

very capable and wise gentleman from Oklahoma who has been a great friend throughout the years that I have been here and thank him for his assistance in this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and pass the Senate bill, S. 2571.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

PROTECT AMERICA ACT OF 2007 EXTENSION

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 976, proceedings will now resume on the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 13½ minutes remained in debate.

The gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining, the gentleman from Texas (Mr. SMITH) has 4½ minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 2 minutes remaining.

Mr. CONYERS. Madam Speaker, I would begin by yielding myself as much time as I may consume.

Members of the House, after delaying consideration of the House-passed RESTORE Act for months, just last night the other body has passed a very troubling FISA bill. Their action comes only 3 days before the expiration of the temporary bill which expires this Saturday, and we have a number of problems with the legislation coming from the other side.

First, it provides blanket retroactive amnesty for telecom companies that took part in warrantless surveillance programs. Now I have never heard, in my legal experience, that retroactive immunity, or immunity of any kind, can be given when you don't know what it is being given for, and that presents quite a large problem. Then there is no FISA Court review of certain au-

thorizations generally referred to as "basket warrants" until after the wiretapping starts. It creates a problem that we would use the additional 21 days that we are asking for, I think that would come under very close examination.

And then there are much weaker provisions on stopping other warrantless wiretapping, for example, reverse targeting of U.S. citizens and the question of sufficient congressional oversight.

So based on the documents that have been provided so far, and they are far from complete, I have letters of requests in great detail, the case for amnesty has really not been made.

The administration's bluster and fear-mongering don't do any of us very well. That doesn't serve the purpose of our legislative function and our relationship with the several branches of government. And it should be understood as perhaps another attempt to use national security for partisan ends.

The administration's view is that the President, as Commander in Chief, can spy on Americans in the United States without a warrant, a proposition that is very seriously contested by many of our constitutional and civil liberties authorities. Congress is committed to providing the executive branch the tools it needs. But we need to do so to make sure that the power to spy on Americans is not subject to abuse or misuse. All of us in this body think that that is of paramount concern.

The administration has requested that the Congress rubber-stamp its proposed legislation but has refused to provide Congress the information that would even purport to support the legislation. It is the administration that has unfortunately played politics with this issue. The administration still hasn't provided us with all of our requested documents.

Just yesterday, another letter was sent requesting the same information we have been asking for for so long. The House can't simply be stonewalled or ignored. And it cannot exercise its constitutional responsibility and then be bullied to rubber-stamp complicated and important legislation that impacts on national security.

We hope that the measure before us today will be passed resoundingly in a bipartisan way.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself 1½ minutes.

Madam Speaker, this extension does nothing more than contribute uncertainty to our intelligence community and put our foreign surveillance activities at risk. We have a bill we can pass right now. Yesterday, the Senate approved its bipartisan FISA bill by an overwhelming majority of 68-29. The Senate bill addresses the concerns of our intelligence community and has strong bipartisan support.

The intelligence community needs a long-term fix to gaps in our intelligence laws now, not 21 days from

now. What message does it send that we lack confidence in our intelligence community? Why are we making ourselves vulnerable to those who want to hurt us? Spies and terrorists don't operate by deadlines and sunsets. Neither should our intelligence laws.

We cannot allow the Protect America Act to expire and return to the status quo, unable to begin any new foreign surveillance. The time to act is now. Another extension represents a failure by the House Democratic majority to protect the American people.

We should reject this extension and urge the Democratic leadership to allow the House to consider the Senate bill, which has majority support in the House.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I reserve my time at this point.

□ 1515

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

Madam Speaker, what we try to do in the Intelligence Committee is to define the threat that is out there. We know that radical jihadists, al Qaeda, that it is a real threat. We attempt to provide our intelligence community with the tools that are necessary to give us, as policymakers, and others the information that is necessary to keep America safe. And at least some of us are in the business of prevention, making sure that there is not another successful attack against the United States; others are in the mode of, well, let another attack, if it happens, we want to be in a position to prosecute.

When we get down to FISA, I went through this earlier, October 25, 2001; November 14, 2001; March 5, 2002; June 12, 2002, Members of the House of Representatives were briefed on this program. Our Speaker of the House was briefed on this program, understanding what the program was, or hopefully understanding or at least asking the questions to get understanding about what the program was, what it intended to do, and the kind of information it was going to get, and the legal boundaries, the legal ramifications, and who was participating in these programs.

Now what they want to do and some want to do is throw these companies that were the Good Samaritans that decided they were going to help us, just throw them under the bus, even though, on a bipartisan basis, the legislative branch and the executive branch asked these folks and decided that these were the things that needed to be done.

The impact of this is this is having a chilling effect on all of those individuals and corporations that, from time to time, are being asked to help to keep us safe. It is like saying we saw what you did to these other folks. We are not going to be next. We are going to have to wield a fiduciary responsibility to our shareholders.

Again, it is the tradition and the experience and background of what some want to do to the intelligence community. Under President Clinton, there were massive cuts in the intelligence community. We devastated the community through the Deutch doctrine, where we cut back on human assets. And now we are doing it again. We won't give the intelligence community the tools that they need. We focus on global warming and we focus on partisan investigations. That will not keep America safe.

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

Mr. CONYERS. Madam Speaker, I am pleased to yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the distinguished chairman for yielding me the time. I thank him as well for his leadership. I thank Mr. REYES for his leadership. And, yes, I thank Mr. HOEKSTRA for his leadership as well, as well as Mr. SMITH.

This is a very serious issue we confront today. This bill passed the Senate less than 24 hours ago; yet this coequal branch of the government of the United States is asked to do what the minority when it was in the majority would never have done, to take exactly what the Senate tells us to take, or, frankly, what the President tells us to take.

Now, let me say that we passed a bill November 15, 3 months ago, which gave the FISA Court and which gave the intelligence community everything they needed, given the technological changes and given the demands of keeping America safe. Everything. The Senate passed a bill out of their committee at about the same time.

