it to go. It does not go as far as some people would like for it to go, but it does protect our liberty and secures this Nation.

The legislation provides our intelligence community with the tools it needs to identify and disrupt terrorist attacks with speed and agility.

Yet another footnote, Mr. Speaker. While we concentrate on surveillance as it pertains to wire, I would have people know that the terrorists by now have been pretty well educated about these matters and may very well be using other methodologies totally unrelated to the telephone.

I remind people when it was leaked to the media that Osama bin Laden was using a certain kind of wire, he hasn't been heard from in that forum since. So let's be very cautious to not put all our eggs in the surveillance basket. There are other methodologies that might be employed that I assure you the intelligence community is mindful of and right on as it pertains to discovering them.

□ 1045

It provides additional resources to the Department of Justice, the National Security Agency and the FISA Court to assist in auditing and streamlining the FISA application process while preventing the backlog of critical intelligence gathering.

The RESTORE Act prohibits the warrantless electronic surveillance of Americans in the United States, including their medical records, homes and offices. And it requires the government to establish a recordkeeping system to track instances where information identifying U.S. citizens is disseminated.

This bill preserves the role of the FISA Court as an independent check on the government to prevent it from infringing on the rights of Americans. It rejects the administration's belief that the court should be a rubber stamp.

Finally, the bill sunsets in 2009. This is a critical provision because it requires the constant oversight and regular evaluation of our FISA laws, actions which were largely neglected during the last 6 years of Republican rule.

Mr. Speaker, all the American people have to do is pick up a newspaper to read about what happens when this government has unfettered access to warrantless electronic surveillance. According to a letter to Congress from a company executive, Verizon alone has fielded almost 240,000 phone record requests from the FBI since 2005. Nearly 64,000 of these requests, or over one-quarter of them, were made without a warrant.

This is almost 100 phone record requests per day by our government to Verizon seeking private information about our citizens, without a warrant. Realize, we are just talking about requests made to Verizon by the FBI. And these are just the requests that Verizon told Congress about this week because the Bush administration has consistently refused to answer our questions about the President's program.

Even more, it doesn't factor in the hundreds of thousands of requests that were made to other phone companies during the same time that we don't know about.

Mr. Speaker, if we have learned anything since the terrorist attacks of September 11, it is that the balance between security and civil liberties is not only difficult, but absolutely critical.

The RESTORE Act does absolutely nothing to block or hinder the efforts of our intelligence community. And Member after Member on the other side of the aisle are going to come down here and comment that it is hampering our intelligence efforts. Quite the contrary. It enhances their ability to do their jobs effectively and ensures the integrity of their efforts. I urge my colleagues to support this rule and the underlying legislation.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend and namesake, Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, yesterday the Rules Committee held a hearing to consider a rule for H.R. 3773, the RESTORE Act. At the outset of the hearing, the chairwoman of the Rules Committee did something that Republicans would not have even contemplated when we were in the majority.

Before Members of Congress even had an opportunity to testify before the Rules Committee, the chairwoman announced that the rule would be closed. She further went on to say no notice was sent out seeking amendments from Members, yet at least 27 amendments on a bipartisan basis were submitted to the committee. I guess, Mr. Speaker, we know now that no amendment announcement is code for no opportunity for meaningful, open debate. While surprising, this action is, unfortunately, not unprecedented for this Democrat-controlled Rules Committee.

I would like to thank all Members for submitting their thoughtful amendments on behalf of those they represent. And I especially would like to thank the Members who chose to stay and testify despite learning from the very start that their amendments would not be made in order.

It is sad that yesterday the minds and ears of the Democrat members of the Rules Committee were closed to even allowing for the consideration of amendments and alternatives to legislation, important legislation aimed at closing loopholes and strengthening our national intelligence capabilities.

Mr. Speaker, in 1978 Congress enacted the Foreign Intelligence Surveillance Act, or FISA, to establish a procedure for electronic surveillance of international communications. As enacted into law, FISA had two principle purposes: First, to protect the civil liberties of Americans by requiring the government to first obtain a court order before collecting electronic intelligence on U.S. citizens in our country. Second, the law specified how intelligence officials, working to protect our national security, could collect information on foreign persons in foreign places without having to get a warrant.

The intent of the original FISA law was to enhance American security while at the same time protecting American privacy. Recognizing that no

responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In the nearly 30 years since FISA became law, we have seen tremendous advances in communication technology such as the Internet, cell phones and e-mail. However, under the original FISA law, our intelligence officials are not free to monitor foreign terrorists in foreign countries without a court order because of advances in communication technology. It is clear that our FISA laws are outdated and must be modernized to reflect changes in communication technology over the past three decades.

In August, Congress in a bipartisan manner took an important first step forward to close our Nation's intelligence gap; but, unfortunately, only for a 6-month period. The Protect America Act passed only after repeated attempts by Republicans to give our Nation's intelligence professionals the tools and the authority they need to protect our homeland. This action was long overdue and this law marked a significant step towards improving our security.

Now Congress must act again to renew this law by early next year before it expires or our national security will once again be at risk. Unfortunately, the legislation before us today, the RESTORE Act, does not provide the security we need to protect our troops and our Nation from a potential future terrorist attack. The bill also weakens Americans' privacy protections and fails to permanently close our Nation's intelligence gap.