But I want to tell my friends on the other side of the aisle, in the Senate you have been slow-walking this bill. You have been slow-walking this bill to put us in the position we find ourselves in today. And you did it because the issue here is not the intelligence community, as Mr. HOEKSTRA talked about. It is the telecommunications companies. That is what the issue is here. Because title I would have been conferenced months ago. But, no, we do not want to apparently look very closely at what happened between the administration and the telecommunications companies.

Now, we passed a statute which said to the telecommunications companies, look, when we make phone calls, they need to be private and you can't disclose those to people, including the government, without a court order. We passed the FISA Court bill specifically to provide for the ability of our intelligence community to intercept communications, but to do so under the aegis of a court. That is what we do in America. It makes us a little different. Some governments, of course, do willy-nilly whatever they want to do.

This is not just about FISA. We incarcerate people without hearings, without lawyers. We torture people,

contrary to the edicts of the international law, rationalized by an Attorney General of the United States in a memo to the President of the United States.

But I tell my friends that nobody in this institution ought to have any self-respect if what you are saying is we ought not to go to conference on this important issue, which is what you say by voting against this extension. This extension is caused almost solely by the members of the President's party in the United States Senate who would not allow this legislation to move more quickly in the Senate.

Madam Speaker, I believe our friends on the other side of the aisle and the President of the United States are taking an untenable position. And what is that position? On the one hand, if the Protect America Act expires, America will be at risk. On the other hand, if we extend and keep in force the Protect America Act, the President says he will veto it. Now, I don't know what kind of Lewis Carroll logic that is, but it certainly escapes me. If in fact, and I don't agree with the President, but if in fact it is important to keep the Protect America Act in place, then passing this extension is the best way to do so.

Now, I think there are some things that we can discuss in conference. I, frankly, have told the White House as late as just a few hours ago that I think we can discuss possible ways to move forward on this, because there is not a person on this floor that doesn't want to protect America, that doesn't want to facilitate the interception of communications valuable to that objective of protecting America and Americans.

I urge all my colleagues on both sides of the aisle to vote for this extension, just as we did by unanimous consent essentially without a vote just a few weeks ago. The contemplation then was that the Senate would act. But the Senate did not act. It did not act until less than 24 hours ago, last night, late afternoon, and now we are confronted with take it or leave it.

Do we have no self-respect in this institution? Do we have no sense of responsibility to oversee that which has been passed, to go to conference and discuss our differences? There are differences, as you know. I would hope that every Member would say to themselves, yes, we have that kind of self-respect, and we understand our responsibility as an independent House of the Congress of the United States.

The logic of the opponents of this legislation, as I said, escapes me. The Protect America Act is imperative, they say, but they oppose its extension, as I said.

Madam Speaker, I support this 21-day extension. I want everybody on this House floor to understand that if we have a 21-day extension, I am hopeful that we will go to conference, I am hopeful the Senate will agree to a conference, and I am hopeful that we can engage Republicans and Democrats on

the Intelligence Committee, on the Judiciary Committee, in an honest conference trying to resolve our differences and pass legislation that helps protect America. I want to remind my colleagues that this body has already passed reauthorization, so there is no need to do that. We are ready for conference right now.

So, Madam Speaker, in closing, let me urge every Member of this House, whether you are for or against the Protect America Act, whether you are for or against immunity, whether you are for or against title I of this bill, vote for this extension, just as you would vote for a CR and not shut down the government in order to give us time to pass appropriation bills fully. That is what this is, simply to give us 3 weeks, 10 days of which we won't be here, to address this very thorny issue on which there are legitimate differences of opinion.

The only other thing one could conclude is simply we are taking the position of "Take it or leave it, House. Don't exercise your judgment, House. Don't meet your responsibilities to the American people, House."

That is not what our constituents expect us to do. Vote for this extension.

Madam Speaker, I believe our friends on the other side of the aisle and the President of the United States are taking an untenable position on this legislation to provide a 21-day extension of the Protect America Act. On one hand, they argue that the extension of the PAA is vital to our national security. Yet, on the other hand, they come to this floor and oppose—and the President is threatening to veto—the 21-day extension of the PAA.

The logic of the opponents of this legislation escapes me. The PAA is imperative, they say. But they oppose its extension?

Madam Speaker, I support this 21-day extension. Here's why: it represents progress toward a final measure to modernize the Foreign Intelligence Surveillance Act.

I want to remind my colleagues that this body has already passed legislation to reauthorize FISA. On November 15—3 months ago this Friday—the House passed the Restore Act, a bill that modernizes the technologically outdated FISA statute, gives the intelligence community the authority to intercept critical foreign communications, and honors our constitutional principles.

As we all know, this is a complicated issue. That is precisely why we're doing this extension today. With this vote, we are declaring that we will not just take whatever legislation the Senate sends us and rubber-stamp it. We are declaring that this body has a prerogative and a role in making law.

The bottom line is: responsible people in both Chambers want an opportunity to work out the differences between the House and Senate bills.

Let me close by saying, I do not agree with those who contend that the expiration of the PAA will jeopardize our national security. And, I am not alone in this view.

For example, Richard Clarke, the former chief National Security Council counterterrorism advisor to Presidents Clinton and George W. Bush, has stated (and I quote):

Our ability to track and monitor terrorists overseas would not cease should the Protect

America Act expire. If this were true, the President would not threaten to terminate any temporary extension with his veto pen. All surveillance currently occurring would continue even after legislative provisions lapsed because authorizations issued under the act are in effect up to a full year.

And, Kenneth Wainstein, the Assistant Attorney General for National Security, recently said in an interview—according to the *New York Times*—that if the PAA expires, intelligence officials would still be able to continue eavesdropping on already approved targets for another year under the law.

We must not fall prey to fearmongers who claim that our intelligence community could “go dark.” That is simply not true.

I urge my colleagues: pass this 21-day extension of the PAA so that we may try to work out our differences with the Senate-passed legislation, and enact legislation that protects our national security and the constitutional rights of the American people.