Specifically, Mr. Speaker, the RESTORE Act does not go far enough to reform outdated FISA regulations that burden our troops in the battlefield. It contains no provision for third parties to challenge FISA court orders. The bill also creates a centralized database that could actually increase the risk of privacy violations. Another major concern is that the RESTORE Act contains yet another sunset provision that forces the bill to expire on December 31, 2009, unnecessarily leaving our intelligence officials without the tools they need to protect Americans.

It is alarming to me that this rule brings a bill to the House floor that goes so far as to weaken American privacy provisions while at the same time strengthening protections of our enemies in times of war.

Mr. Speaker, as I mentioned earlier, nearly 30 amendments were submitted by Members on both sides of the aisle to address these and other concerns with the Democrat majority's failed attempt to update our current FISA laws. However, none of these amendments, which ranged from permanently strengthening our FISA laws to acquiring communications of foreign terrorists in foreign countries without a FISA court order, were allowed to be considered on the House floor today under this rule.

Mr. Speaker, it is truly disappointing to me that every Member of this House is prohibited from offering changes to this bill that could make it more effective in our constant battle to prevent a future terrorist attack against our Nation. After all, if we cannot come together and work in a bipartisan manner on issues as important as improving our national security, then what can we work together on.

Sadly, because the Democrat majority has chosen to consider the RESTORE Act under this closed process, working together in a bipartisan manner will not be possible. Instead, if this rule is adopted, Members will only have a choice to vote for or against a seriously flawed bill that threatens, not improves, our national security. Sadly, this closed process shuts out all American voices from being heard and, ultimately, every American could suffer consequences if this rule and bill are adopted. Therefore, I urge my colleagues to vote against the rule.

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

Mr. HASTINGS of Florida. Mr. Speaker, before I yield, I would like to assist my colleague from Washington, who is my good friend and was in the majority last year when the Wilson bill, H.R. 5825, the Electronic Surveillance Modernization Act, was considered by the House. It was considered under a closed rule, H. Res. 1052, which self-executed an amendment in the nature of a substitute in lieu of amendments recommended by the Judiciary and Intelligence Committees. I think that is the precedent.

Mr. Speaker, I am very pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), my very good friend who serves on the Ways and Means Committee and the Homeland Security Committee.

Mr. PASCRELL. Mr. Speaker, I thank my friend from Florida, and I rise this morning to speak in favor of the rule on the RESTORE Act, H.R. 3773. I believe this is an appropriate rule given the large number of amendments that were considered in both the House Judiciary and Intelligence Committees.

I want to highlight some of the most important provisions in the bill provided through this rule and steps that I believe can be taken to strengthen the intent of the legislation.

Mr. Speaker, section 5 of the current legislation requires quarterly audits by the Justice Department Inspector General on communications collected under this legislation, which would then be provided to the FISA Court and to Congress. In the end, the issue is that without outside oversight, such as the FISA Court, you put a huge amount of authority in the hands of a very small number of people and leave an awful lot to their individual judgment in dealing with very sensitive issues of personal privacy.

I hope that under this section the Justice Department Inspector General would also be inclined to include statistical information, as is possible, relating to the sex, race, ethnicity, religion and age of U.S. persons identified in intelligence reports obtained pursuant to the legislation. This data will help our intelligence agencies, the FISA Court and the Congress to gain a clear overview of intelligence collection on Americans swept up through these types of investigations and would create the necessary oversight to judge whether a pattern of profiling is occurring.

I want to draw attention to the Schakowsky amendment which was approved by the Intelligence Committee. This would require that the FISA Court approve guidelines to ensure that an individual FISA court order is sought when the significant purpose of an acquisition is to acquire the communications of a specific U.S. person reasonably believed to be located in the United States.

□ 1100

This is a vital provision to the bill that makes clear that no American can be the target of surveillance under this bill unless an individual warrant is obtained from the FISA Court.

Under this provision, I hope we will also make clear the sensitivity surrounding communications between Americans and family members who may live abroad. We need to make certain that no American, regardless of their foreign family connections, can be the target of surveillance without an individual warrant being obtained from the FISA Court.

We're not trying to protect foreigners. We're trying to protect Americans and safeguarding the Constitution.

I thank the Speaker for the time. I want to thank you, and I hope that the Members will approve the appropriate rule on the RESTORE Act. I thank my friend.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is there on both sides?

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has 23 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 19 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 4 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER of California.

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

Mr. DREIER. Mr. Speaker, I thank my friend from Pasco for yielding and congratulate the Hastings cousins for their management of this very, very important measure.

Mr. Speaker, yesterday afternoon eight of our colleagues sat before the dais of the Rules Committee with 27 different proposed amendments that

they wanted to offer to improve this very important measure, to work in a bipartisan way to improve it. Before they were able to utter their first words, they were told in response to a question that came from our friend from Pasco, Mr. HASTINGS, that this was going to be a closed rule.

Now, Mr. Speaker, a closed rule means that no amendment is offered. No alternative proposal is allowed at all. We simply get the measure that is before us, and that is it. Now, that's when there were 27 different amendments that were proposed and, as I said, eight Members waiting to offer and discuss their ideas. They were completely shut out from that.

Now, Mr. Speaker, it saddens me to report to this House that we, today, have achieved something that is not great for this institution. As of today, Mr. Speaker, in the 110th Congress, we have had more closed rules in a single session of the United States House of Representatives than we have in the 218-year history of this great institution. The sad thing about that, Mr. Speaker, is the fact that we were promised something much different, and this bill is critically important for our Nation's security.