Mr. SMITH of Texas. Madam Speaker, I yield the balance of my time, 3 minutes, to the gentleman from California (Mr. DANIEL E. LUNGREN), who has some instructive math to share with us.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I listened closely to the words of my friend from Maryland just a moment ago, and I want to assure him that I do have self-respect and I have respect for this institution. I would not have returned here after a 16-year absence if I had any other feeling. But I returned to this place because of the aftermath of 9/11, feeling that those of us who thought we might make a contribution to the defense of this Nation in whatever way we could ought to do that. And based on that, I will have to tell you, this issue is probably one of the two or three most important issues that I have dealt with since I returned to this institution.

We cannot and we will not continue to protect the American people if we are absent that kind of quality intelligence that is necessary for us to be able to figure out what the threat is and to figure out what the threat is before that threat is acted upon by the enemy. That is why this is so important. And integral to our being successful in doing that is being able to ask for assistance by those who have in their power to give assistance.

That is why it is so important, the matter the gentleman from Maryland referred to, the question of whether or not we would grant immunity to those companies who said yes when the American Government came to them in the aftermath of 9/11 and said we need your help. Without your help, it is impossible for us to get that kind of information that we will be able to utilize to be able to prevent another 9/11.

Now, the gentleman from Maryland said we haven't had enough time. I would suggest as one of the 19 members of the Judiciary Committee, I was given the opportunity, as were Members on your side of the aisle, to review that material that you say we haven't had for a long enough period of time.

Interestingly enough, we have had 1 day short of 3 weeks to look at that material. So what makes anybody think if we are given 3 more weeks, 3 more weeks, that the majority side will say that is enough?

The gentleman from Maryland says he doesn't support the Protect America Act, but we are being asked on the floor to extend it for 3 more weeks. The gentleman from Maryland says just 3 more weeks. The vast majority of Members on your side of the aisle voted against it.

So how do we get to a majority position in this House dealing with that necessity of gaining this information while protecting the civil liberties of our fellow citizens? Maybe it is instructive to look at the letter dated January 28 signed by 21 Members of your side of the aisle asking the Speaker of the House to allow us to vote on, what, the very bill passed by the Senate yesterday. The very bill passed by the Senate yesterday was the subject of the letter by 21 Members of your side of the aisle. If you add those Members to our side of the aisle, that is a majority.

Allow us to vote on that up or down. Allow the majority will of this House to be done.

Mr. CONYERS. Madam Speaker, we have the right to close. Are there any more speakers?

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

□ 1530

Mr. CONYERS. Madam Speaker and Members of the House, what we have discussed this afternoon is far too important to rush the legislative process. I hope we will rise above partisanship today and act responsibly to defend the Constitution as we have all taken an oath to do. And so I urge the bipartisan passage of the measure that has been debated.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 5349, to extend the Protect America Act of 2007 for 21 days. Let me be clear that while I do not support legislation that grants legal immunity to telecommunications companies that provide information to Federal investigators without a warrant, I recognize that the current legislation is set to expire this Saturday, February 16th. Although I do not support the Protect America Act, we need more time to work with our colleagues in the Senate on the substance of this legislation in order to ensure that we reconcile the Senate language with the RESTORE Act (H.R. 3773), which we passed in the House on November 15, 2007.

I would like to thank my Senate colleague Senator FEINGOLD, from Wisconsin, for his diligent work in trying to amend this legislation to protect American civil liberties, both at home and abroad.

Homeland security is not a Democratic or a Republican issue, it is not a House or Senate issue; it is an issue for all Americans—all of us.

The original legislation offered by the House Majority gave the Administration everything that they needed, but what the Senate is pro-

posing virtually throws our Bill of Rights out the window, because they are telling Americans that no matter what your business is, you are subject to the unchecked scrutiny of the Attorney General without judicial intervention.

I am disheartened by the other body for their failure to recognize that we can secure America by passing responsible electronic surveillance legislation that does not compromise our civil liberties.

Madam Speaker, in August of this year, I strongly opposed S. 1927, the so-called “Protect America Act” (PAA) when it came to a vote on the House floor. Had the Bush administration and the Republican-dominated 109th Congress acted more responsibly in the 2 preceding years, we would not have been in the position of debating legislation that had such a profoundly negative impact on the national security and on American values and civil liberties in the crush of exigent circumstances. As that regrettable episode clearly showed, it is true as the saying goes that haste makes waste.

The PAA was stamped through the Congress in the midnight hour of the last day before the long August recess on the dubious claim that it was necessary to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell. But in reality it would have eviscerated the Fourth Amendment to the Constitution and represented an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led at that time by an Attorney General whose reputation for candor and integrity was, to put it charitably, subject to considerable doubt.

The RESTORE Act, H.R. 3773, is superior to the PAA by orders of magnitude. This is due in no small measure, Madam Speaker, to the willingness of the leadership to reach out to and work with all members of the House. The result shows. The RESTORE Act does not weaken our Nation's commitment to its democratic traditions. Rather, it represents a sound policy proposal for achieving the only legitimate goals of a terrorist surveillance program, which is to ensure that American citizens and persons in America are secure in their persons, papers, and effects, but terrorists throughout the world are made insecure. Let me direct the attention of all members to several of the more important aspects of this salutary legislation.

First, H.R. 3773 explicitly affirms that the exclusive law to follow with respect to authorizing foreign surveillance gathering on U.S. soil is the Foreign Intelligence Surveillance Act (FISA). As initially enacted by Congress in 1978, the exclusivity of FISA was undisputed and unambiguous. I hasten to add, however, that while FISA remains the exclusive source of law, H.R. 3773 recognizes that the law as enacted in 1978 can and should be adapted to modern circumstances and to accommodate new technologies. And it does so by making clear that foreign-to-foreign communications are not subject to the FISA, even though modern technology enables that communication to be routed through the United States.