One of the very thoughtful proposals to come forward made great sense. It's the idea of saying that when the government asked the private sector to help us work to interdict those communications taking place among people who are trying to kill us, terrorists who are trying to kill us, we should allow them to do that. We should allow them to have immunity from the threat of prosecution if that, in fact, is being utilized. But unfortunately, our colleagues on the other side of the aisle have failed to allow that proposal, for those people who were asked by the government to help us win the global war on terror, to make sure that Osama bin Laden and other terrorists do not have the potential to kill us.

And now what we've been told, and I heard countless Democrats say, oh, these people in the telecommunications industry, they've got enough money, they're making enough money, let them stand on their own. Well, Mr. Speaker, that is just plain wrong, and we, unfortunately, with this rule, are not even allowed a chance to debate that, which, to me, is absolutely outrageous.

What we have before us, Mr. Speaker, is a closed rule on a bad bill that can't become law. Tragically, that's a pattern that we have been facing for a while. The exact same thing has happened on the bill that we're going to be voting after it was sent here 2 weeks ago on SCHIP legislation. We're going to be voting on that tomorrow.

So, Mr. Speaker, let me just say again, this is a closed rule on a bad bill that can't become law. We've got to defeat this rule. We've got to make sure that those people who are working to keep this country safe have all the tools necessary to make that happen.

Mr. HASTINGS of Florida. Mr. Speaker, I make one reference to the Computer and Communications Industry Association which writes in support of the House Judiciary Committee's approach to retroactive immunity, contrary to what the previous speaker, my good friend, the ranking member, just said regarding that matter.

Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey, a distinguished member of the Intelligence Committee, my good friend Rush Holt, who is also Chair of the Special Intelligence Oversight Committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman.

The RESTORE Act, which its well-meaning authors believe will both help protect our liberties and our security, does the latter but, unfortunately, does not fully do the former. If I had more time, I would talk about the good features of this bill, but in the time I have, I would like to point to the one thing that it needs most, that it lacks, which is ironclad language that maintains the fourth amendment's individual warrant requirement when Americans' property or communications are searched and seized by the government.

The RESTORE Act would allow the government to collect the communications of innocent Americans. The executive branch assurances that the rights of Americans will be protected through administrative procedures are no substitute for judicial protections. In recent weeks and months, we've seen too many abuses of administrative warrants to find any reassurance or to even find these assurances believable.

Yes, I voted ''yes'' in committee to bring this to the floor, with the assurances that we would work to get it better. I regret to say that I've seen no effort to resolve this point. It could be fixed easily to the safety of Americans, because Americans will be safer when agencies have to demonstrate to a court that they know what they are doing. We get better intelligence, just as we get better law enforcement, when you do it by the rules.

In fact, my own leadership I believe would deny me time to speak on this issue to try to strengthen this bill, but for the sake of the security of Americans, I implore the leadership to make these improvements.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in strong opposition to this rule and the underlying legislation.

I stand before the House as a member of Mr. HOLT's new House Special Intelligence Oversight Panel and as a lifelong resident of New Jersey, a State which is still feeling the heartrending damage of September 11, 2001. We will never forget what happened that day, and I work each and every day to prevent another such attack.

I recognize that achieving the proper balance between our national security and our civil liberties is a real challenge, but we must also recognize that our war against violent international extremists is the first conflict of the information age.

With our technical assets and expertise, the United States is far better at gathering information at this point in history than our enemies. This is an advantage we must exploit to better protect the American people from those who would do us harm.

Then why are we on the floor debating a rule on legislation that essentially amounts to unilateral disarmament on our part?

Last August, Congress enacted the Protect America Act, legislation that sought to modernize the old Foreign Intelligence Surveillance Act, FISA, and closed dangerous loopholes that prevented our intelligence community from monitoring overseas communications between al Qaeda members and other terrorist groups plotting and planning their next attack on U.S. citizens and our interests at home and abroad. These were not conversations involving Americans. These were communications between foreign targets overseas.

Director of National Intelligence McConnell asked Congress to ''make clear that court orders are not necessary to effectively collect foreign intelligence about foreign targets overseas.'' I repeat, ''foreign intelligence about foreign targets overseas.''

But this new proposed legislation would not only undo the progress made by the Protect America Act, but it would do further damage to our collection efforts.

Since it was enacted in 1978, FISA never required our government to acquire court orders for foreign communications of persons reasonably believed to be outside the United States. This bill would require such a court order, thus gutting 30 years of foreign intelligence collection.

Once again, Mr. Speaker, I understand that achieving the proper balance between our national security and our civil liberties is a challenging task. I believe the Protect America Act achieved this goal. The bill required a warrant to target a person in the United States but allowed U.S. intelligence agencies to listen to foreign persons in foreign countries.

Why is this important? Because speed matters in a war on terrorism, where terrorists are using our communications networks, not theirs, in order to try to harm us. This is not about politics. It's about ensuring that we give our security personnel the tools they need to help protect our families from future terrorist attacks.

Mr. Speaker, unfortunately, I fear the RESTORE Act will live up to its

name. It will restore our intelligence community to the days when their hands were tied and they could not monitor the communications of al Qaeda members and other terrorists overseas without lengthy legalistic procedural delays.

Terrorism is an international threat that requires (international) technology to solve.

I urge my colleagues to restore our intelligence community's hard-earned technological advantage over al Qaeda and their murderous comrades. Protect America.

I urge defeat of this rule and rejection of the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished chairperson of the Intelligence Committee, SILVESTRE REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, due to an administrative error, the following cosponsors were left off the list of cosponsors for this bill, H.R. 3773: Representative ANNA ESHOO from California; Representative DUTCH RUPPERSBERGER from Maryland; Representative DENNIS MOORE from Kansas; Representative CIRO RODRIGUEZ from Texas; Representative EARL POMEROY from North Dakota; Representative LEONARD BOSWELL from Iowa; Representative BARON HILL from Indiana; and Representative PATRICK MURPHY from Pennsylvania.

I would like to thank them for their cosponsorship and ask that they be recognized as such, and I would finish up by saying this is a good rule. This is also a good bill that balances the ability to protect our country with the ability to protect the civil rights of its citizens.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 4 minutes to the gentleman from California (Mr. ROYCE), a member of the Foreign Affairs Committee.

Mr. ROYCE. Mr. Speaker, I thank the gentleman. I'm rising to oppose the rule.

For the first time, this bill would stop intelligence professionals from conducting surveillance of foreign persons in foreign countries unless they can read the mind of their terrorist targets and guarantee that they would not call the United States or one of their people in the United States. This is more protection than Americans get under court-ordered warrants in mob and other criminal cases.

So the issue we're debating today is very important. It is a matter of life and death essentially.

I serve as ranking member of the Terrorism and Nonproliferation Subcommittee. That there has not been a terrorist attack on our soil since 9/11 is due to the improved surveillance in real-time that we're able to conduct against foreign terrorists.

That good record, though, in no way should lead us to discount the jihadists, because the image of Osama bin Laden's allies operating in some remote terrain somewhere may give the impression that our foes are isolated. They are not isolated.

We are confronting a virtual caliphate. Radical jihadists are physically dispersed, but they're united through the Internet, and they use that tool to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose, and they're very sophisticated in that use.

So how has the West attempted to confront that? Well, the British use electronic surveillance in real-time, and they used it last year to stop the attack on 10 transatlantic flights. They prevented that attack in August of last year by wiretapping.

The French authorities used wiretaps to lure jihadists basically into custody and prevented a bomb attack.

Given this threat, it is unfathomable that we'd weaken our most effective preventative tool, and that's exactly what this bill does.

Before we passed the Protect America Act in August, the Director of National Intelligence told Congress that we are losing up to two-thirds of our intelligence on terrorist targets. Admiral McConnell went on to testify, ''We're actually missing a significant portion of what we should be getting.''

Though Admiral McConnell has served both Democrat and Republican administrations with distinction, now his credibility has been attacked. I'd ask those so distrustful: Go ahead, discount his estimate, cut them in half, say we'd lose one-third of our intelligence by passing this bill. Isn't that too much to give up? I don't want to lose a single percent of our intelligence on terrorist communications. With nuclear and biological material floating around this globe, we don't have that margin of error.

We've heard the ACLU concerns, but before we unilaterally disarm, before we hobble our ability to listen in real-time to the very real terrorists who are attacking our troops in Iraq every day, shouldn't we have something of an accounting of the supposed civil liberties price we're paying? Frankly, I don't see the troubling cases.

What I do see is the very misguided concern for the civil liberties of foreigners having conversations with terrorists.

This bill grants privacy protection to foreigners, those believed to be terrorists, by requiring the intelligence community to seek court orders to collect foreign intelligence on foreign targets.

□ 1115

This process in the past has clogged the FISA Court, it has wasted untold intelligence hours, it has pulled Arabic and Urdu and Farsi speakers off of listening to terrorist cases and put them on filing hundreds of pages of paperwork. FISA restrictions hindered the search for kidnapped Americans in Iraq.

My colleagues, it has come down to this: Are we interested in best protecting American lives, or giving away privacy rights to foreigners involved in conversations with terrorists?

Mr. HASTINGS of Florida. Mr. Speaker, I yield to my distinguished friend and colleague from Texas, SHEILA JACKSON-LEE, 1 minute. But before I do, I would like to have Mr. ROYCE understand that he is entitled to his opinion but he is not entitled to his facts. And the facts as he recited them with reference to what Director O'Connell said occurred under the old FISA law, not this one. And I might add, that old FISA law was good enough to participate in bringing down the German possible terrorists.

With that in mind, I would like to yield 1 minute to the distinguished gentlelady from Houston, Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Florida, a former jurist, and let me acknowledge that the RESTORE Act is the right balance between national security and the protection of our civil liberties.

I beg to differ with my good friend from California because in fact there are elements of this bill that clearly provide the parameters for foreign-to-foreign surveillance. The only difference is the fact that we protect an American citizen who may be targeted inappropriately as the court intervenes in providing a warrant.

My friends, we are moving forward to secure America. I support this rule and I support the rule in its present form, because we need to now substitute a real bill that secures America supported by the language of Director McConnell and as well provides the civil liberties that all Americans deserve. I look forward to the debate on the floor. The RESTORE Act is what it is says, protecting us and providing the right surveillance and ensuring that terrorists do not attack America.

Mr. Speaker, I rise in support H. Res. 746, the rule governing debate on H.R. 3773, the RESTORE Act. I thank the gentlemen for yielding and wish to use my time to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

The Jackson-Lee Amendment added during the markup makes a constructive contribution to this important legislation that already is superior to the misnamed "Protect America Act" by orders of magnitude. It does this simply by laying down a clear, objective criterion for the Administration to follow and the FISA court to enforce in preventing reverse targeting.

"Reverse targeting," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to

resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the Administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States." The current language in the bill provides that a warrant be obtained only when the Government "seeks to conduct electronic surveillance" of a person reasonably believed to be located in the United States.