Second, under H.R. 3773, the Foreign Intelligence Surveillance Court (FISC) is indispensable and is accorded a meaningful role in ensuring compliance with the law. The bill ensures that the FISC is empowered to act as an Article III court should act, which means the court shall operate neither as a rubber-

stamp nor a bottleneck. Rather, the function of the court is to validate the lawful exercise of executive power on the one hand, and to act as the guardian of individual rights and liberties on the other.

Third, the bill does not grant amnesty to any telecommunications company or to any other entity or individual that helped federal intelligence agencies spy illegally on innocent Americans. I strongly support this provision because granting such blanket amnesty for past misconduct will have the unintended consequence of encouraging telecommunications companies to comply with, rather than contest, illegal requests to spy on Americans. The only permissible path to legalization of conduct in this area is full compliance with the requirements of the Foreign Intelligence Surveillance Act.

Moreover, Madam Speaker, it is important to point out that the loudest demands for blanket immunity come not from the telecommunications companies but from the Administration, which raises the interesting question of whether the Administration's real motivation is to shield from public disclosure the ways and means by which government officials may have "persuaded" telecommunications companies to assist in its warrantless surveillance programs. I call my colleagues' attention to an article published in the Washington Post in which it is reported that Joseph Nacchio, the former CEO of Qwest, alleges that his company was denied NSA contracts after he declined in a February 27, 2001 meeting at Fort Meade with National Security Agency (NSA) representatives to give the NSA customer calling records.

Madam Speaker, the authorization to conduct foreign surveillance on U.S. soil provided by H.R. 3773 is temporary and will expire in 2 years if not renewed by the Congress. This is perhaps the single most important limitation on the authority conferred on the Executive Branch by this legislation. The good and sufficient reason for imposing this limitation is because the threats to America's security and the liberties of its people will change over time and thus require constant vigilance by the people's representatives in Congress.

To give a detailed illustration of just how superior the RESTORE Act is to the ill-considered and hastily enacted Protect America Act, I wish to take a few moments 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 made a constructive contribution to the RESTORE Act 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.

Let us be clear, Madam Speaker, that nothing in the bill or in my amendment 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.

The Jackson Lee 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 U.S. [sic] person located in the United States.

In short, the Jackson Lee amendment makes a good bill even better. For this reason alone, civil libertarians should enthusiastically embrace the RESTORE Act.

Nearly two centuries ago, Alexis de Tocqueville, who remains the most astute student of American democracy, observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

As I wrote in the Politico, "the best way to win the war on terror is to remain true to our democratic traditions. If it retains its demo-

cratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests."

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

I would ask my colleagues to support this 21-day extension so that we may work together as a body, Members of both the House and the Senate to provide our citizens with the protections they so richly deserve. We need to have time to reconcile the differences between the House and the Senate in order to ensure that the important provisions of the RESTORE Act protecting the constitutional rights of Americans is preserved. I ask my colleagues to support the Bill of Rights and national security by supporting the 21-day extension in H.R. 5349.

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

First, I was prepared to accept temporarily obviating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. However, I continue to insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. This can be negotiated during this 21-day extension period.

The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance.

In all candor, Madam Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still not enough on the public record about the nature and effectiveness of those programs, or the trustworthiness of this administration, to indicate that they require a blank check from Congress.

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

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

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

Madam Speaker, the legislation before us is only necessary to give this body time to work with our colleagues in the Senate. The 21-day extension will give us time to impress upon the Senate, how important it is to protect the civil rights of all Americans.

I encourage my colleagues to join me in a vote of support of this 21-day extension. H.R. 5349 gives us time to amend the unwise and ill-considered reauthorization of the Protect America Act of 2007.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of H.R. 5349, a twenty one day extension of the Protect America Act. I believe that this short term extension is necessary to achieve a long term solution to update our foreign surveillance laws in a manner that will protect the civil liberties of Americans.

I voted against the Protect America Act last August because I believe that it seriously compromises the civil liberties of Americans. I am still opposed to it as a permanent solution to our need to conform our surveillance laws to changes in telecommunication technology. Fortunately, it was scheduled to sunset in 6 months to provide additional time to correct our foreign surveillance law in a balanced manner.

The House passed such a balanced bill, H.R. 3773, the RESTORE Act, in November. I voted for this bill because I believe that it establishes the proper balance between the protection of civil liberties and the needs of our intelligence agencies to have access to critical information. Unfortunately, the Senate passed their bill yesterday giving us no time to reconcile the differences between the respective bills. Moreover, I have serious objections to the Senate bill which is dramatically different than its House counterpart.

Significant work must be done to harmonize these bills in a manner that will be acceptable to me. Consequently, it is necessary to provide additional time for the committees of jurisdiction to craft a balanced bicameral solution.

Mr. UDALL of New Mexico. Madam Speaker, I rise today to voice my opposition to H.R. 5349, which extends the Protect America Act. Last August, I joined 182 of my colleagues in opposing the Protect America Act. I opposed the PAA then because I felt it did not adequately protect our civil liberties from a continually over-reaching executive branch. The Bush administration has repeatedly tried, and with some degree of success, to extend its powers in ways that I believe encroach on our civil liberties. This legislation continues to allow these surveillance activities without providing adequate safeguards to protect Americans from this encroachment on their civil liberties.

The passage of the PAA was hasty and ill-conceived. Our intelligence community will not stop its activities should this bill expire. In fact, the PAA explicitly states that authorizations issued prior to its expiration would remain in effect until their expiration. Knowing that our Nation can continue to protect itself until more

balanced legislation is passed, I can not support this extension.

Last November, the House took a stand and passed the RESTORE Act, a strong bill that gives our intelligence community the resources it needs to do its job, but also ensures that our Constitutionally guaranteed rights remain intact. Because the RESTORE Act was able to achieve all these purposes, I was able to support its passage. Because the PAA does not achieve this balance, I cannot agree to let it remain our rule of law. I continue to believe that we must have the best possible intelligence to protect our nation, but that it can be done in a manner that does not uproot the basic rights and principles guaranteed to us by our Founding Fathers. I look forward to working with my colleagues to build on the RESTORE Act.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 976, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. Madam Speaker, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill, H.R. 5349, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

POINT OF ORDER

Mr. CONYERS. Madam Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CONYERS. The motion to recommit is not germane to the bill under consideration and therefore should not be considered.

H.R. 5349 seeks a 21-day extension of the Protect America Act as previously amended, thus amending the act so that it would expire not 195 days but 216 days after enactment.

The motion to recommit goes beyond the scope of the bill, and beyond the scope of the Protect America Act the bill temporarily extends, to make permanent changes to the FISA law, including retroactive legal amnesty for telecom companies who may have broken the law in cooperating with earlier surveillance activities. Because it goes beyond the scope of the bill and deals with a different purpose, it is not germane.

Mr. SMITH of Texas. Madam Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Speaker, it is unfortunate that the Democratic majority is insisting on a procedural objection to block consideration of this motion to recommit. This motion substitutes the bipartisan bill passed yesterday by the Senate 68-29 to improve FISA, a bill that would dramatically improve our national security. It is sad to see the Democratic majority put procedure over substance when it comes to protecting Americans from terrorists.

There is nothing more germane to the security of the American people than to take up the Senate bill as quickly as possible. Therefore, I would ask the gentleman from Michigan, the chairman of the Judiciary Committee, to withdraw his point of order and allow for an up or down vote on the bipartisan Senate reform bill. I hope the gentleman will withdraw his point of order and allow us to take a vote on a bill supported by both parties in the Senate, the administration, and many Democrats in the House.

Again, I would like to reiterate my disappointment that the majority has raised a point of order against this motion to recommit. We need to stop playing procedural games with our national security and take a vote now on the Senate-passed bill to improve FISA.

Mr. CONYERS. Madam Speaker, I have never violated parliamentary procedure, and I would insist upon the point of order.

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

The gentleman from Michigan makes a point of order that the motion to recommit offered by the gentleman from Texas proposes an amendment that is not germane to the bill.

Clause 7 of rule XVI provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

The bill, H.R. 5349, extends the Protect America Act of 2007 for a limited time.

The instructions contained in the motion to recommit propose permanent changes in law.

A general principle of the germaneness rule is that where a bill is composed only of a temporary extension of existing programs, an amendment making permanent changes in law relating to such programs is not germane.

The Chair will note a relevant precedent. On December 2, 1982, the Chair ruled that an amendment permanently changing the organic law governing an agency's operation was not germane to a bill that merely provided a temporary authorization for the agency. This precedent is recorded on page 722 of the House Rules and Manual.

Therefore, in the opinion of the Chair, the instructions contained in the motion to recommit are not germane. The point of order is sustained.

Mr. SMITH of Texas. Madam Speaker, I move to appeal the Speaker's ruling.

The SPEAKER pro tempore. The question is: "Will the decision of the Chair stand as the judgment of the House?"

MOTION TO TABLE OFFERED BY MR. CONYERS

Mr. CONYERS. Madam Speaker, I move to table.

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

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

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of the bill, if ordered, and if arising without further debate or proceedings in recomittal; and motions to suspend the rules with regard to House Resolution 960 and House Resolution 917.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 10, as follows:

[Roll No. 53]

YEAS—222

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

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

NAYS—196

Aderholt	Franks (AZ)	Neugebauer
Akin	Frelinghuysen	Nunes
Alexander	Gallely	Paul
Bachmann	Garrett (NJ)	Pearce
Bachus	Gerlach	Pence
Barrett (SC)	Gingrey	Peterson (PA)
Bartlett (MD)	Gohmert	Petri
Barton (TX)	Goode	Pitts
Biggart	Goodlatte	Platts
Bilbray	Granger	Poe
Bilirakis	Graves	Porter
Bishop (UT)	Hall (TX)	Price (GA)
Blackburn	Hastings (WA)	Pryce (OH)
Blunt	Hayes	Putnam
Boehner	Heller	Radanovich
Bonner	Hensarling	Ramstad
Bono Mack	Herger	Regula
Boozman	Hobson	Rehberg
Boustany	Hoekstra	Reichert
Brady (TX)	Hulshof	Reynolds
Broun (GA)	Hunter	Rogers (AL)
Brown (SC)	Inglis (SC)	Rogers (KY)
Brown-Waite,	Issa	Rogers (MI)
Ginny	Johnson (IL)	Rohrabacher
Buchanan	Johnson, Sam	Ros-Lehtinen
Burgess	Jones (NC)	Roskam
Burton (IN)	Jordan	Royce
Buyer	Keller	Ryan (WI)
Calvert	King (IA)	Sali
Camp (MI)	King (NY)	Saxton
Campbell (CA)	Kingston	Schmidt
Cannon	Kirk	Sensenbrenner
Cantor	Kline (MN)	Sessions
Capito	Knollenberg	Shadegg
Carnes	Kuhl (NY)	Shays
Carter	LaHood	Shimkus
Castle	Lamborn	Shuster
Chabot	Latham	Simpson
Coble	LaTourrette	Smith (NE)
Cole (OK)	Latta	Smith (NJ)
Conaway	Lewis (CA)	Smith (TX)
Conshaw	Lewis (KY)	Souder
Cubin	Linder	Stearns
Culberson	LoBiondo	Sullivan
Davis (KY)	Lucas	Tancredo
Davis, David	Lungren, Daniel	Terry
Davis, Tom	E.	Thornberry
Deal (GA)	Mack	Tiaht
Dent	Manzullo	Tiberi
Diaz-Balart, L.	Marchant	Turner
Diaz-Balart, M.	McCarthy (AZ)	Upton
Doolittle	McCaul (TX)	Walberg
Drake	McCotter	Walden (OR)
Dreier	McCrery	Walsh (NY)
Duncan	McHenry	Wamp
Ehlers	McHugh	Weldon (FL)
Emerson	McKeon	Weller
English (PA)	McMorris	Westmoreland
Everett	Rodgers	Whitfield (KY)
Fallin	Mica	Wilson (NM)
Feeney	Miller (FL)	Wilson (SC)
Ferguson	Miller (MI)	Wittman (VA)
Flake	Miller, Gary	Wolf
Forbes	Moran (KS)	Young (AK)
Fortenberry	Murphy, Tim	Young (FL)
Fossella	Musgrave	
Fox	Myrick	

NOT VOTING—10

Gilchrest	McGovern	Ruppersberger
Hinojosa	Ortiz	Towns
Honda	Pickering	
Lowey	Renzi	

□ 1602

Messrs. ADERHOLT, KINGSTON, INGLIS of South Carolina and CARNEY changed their vote from "yea" to "nay."