It was far from clear how the operative language "seeks to" is to be interpreted. In contrast, the language used in my amendment, "significant purpose," is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson Lee Amendment provides a clearer, more objective, criterion for the Administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

I hasten to add, Mr. Speaker, that nothing in the bill or in my amendment will requires 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, the bill requires, as our amendment makes clear, 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.

This will usually happen over time and the Government will have the time to get an order while continuing its surveillance. And it is the national security interest to require it to obtain an order at that point, so that it can lawfully acquire all of the target person's communications rather than continuing to listen to only some of them.

In short, my amendment gives the Government precisely what Director of National Intelligence McConnell asked for when he testified before the Senate Judiciary Committee:

"It is very important to me; it is very important to members of this Committee. We should be required—we should be required in all cases to have a warrant anytime there is surveillance of a US [sic] person located in the United States."

In short, my amendment makes a good bill even better. For these reasons, I am happy to support the rule and urge all members to do likewise.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the Intelligence Committee.

Mr. TIAHRT. I thank the gentleman from Washington.

I rise in strong opposition to this bill. I am extremely concerned about our national security and I am deeply troubled that our intelligence community will be prevented from doing the job they need to do to protect Americans by this bill. For that reason, I strongly oppose the RESTORE Act as it will only further tie the hands of our intelligence community.

If this bill passes, Congress would depart from the recommendations of the 9/11 Commission by making it more difficult and cumbersome to gather intelligence on Islamic terrorists. Our most important job here is to provide the tools to those charged with protecting our Nation and keeping us safe from those threats. In the last 6 years we have been kept safe in this country because we have had a sharp edge on the tools that we have been using to peel back the layers of secrecy on terrorists and terrorist organizations.

This bill requires a court order to gather communications when a foreign terrorist in a foreign country tries to contact somebody in the United States. Since 1978, from President Carter to President Clinton, there was never a concern. Yet now, after we have had attacks on our U.S. soil and are well aware there are terrorist cells in our homeland, the Democrats want to prevent the intelligence community from intercepting communications of foreign terrorists.

To my knowledge, no violation of civil rights has occurred in the FISA process. However, as this bill is written, the Democrats have opened the door for alarming violations of civil liberties by requiring the intelligence community to compile a database of reports on the identities of U.S. citizens that have inadvertently been accumulated in the process of gathering information. As the Washington Times noted this morning, apparently pandering to the left-wing blogosphere and the ACLU is a higher priority than the safety of Americans and even American GIs fighting al Qaeda.

Normally, under current guidelines, the intelligence community blacks out all these names and they never get distributed anywhere. They are just simply eliminated from the database. But now, under this bill, we see the Democrats requiring a list be sent to Congress. And we all know that we have had leaks here in Congress. You would think the ACLU would be opposed not only to compiling such a list but distributing it to Congress. We have had leaks related to the way we collect information on individuals through electronic conversations, we have had leaks about how we have e-mails that have been reviewed on terrorist Web sites, we have had leaks that caused our allies in Europe to no longer cooperate when it comes to tracking terrorist financing. For us to give this type of information to Congress would almost certainly guarantee a leak and a violation of the civil liberties of those individuals who it inadvertently picked up in the process of trying to find terrorists working within our country trying to do harm.

This is a bad bill. It goes back and dulls the tools, this edge that we have been using to keep the country safe. If it is passed and it becomes law, I would fear for the safety of this country because dulling the tools that have kept us safe for 6 years would put us in a much more vulnerable position than we are today.

Over 2 months ago, the DNI, Mike McConnell, the man charged with overseeing the intelligence community, urged us to modernize the FISA law. But this does not do it. This sets us backwards.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Florida controls 15 minutes. The gentleman from Washington controls 9½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am prepared to reserve my time. And as a matter of courtesy to my good friend from Washington and to you, Mr. Speaker, I would like to indicate that I will be replaced in managing the time, although not required under the rules, by my distinguished colleague from New York, MICHAEL ARCURI.

I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to another member of the Intelligence Committee, Mr. ROGERS of Michigan.

Mr. ROGERS of Michigan. I want to commend Mr. HASTINGS. We have worked on many issues of which we have agreed strongly in the betterment of national security. I couldn't more strongly disagree with this bill and where we are going today.

As one of the very few people on this floor that has actually gone out and developed sources and developed the leads that you possibly need to develop probable cause as a former FBI agent to either bug or intercept phones, offices, or other privileges communications between Americans, I can tell you the long and arduous process it takes to develop that, to go to the judge and say, Your Honor, I do believe that these people are engaged in criminal activities and here is why. And it takes months and months and months. So let me tell you what this bill does today that is so disturbing.

Non-United States citizens who are insurgents in Iraq building IEDs that our troops are trying to intercept electronically are now given more rights to privacy than we do for gamblers, degenerate gambling operations developed under the criminal code in the United States of America. That, my friends, is true. Incidental communications, you don't have to go back to the judge, you continue to listen. But what we have done is we have set a standard that every time they want to go overseas and intercept these folks, the standard of the bar is set so high they have to go get a court order. They have to get a warrant. And it takes months.

This isn't about Hollywood. This isn't about Jack Bauer. This is about

real people having to develop probable cause in accordance with the law of the United States. And what you said is that insurgent in Iraq has more privacy rights than any criminal, any United States citizen under the criminal code of the United States of America. That is what you have done with this bill. Oh, yes, sir, it is. Read the language and understand what it takes for them to go through the process to develop probable cause.

This is the confusion that led to the delay that may have cost the lives of United States soldiers. We all know the example of which we are talking about.

This bill encourages that confusion and that standard to give foreign terrorists in a foreign land more privacy rights than United States citizens under the criminal code here. It's wrong.

We often say, listen to the intelligence community, listen to our commanders on the ground. I implore you to do just that. They oppose this bill because it makes it harder for them to go after foreign terrorists in foreign lands plotting to kill either U.S. soldiers or even attacks against our homeland or our allies. This bill does all of those things.

I don't ever doubt the intention of my friends, but words matter in the legal code. And when you stand before that judge, believe me, there is no agent that believes they are Jack Bauer and are going to fudge a little bit on what the Constitution asks and tells them they must do. They are going to err on the side of the United States Constitution every time. And for those who don't, they deserve to go to jail, and we do prosecute those occasionally. But what you are saying is we are going to create this whole system for foreign terrorists to give them more rights than the privacy of United States citizens. I strongly urge the rejection of this bill. Let's go back to the table and protect our United States citizens.

Mr. ARCURI. I thank my colleague, and as a former prosecutor for 13 years, I have stood before a judge many times and made application for warrants on a number of different occasions. And, frankly, I certainly respect his position; but he is just not correct on this.

This legislation not only gives our country the ability to do what needs to be done to protect us, but more importantly and equally as important certainly it protects our civil rights. So it does both things: It protects our civil rights and gives us the ability to keep our country safe.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, once again, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Washington controls 6½ minutes; the gentleman from New York controls 14½.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I am pleased to yield 2 minutes to a member of the Judiciary Committee, Mr. GOHMERT of Texas.

Mr. GOHMERT. Mr. Speaker, once again we have heard from across the aisle, this is not true that we are saying you will have to get warrants for foreign-to-foreign, because the bill says in section 2(a), gee, you don't have to get a court order if it is between persons not U.S. citizens not located within the United States.

The problem is, when you look at 2(b) and 3 and section 4, it says: If you can't be sure and you are risking a felony if you are not, if you can't be sure that they may not call somewhere in the United States, you have got to get a court order. That is the bottom line. That is what Admiral McConnell testified.

I realize some people on the other side may think he is suspect because he was the National Security Adviser under the Clinton administration for several years, but I think he is a very credible source.

As a former judge and chief justice, I realize we have got lawyers in here, but I am telling you, when the language says if there may be a call to the United States or to an American, you have got to get a court order, then you are going to have to get them in virtually every time.

But we keep hearing no, no, all that is covered. Once again, we are told something is covered when again it is nothing but a hospital gown coverage. You are exposed in areas you don't want exposed. And that is what the country is looking at.

Now, it also requires the DNI and the AG to jointly petition. Oh, and there is great comfort in this bill. It says the judge, once they finally get the papers filed, will have to rule in 15 days. If we get a soldier kidnapped, we have some sensitive situation, and maybe it is an emergency, maybe it is not, but you can't take a chance of being guilty of a felony, you are going to have to follow through and get a court order. That is what the DNI says and that is what needs to be done.

Now, the main protection here is not for American citizens in general, it is for foreign terrorists. The bottom line is, tell your American friends who are getting calls from foreign terrorists in foreign countries not to call them. Use some other way to communicate, and then your friends are covered.

Mr. ARCURI. It is sad that my colleague attempts to change the actual meaning of what this statute does. It gives no protection to terrorists. It gives protections only to Americans, and it keeps us safe and it gives us the protections that are guaranteed us under the Constitution.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield at this time 2½ minutes to a member of the Judiciary Committee, Mr. FRANKS of Arizona.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, the bill here at issue, the so-called RESTORE Act, undermines the existing structure that we put in place to reform FISA only 3 months ago.

In the midst of a war, any changes to the way that our intelligence community operates should be understood as a somber and delicate undertaking that requires great care. Our national security hangs in the balance. We cannot afford to get this wrong, Mr. Speaker.

My amendment aimed to deal with the seriously flawed provision of the RESTORE Act that will do great damage to the civil liberties of the protections of Americans.

□ 1130

My amendment would have stricken section 11 of the bill that directs the Director of National Intelligence and the Attorney General to jointly maintain a recordkeeping system of U.S. persons whose communications are intercepted.

Mr. Speaker, this would amount to a big government database that would have individuals' identity attached in every practical way. There is simply no way to have a database like this that does not attach individual identities to verify the process. The Democrats maintain that the identity is not attached. But this is an impractical rebuttal.

Mr. Speaker, the proposal's not only misguided, it attempts ostensibly to protect Americans' civil liberties and only undermines them further. And we have to understand that these identities would be attached, even if they have no connection to spying or terrorism.

And the bottom line is this, Mr. Speaker, this war on terrorism is ultimately fought in the area of intelligence. If we knew where every terrorist was tonight, in 60 days this war would be over. And if we tie those people's hands who are fighting to protect this country with this RESTORE Act by the majority, I believe that we will some day revisit this issue, Mr. Speaker, because when a terrible tragedy comes on this country, it will transform this debate in the most profound way, and we need to be very, very careful. We need to understand that what we're doing here is of vital importance to future generations.

Mr. ARCURI. Mr. Speaker, I continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I know my friend has more time than I have, and I have more requests for time than I have time for. And so, Mr. Speaker, I would ask unanimous consent that each side get an additional 5 minutes so I can accommodate the requests on my side.

Mr. ARCURI. Mr. Speaker, I would object to that.