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

A motion to reconsider was laid on the table.

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

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

RECORDED VOTE

Mr. SMITH of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 5-minute vote on the passage of the bill will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 960. The vote on the motion to suspend the rules on House Resolution 917 will be taken later.

The vote was taken by electronic device, and there were—ayes 191, noes 229, not voting 9, as follows:

[Roll No. 54]

AYES—191

Abercrombie	Dingell	Langevin
Ackerman	Donnelly	Larsen (WA)
Allen	Doyle	Larson (CT)
Andrews	Edwards	Levin
Arcuri	Ellison	Lipinski
Baca	Ellsworth	Loebsack
Baird	Emanuel	Lofgren, Zoe
Baldwin	Engel	Lynch
Barrow	Eshoo	Maloney (NY)
Bean	Etheridge	Markey
Becerra	Farr	Marshall
Berkley	Fattah	Matheson
Berman	Frank (MA)	Matsui
Berry	Giffords	McCarthy (NY)
Bishop (GA)	Gillibrand	McCollum (MN)
Bishop (NY)	Gonzalez	McDermott
Blumenauer	Gordon	McGovern
Boucher	Green, Al	McIntyre
Boyd (FL)	Green, Gene	McNerney
Boyd (KS)	Grijalva	McNulty
Brady (PA)	Gutierrez	Meek (FL)
Bralley (IA)	Hare	Meeks (NY)
Brown, Corrine	Harman	Melancon
Butterfield	Hastings (FL)	Michaud
Capps	Herseth Sandlin	Miller (NC)
Cardoza	Higgins	Miller, George
Carnahan	Hill	Mitchell
Carney	Hirono	Mollohan
Castor	Hodes	Moore (KS)
Chandler	Holden	Moore (WI)
Clarke	Hooley	Murtha
Clay	Hoyer	Nadler
Cleaver	Inslee	Napolitano
Clyburn	Israel	Neal (MA)
Cohen	Jackson (IL)	Oberstar
Conyers	Jackson-Lee	Obey
Cooper	(TX)	Oliver
Costa	Jefferson	Pastor
Courtney	Johnson (GA)	Pelosi
Cramer	Johnson, E. B.	Perlmutter
Crowley	Jones (OH)	Pomeroy
Cuellar	Kagen	Price (NC)
Cummings	Kanjorski	Rahall
Davis (AL)	Kaptur	Rangel
Davis (CA)	Kennedy	Reyes
Davis (IL)	Kildee	Richardson
DeGette	Kilpatrick	Rodriguez
Delahunt	Kind	Ross
DeLauro	Klein (FL)	Roybal-Allard
Dicks	Lampson	Rush

Ryan (OH) Smith (WA) Udall (CO)
 Salazar Snyder Van Hollen
 Sánchez, Linda Solis Velázquez
 T. Space Visclosky
 Schiff Spratt Wasserman
 Schwartz Stark Schultz
 Scott (GA) Stupak Watson
 Scott (VA) Sutton Waxman
 Sestak Tanner Weiner
 Shea-Porter Tauscher Welch (VT)
 Sherman Taylor Wexler
 Shuler Thompson (CA) Wilson (OH)
 Sires Thompson (MS) Wynn
 Skelton Tierney Yarmuth
 Slaughter Tsongas

NOT VOTING—9
 Lowey Renzi
 Ortiz Ruppertsberger
 Pickering Towns

□ 1611

So the bill was not passed.
 The result of the vote was announced
 as above recorded.
 A motion to reconsider was laid on
 the table.

Grijalva McCarthy (CA) Salazar
 Gutierrez McCarthy (NY) Sali
 Hall (NY) McCaul (TX) Sánchez, Linda
 Hall (TX) McCollum (MN) T.
 Hare McCotter Sanchez, Loretta
 Harman McCrery Sarbanes
 Hastings (FL) McDermott Saxton
 Hastings (WA) McGovern Schakowsky
 Hayes McHenry Schiff
 Heller McHugh Schmidt
 Hensarling McIntyre Schwartz
 Herger McKeon Scott (GA)
 Herseth Sandlin McMorris Scott (VA)
 Higgins Rodgers Sensenbrenner
 Hill McNerney Serrano
 Hinchey McNulty Sessions
 Hiron Meek (FL) Sestak
 Hobson Meeks (NY) Shadegg
 Hodes Melancon Shays
 Hoekstra Mica Sherman
 Holden Michaud Shimkus
 Holt Miller (FL) Shuler
 Hooley Miller (MI) Shuster
 Hoyer Miller (NC) Simpson
 Hulshof Miller, Gary Sires
 Hunter Miller, George Skelton
 Inglis (SC) Mitchell Slaughter
 Inslee Mollohan Smith (NE)
 Israel Moore (KS) Smith (NJ)
 Issa Moore (WI) Smith (TX)
 Jackson (IL) Moran (KS) Smith (WA)
 Jackson-Lee Moran (VA)
 (TX) Murphy (CT)
 Jefferson Solis Snyder
 Johnson (GA) Murtha Souder
 Johnson (IL) Musgrave Space
 Johnson, E.B. Myrick Spratt
 Johnson, Sam Nadler Stearns
 Jones (NC) Napolitano Stupak
 Jones (OH) Neal (MA) Sullivan
 Jordan Neugebauer Sutton
 Kanjorski Nunes Tancredo
 Kaptur Oberstar Tanner
 Keller Obey Tauscher
 Kennedy Olver Taylor
 Kildee Pallone Terry
 Kilpatrick Pascrell Thompson (CA)
 Kind Pastor Thompson (MS)
 King (IA) Paul Thornberry
 King (NY) Payne Tiahrt
 Kingston Pearce Tiberi
 Kirk Pence Tierney
 Klein (FL) Perlmutter Tsongas
 Kline (MN) Peterson (MN) Turner
 Knollenberg Peterson (PA) Udall (CO)
 Kucinich Petri Udall (NM)
 Kuhl (NY) Pitts Upton
 LaHood Platts Van Hollen
 Lamborn Poe Velázquez
 Latham Pomeroy Walberg
 LaTourette Shays Walden (OR)
 Latta Tiberi Walsh (NY)
 Lee Shuster Walz (MN)
 Lewis (CA) Simpson Wamp
 Lewis (GA) Smith (NE) Wasserman
 Lewis (KY) Smith (NJ) Schultz
 Crenshaw Linder Souder Watson
 Cubin LoBiondo Stearns Watt
 Culberson Lucas Sullivan Waxman
 Davis (KY) Lungren, Daniel Weiner
 Davis, David E. Tancredo Welch (VT)
 Davis, Lincoln Mack Terry Weldon (FL)
 Davis, Tom Mahoney (FL) Thornberry Weller
 Deal (GA) Manzullo Tiahrt Wexler
 DeFazio Marchant Tiberi Whitfield (KY)
 Dent McCarthy (CA) Turner Wilson (NM)
 Diaz-Balart, L. McCaul (TX) Udall (NM) Wilson (OH)
 Diaz-Balart, M. McCotter Upton Wittman (VA)
 Doggett McCrery Walberg Wolf
 Doolittle McHenry Walden (OR) Woolsey
 Drake McHugh Walsh (NY) Wu
 Dreier McKeon Walz (MN) Young (AK)
 Duncan McMorris Wamp Young (FL)
 Ehlers Rodgers Waters
 Emerson Mica Watt
 English (PA) Miller (FL) Weldon (FL)
 Everett Miller (MI) Weller
 Fallon Miller, Gary Westmoreland
 Feeney Moran (KS) Whitfield (KY)
 Ferguson Moran (VA) Wilson (NM)
 Filner Murphy (CT) Wilson (SC)
 Flake Murphy, Patrick Wittman (VA)
 Forbes Murphy, Tim Wolf
 Fortenberry Musgrave Woolsey
 Fossella Myrick Wu
 Foxx Neugebauer Young (AK)
 Franks (AZ) Nunes Young (FL)
 Frelinghuysen Pallone
 Gallegly Pascrell

NOES—229

Aderholt Garrett (NJ) Paul
 Akin Gerlach Payne
 Alexander Gingrey Pearce
 Altmire Gohmert Pence
 Bachmann Goode Peterson (MN)
 Bachus Goodlatte Peterson (PA)
 Barrett (SC) Granger Petri
 Bartlett (MD) Graves Pitts
 Barton (TX) Hall (NY) Platts
 Biggert Hall (TX) Poe
 Bilbray Hastings (WA) Porter
 Billirakis Hayes Price (GA)
 Bishop (UT) Heller Pryce (OH)
 Blackburn Hensarling Putnam
 Blunt Herger Radanovich
 Boehner Hinchey Ramstad
 Bonner Hobson Regula
 Bono Mack Hoekstra Rehberg
 Boozman Holt Reichert
 Boren Hulshof Reynolds
 Boswell Hunter Rogers (AL)
 Boustany Inglis (SC) Rogers (KY)
 Brady (TX) Issa Rogers (MI)
 Broun (GA) Johnson (IL) Rohrabacher
 Brown (SC) Johnson, Sam Ros-Lehtinen
 Brown-Waite, Jones (NC) Roskam
 Ginny Jordan Rothman
 Buchanan Keller Royce
 Burgess King (IA) Ryan (WI)
 Burton (IN) King (NY) Sali
 Buyer Kingston Sanchez, Loretta
 Calvert Kirk Sarbanes
 Camp (MI) Kline (MN) Saxton
 Campbell (CA) Knollenberg Schakowsky
 Cannon Kucinich Schmidt
 Cantor Kuhl (NY) Sensenbrenner
 Capito LaHood Serrano
 Capuano Lamborn Sessions
 Carter Latham Shadegg
 Castle LaTourette Shays
 Chabot Latta Shimkus
 Coble Lee Shuster
 Cole (OK) Lewis (CA) Simpson
 Conaway Lewis (GA) Smith (NE)
 Costello Lewis (KY) Smith (NJ)
 Crenshaw Linder Smith (TX)
 Cubin LoBiondo Souder
 Culberson Lucas Stearns
 Davis (KY) Lungren, Daniel Sullivan
 Davis, David E. Tancredo
 Davis, Lincoln Mack Terry
 Davis, Tom Mahoney (FL) Thornberry
 Deal (GA) Manzullo Tiahrt
 DeFazio Marchant Tiberi
 Dent McCarthy (CA) Turner
 Diaz-Balart, L. McCaul (TX) Udall (NM)
 Diaz-Balart, M. McCotter Upton
 Doggett McCrery Walberg
 Doolittle McHenry Walden (OR)
 Drake McHugh Walsh (NY)
 Dreier McKeon Walz (MN)
 Duncan McMorris Wamp
 Ehlers Rodgers Waters
 Emerson Mica Watt
 English (PA) Miller (FL) Weldon (FL)
 Everett Miller (MI) Weller
 Fallon Miller, Gary Westmoreland
 Feeney Moran (KS) Whitfield (KY)
 Ferguson Moran (VA) Wilson (NM)
 Filner Murphy (CT) Wilson (SC)
 Flake Murphy, Patrick Wittman (VA)
 Forbes Murphy, Tim Wolf
 Fortenberry Musgrave Woolsey
 Fossella Myrick Wu
 Foxx Neugebauer Young (AK)
 Franks (AZ) Nunes Young (FL)
 Frelinghuysen Pallone
 Gallegly Pascrell

CONGRATULATING THE NATIONAL FOOTBALL LEAGUE CHAMPION NEW YORK GIANTS FOR WINNING SUPER BOWL XLII

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 960, 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 North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the resolution, H. Res. 960.