Mr. HASTINGS of Washington. Mr. Speaker, I wonder then if I could inquire of my friend, since he has more time, if maybe he would yield me at least enough time so I can close on my

side, and I'd ask my friend from New York if he would do that for me.

Mr. ARCURI. Well, we are waiting on one more speaker, so at this time I would not yield any additional time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Florida (Mr. MACK).

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

Mr. MACK. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, I rise today, once again, in defense of liberty and to tell my colleagues they should vote against this Rule.

While I find it honorable that several of my colleagues have attempted to work to find a compromise in this legislation, I have concluded it still does not often enough protections for the rights of our citizens.

It is the duty of Congress to strike the appropriate balance of freedom and liberty with the assurances of security and stability. But, we must constantly ask ourselves, are we going too far in one direction?

And I have always maintained that if a threat is imminent and known, the administration should be given the temporary powers needed to keep our homeland secure and Congress should exercise its inherent power of oversight over that authority.

I advocated this throughout the PATRIOT Act reauthorization and maintain it is the correct stance for us to take in times of crisis.

While I am encouraged by the inclusion of sunsets in this proposal and additional roles for the FISA Court, this legislation still does not bring us back to where we were earlier this summer—the administration needing a clarification on foreign-to-foreign and foreign-to-domestic communications.

Instead of taking the simple tenets of the Constitution and applying it to this debate, we in Congress like to overcomplicate the issue. We all agree these are important issues that deserve our time and attention but we need look no further than the Constitution for the right answers.

Mr. Speaker, the proper route we should have taken in crafting the answer to the FISA problems is H.R. 11—The NSA Oversight Act. This bipartisan bill has the answers, in very clear terms, to what the administration has sought Congress to address.

It allows for emergency surveillance and doesn't overly impede the work of intelligence officers;

It places the FISA Court in a more proper role for reviews of the tactics used and warrants needed;

And it ensures Congress conducts vigorous and smart oversight of these activities, all while protecting the individual freedom of Americans.

And that is the goal we should be aiming for, Mr. Speaker: the protection of our rights and the upholding of our Constitution.

If we fail to adhere to the Constitution and "sacrifice our liberty," then we will have lost this great experiment we began over 220 years ago and the terrorists will have accomplished the very thing they set out to do on that morning in September seven years ago.

We should vote down this Rule, go back to the table and report back a bill that preserves liberty and strikes a more proper balance between freedom and security for Americans.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have left, and how much time does the other side have?

The SPEAKER pro tempore. The gentleman from Washington controls 2¼ minutes, and the gentleman from New York controls 14 minutes.

Mr. ARCURI. Mr. Speaker, I'll continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I ask the gentleman from New York if he has any more speakers.

Mr. ARCURI. We are waiting on one more speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I'll reserve my time.

Mr. ARCURI. Mr. Speaker, we have heard so much today from the other side about the fear that they have that this provision will somehow put Americans at risk. And I think it's very clear that what this FISA bill does is protect America, give our Intelligence Community ability to do the kind of things that it needs to do, while, at the same time, protecting our civil rights.

I think it was Benjamin Franklin who once said that any country who gives up its liberty for its security deserves neither and will end up losing both. And I think clearly this bill takes that into consideration.

This bill clearly provides for security for our country. It clearly provides our Intelligence Community with the ability to obtain information that it needs and use that and analyze it in a way that keeps America safe to prevent another 9/11 activity.

At the same time, this bill also protects Americans' rights and gives us the ability to prevent wiretapping of Americans here in this country.

We're not talking about foreign-to-foreign. They can do that. They have done that in the past, and they will continue to do that. This clearly deals with protecting Americans.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, there are a number of issues that have been brought up by the other side regarding this bill. First of all, it's important to keep in mind that what we're trying to do with this legislation is to carefully balance providing the tools to the intelligence professionals that are charged with keeping us safe in this country, and this legislation does that, regardless of what comments the other side has made.

Second, and most important, we have to balance it with protecting the civil rights of our citizens. As we talk about protecting this country, we have to keep in mind that this country was founded on the principle of the rule of law. The rule of law protects its citizens.

Under the Protect America Act, as we have seen over the course of the last few weeks, many, many concerns have been raised about the authorities that have been given to the government, authorities that would render our citizens not being able to protect and be secure in our homes and in our possessions.

The Protect America Act has given so many authorities that people are not safe and secure in their own homes. The government can go in there and search their computers, search their residences, and search literally every possession that Americans have. This legislation corrects those deficiencies. This legislation is a careful balance in keeping our country safe, as well as securing the rights of Americans in their homes.

Mr. HASTINGS of Washington. I would inquire of my friend from New York if they have any additional speakers.

Mr. ARCURI. I have one more speaker.

Mr. HASTINGS of Washington. How much time do I have on my side?

The SPEAKER pro tempore. The gentleman continues to have 2¼ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Today, Mr. Speaker, I will be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow for a substitute amendment to be offered by Mr. HOEKSTRA of Michigan or Mr. SMITH of Texas. This will give the House an opportunity to consider additional views that were denied with this closed rule in the Rules Committee last night.

And, Mr. Speaker, September 28, 2006, we had a debate on this issue last year, and I'd like to quote a Member and what he said on the House floor. And I quote: "You beat with rulemaking that which you know you cannot beat with reason."

And he goes on to say, "I know what you say: Do as you say, not as we do. For today, in the people's House democracy has been eviscerated by those who recommend it to others. I have said it before. The way the majority runs the House is shameful. It is undemocratic. It happens every single day that we have a closed rule."