This will be a 5-minute vote.
 The vote was taken by electronic device, and there were—yeas 412, nays 1, answered “present” 2, not voting 13, as follows:

[Roll No. 55]
 YEAS—412

Abercrombie Burton (IN) Dent
 Ackerman Butterfield Diaz-Balart, L.
 Aderholt Buyer Diaz-Balart, M.
 Akin Calvert Dicks
 Alexander Camp (MI) Dingell
 Allen Campbell (CA) Doggett
 Altmire Cannon Donnelly
 Andrews Cantor Doolittle
 Arcuri Capito Doyle
 Baca Capps Drake
 Bachmann Capuano Dreier
 Bachus Cardoza Duncan
 Baird Carnahan Edwards
 Baldwin Carney Ehlers
 Barrett (SC) Carter Ellsworth
 Barrow Castle Emanuel
 Bartlett (MD) Castor Emerson
 Barton (TX) Chabot Engel
 Bean Chandler English (PA)
 Becerra Clarke Eshoo
 Berkley Clay Etheridge
 Berman Cleaver Everett
 Berry Clyburn Fallon
 Biggert Coble Farr
 Bilbray Cohen Fettah
 Billirakis Cole (OK) Feeney
 Bishop (GA) Conaway Ferguson
 Bishop (NY) Conyers Filner
 Blumenauer Cooper Flake
 Blunt Costa Forbes
 Boehner Costello Fortenberry
 Bonner Courtney Fossella
 Bono Mack Cramer Foxx
 Boozman Crenshaw Frank (MA)
 Boren Crowley Franks (AZ)
 Boswell Cubin Frelinghuysen
 Boucher Cuellar Gallegly
 Boustany Culberson Garrett (NJ)
 Boyd (FL) Cummings Gerlach
 Boyda (KS) Davis (AL) Giffords
 Brady (PA) Davis (CA) Gillibrand
 Brady (TX) Davis (IL) Gingrey
 Braley (IA) Davis (KY) Gohmert
 Broun (GA) Davis, David Gonzalez
 Brown (SC) Davis, Lincoln Goode
 Brown (SC) Davis, Tom Goodlatte
 Brown, Corrine Deal (GA) Gordon
 Brown-Waite, DeFazio Granger
 Buchanan Ginny DeGette Graves
 Burgess DeLauro Delahunt Green, Al
 Ellison Green, Gene

Jefferson Johnson (GA)
 Johnson (IL) Johnson (IL)
 Johnson, E.B. Johnson, Sam
 Jones (NC) Jones (OH)
 Kanjorski Kaptur
 Keller Kennedy
 Kildee Kilpatrick
 Kind King (IA)
 King (NY) King (NY)
 Kingston Kirk
 Klein (FL) Kline (MN)
 Knollenberg Kucinich
 Kuhl (NY) LaHood
 Lamborn Latham
 Lampson Langevin
 Larsen (WA) Larson (CT)
 Latta Latham
 LaTourette Latta
 Lee Levin
 Lewis (CA) Lewis (GA)
 Lewis (KY) Lewis (KY)
 Linder Lipinski
 LoBiondo Loeb sack
 Lofgren, Zoe Lucas
 Lungren, Daniel E.
 Lynch Mack
 Mahoney (FL) Maloney (NY)
 Manzullo Marchant
 Markey Gallegly
 Marshall Marquardt
 Matheson Matsui

Moran (VA) Murphy (CT)
 Moran (VA) Murphy, Tim
 Murtha
 Musgrave Myrick
 Nadler Neugebauer
 Napolitano Neal (MA)
 Neugebauer Nunes
 Oberstar Obey
 Olver Pallone
 Pascrell Pastor
 Paul Payne
 Pearce Pence
 Perlmutter Peterson (MN)
 Peterson (PA) Petri
 Pitts Platts
 Poe Pomeroy
 Porter Price (GA)
 Price (NC) Pryce (OH)
 Putnam Radanovich
 Ramstad Rangel
 Regula Rehberg
 Reichert Reyes
 Reynolds Richardson
 Rodriguez Rogers (AL)
 Rogers (KY) Rogers (MI)
 Rohrabacher Ros-Lehtinen
 Roskam Ross
 Rothman Roybal-Allard
 Royce Rush
 Ryan (OH) Ryan (WI)

Tancredo Tanner
 Tauscher Taylor
 Terry Thompson (CA)
 Thompson (MS) Thompson (MS)
 Thornberry Tiahrt
 Tiberi Tierney
 Tsongas Turner
 Udall (CO) Udall (NM)
 Upton Van Hollen
 Velázquez Walberg
 Visclosky Walden (OR)
 Walsh (NY) Walsh (NY)
 Walz (MN) Wamp
 Wasserman Schultz
 Watson Watt
 Waxman Weiner
 Welch (VT) Weldon (FL)
 Weller Westmoreland
 Wexler Whitfield (KY)
 Wilson (NM) Wilson (OH)
 Wilson (SC) Wittman (VA)
 Wolf Woolsey
 Wu Yarmuth
 Young (AK) Young (FL)

NAYS—1

Murphy, Patrick

ANSWERED “PRESENT”—2

Kagen Shea-Porter

NOT VOTING—13

Blackburn Gilchrest Honda
 Ellison Hinojosa Lowey