The speaker was my good friend from Florida (Mr. HASTINGS).

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose the previous question and the closed rule.

I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and commend him for his excellent management of this rule affording us the opportunity to bring this important legislation to the floor.

I commend Chairman REYES and Chairman CONYERS for their leadership

in protecting and defending the American people by putting forth the best way to collect intelligence under the law.

Mr. Speaker, as we say over and over again here, and each one of us who comes to serve in this body, indeed, everyone who serves our country takes an oath of office to protect and defend the Constitution of the United States. It's a thrill to take that oath of office.

As we protect and defend the American people in the preamble, it says to form a more perfect Union, Mr. JACKSON has been a champion on that, to provide for the common defense. In that preamble, that's a high priority for us. We have a responsibility to protect the American people; that makes everything else possible in our community and in our society.

But as we protect and defend the American people, our oath of office calls upon us to protect and defend the Constitution and our civil liberties. The legislation before us today does just that. It's about protecting the American people from terrorism and other national security threats.

I, for a long time, have served on the Intelligence Committee, both as a member, as the ranking member, and also ex officio as leader and now as Speaker. I believe very firmly in the role that intelligence gathering plays in protecting the American people. We want to prevent war. We want to prevent harm to our forces. Force protection is a very, very high priority for us. Protection of our forces. And we must now meet this horrible challenge of fighting terrorism in the world. It has been a challenge for some time. In order to do that, we have to have the laws in place in order to collect that intelligence under the law, and that is what this legislation does. First, it helps us defend our country against terrorism and other threats. Secondly, it protects the privacy of the American people, which is important to them and a responsibility for us. And third, this legislation restores a system of checks and balances and how we protect and defend our country and provides for rigorous oversight by Congress of this collection.

In the 1970s, when the FISA law was passed, it was conceded that Congress had a role in determining how intelligence was conducted, how the executive branch conducted the collection of intelligence, the executive branch, Congress, making laws to govern that, two Houses, two branches of government. And in the FISA bill that was passed at that time, the role of the third branch of government was defined, the FISA Courts. That system of checks and balances has served our country well. With the advance of technology, additional challenges arose, and this legislation meets those challenges. Any suggestions to the contrary are simply not factual. What the Director of National Intelligence has asked for in terms of collection he has received in this legislation, and he has received it under the law.

The legislation restores checks and balances in other ways. It rejects groundless claims of inherent executive authority. Under that, we might as well just crown the President king and just say he has access to any information in our country, and he may collect that outside the law.

And this legislation reiterates that the law enacted by Congress, FISA, Foreign Intelligence Surveillance Act, is the exclusive means for conducting electronic surveillance to gather foreign intelligence. The principle of exclusivity is a very, very important principle, and it is enshrined in this legislation.

□ 1145

The bill also sunsets by December 31, 2009, at the same time the PATRIOT Act sunsets, so the next administration and another Congress can review whether the new program appropriately meets national security and civil liberty objectives.

This bill does not provide immunity to telecommunications companies that participated in the President's warrantless surveillance program. As I have said many times, you can't even consider such relief unless we know what people are asking for immunity from. Congress is not a rubber stamp; we are a coequal branch of government. We have a right to know what conduct the administration wants us to immunize against.

Working side by side, the Intelligence Committee and the Judiciary Committee have produced an excellent bill. It has been heralded so by those organizations whose organized purpose is to protect our civil liberties in light of our responsibility to our national security. It has been heralded by those who follow and hold as a value the privacy of the American people. It has been heralded by those who understand that one of our first responsibilities is to provide for the common defense. Our Founders understood it well, the balance that needed to be struck between security and liberty. They spoke eloquently to it in their speeches. They enshrined it in the Constitution. Let us protect the American people under the law.

Please, my colleagues, support this very important legislation.

Mr. ARCURI. Mr. Speaker, I would just like to thank the gentlewoman from California for her very strong leadership on this issue and, over the years, for her many years of strong leadership in this area. I would also like to thank Chairmen CONYERS and REYES for their strong leadership in bringing this bill to the floor.

Having said that, I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 746 OFFERED BY REPRESENTATIVE HASTINGS, WA

In section 1, strike ''and (2)'', and insert ''(2) a further amendment to be offered by Representative HOEKSTRA or Representative SMITH of Texas, or their designee, which shall be in order without intervention of any point of order or demand for division of the question and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3)''.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 746, if ordered; and suspending the rules on H. Res. 549.

The vote was taken by electronic device, and there were—yeas 221, nays 199, not voting 11, as follows:

[Roll No. 974]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
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
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
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
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
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
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
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
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
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
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Carson
Castor
Holt
Jindal
Johnson, E. B.
McKeon
Meek (FL)
Moore (WI)
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 90 seconds left on the vote.

□ 1211

Mr. ISSA, Mrs. CAPITO and Mr. McCAUL of Texas changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 12, as follows:

[Roll No. 975]

YEAS—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
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
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)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns

Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
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
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
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
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Carson
Castor
Delahunt
Holt
Jindal
Johnson, E. B.
Kirk
Marchant
McKeon
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. MUSGRAVE. Mr. Speaker, on rollcall No. 975, I inadvertently voted "yea" and intended to vote "nay."

RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM

The SPEAKER pro tempore (Mr. PASTOR). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 549, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 549.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 11, as follows:

[Roll No. 976]

YEAS—420

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
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 (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
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
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Aderholt
Carson
Castor
Jindal
Johnson, E. B.
Marchant
McKeon
Tancredo
Udall (CO)
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1228

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.