

HOUSE OF REPRESENTATIVES—Friday, February 15, 2008

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCGOVERN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 15, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, creator of the universe, we bless You and we praise You for all the blessings showered upon this Nation. Yesterday, with sacred words from the Hebrew Scriptures, memorable songs, and beautiful expressions of memory and thanksgiving, this Congress celebrated the life, love, and illustrious service of the Honorable Tom Lantos. May You who create harmony in the heavens bring peace to all who mourn now.

His passing is a great loss to this body and the Nation because of his strong leadership and his ability to create faithful and lasting friendships both as a statesman and a champion for human rights. Lord, may Your people from all across this Nation and from around the world continue to console his wife, Annette, and his family, staff, and friends, with their prayers, affection, and sympathy.

Lord, because the Honorable Tom Lantos lived a great American story, he will inspire many. May You, our provident God, empower many more to draw upon his great legacy and work for securing human rights and human dignity for every person everywhere here on Earth both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. PRICE)

come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HOUR OF MEETING ON MONDAY, FEBRUARY 25

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 21, pursuant to this order, it adjourn to meet at 4 p.m. on Monday, February 25.

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

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, if I may.

Mr. Leader, I just had the opportunity to lead the house in the Pledge, which is a solemn honor. We stand here in an empty Chamber, virtually. Yesterday this House had an opportunity to act and protect our Nation to a greater degree by adopting FISA, which the Senate adopted in a bipartisan manner 68-29. It troubles me and many on our side that we're not proceeding with that business today, and I think that it's important that we know, the Nation knows, Representatives here know that this House is not acting when it could, and I would suggest respectfully, Mr. Leader, we should.

Mr. HOYER. Would the gentleman yield under his reservation?

Mr. PRICE of Georgia. I am happy to yield.

Mr. HOYER. I thank the gentleman for yielding.

In fact, I am from this very Chamber about 25 feet from here going to have a meeting with Mr. ROCKEFELLER, Mr. REYES, Mr. LEAHY, and Mr. CONYERS on proceeding to accomplish the objective the gentleman wants to seek and we want to seek.

As you also know, 2 days ago, we had a vote on ensuring the extension of the existing statute, not because we believed that was necessary but for an abundance of caution, and as the gentleman knows, every one of your Members voted against that extension on the demand that we do what you wanted us to do now. But in the protection that was available to you to extend for 21 days the protections you say are now going to be absent, every one of you voted "no." I'm sorry that that happened.

Mr. PRICE of Georgia. Reclaiming my time and continuing to reserve the right to object, the gentleman certainly knows that this has been extended from August until earlier this month. And then we agreed to a 14-day extension, until this evening. We believe, as I know you know well, our side believes that this needs to be adopted. Bipartisan action in the Senate proceeded along those lines and agrees that it ought to be adopted. We believe that letting the time lapse further only brings significant potential detriment to our Nation. So we strongly believe that it needs to be adopted.

You know that we're not in the majority. We're in the minority. Thirty-four of your Members voted not to extend for 21 days. Not to extend. Your side, the majority, could have adopted an extension had you been able to muster the votes, but we don't have the majority. We're at your disposal, if you will. But we strongly believe that here we are in a Chamber that is virtually empty, and in fact I would suggest, Mr. Leader, respectfully, that we're abrogating our duties as representatives of the people.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield under his reservation?

Mr. PRICE of Georgia. I am happy to yield.

Mr. DANIEL E. LUNGREN of California. I would just like to make something very clear for the record. In a statement that is contained in the Washington Post today, written by the DNI, the Director of National Intelligence, he points out that it is not only necessary to extend the Protect America Act but it is absolutely essential, in his opinion and in the opinion of the others in the intelligence community leadership, that we have an immunity for those telecommunications companies that responded affirmatively to the request of our intelligence agency to assist after 9/11. He states unequivocally that it's his opinion and the opinion of the others of the leadership of the intelligence community that we put ourselves at risk if we do not do that and that failure to do that has already visited upon us some problems with respect to cooperation around the world.

So let's just please let the record be correct that it is not just the extension of the Protect America Act, which was the sole subject of the vote that we had 2 days ago, or 3 days ago, but it is also the question of immunity, or the Good

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Samaritan law, to apply to those companies who have responded affirmatively to the request to save our Nation. And that needs to be stressed. That's the crux of the question, as the gentleman from Maryland made very clear on the floor yesterday, or 2 days ago, in the debate.

I thank the gentleman for yielding.

Mr. HOYER. Would the gentleman yield so I might respond to the gentleman from California's response?

Mr. PRICE of Georgia. Under my reservation, I'm happy to yield to the gentleman from Maryland.

Mr. HOYER. I disagree with Mr. McConnell, Admiral McConnell, whose op-ed I read this morning. And as the gentleman knows, I would reiterate, had we extended by 21 days the Protect America Act, which all of your Members voted against, had we done that, the immunity which was provided in that would have continued. As the gentleman also knows, that the only issue here is whether or not the administration has to go to the trouble to go to the FISA Court, which it has done so over 16,000 times, not this administration but the previous administration, and only had its request rejected five times; 99.9 percent of the time the FISA Court has approved. And once it approves, the telecoms, the telecommunication companies, acting in response to that court order are not liable for their actions. Therefore, we regret that we have not extended that, but, as I said, I am meeting today, we will be meeting through the next days, to try to come to an agreement.

Because the Senate delayed its action for 3 months after we passed our bill, it presented us with a bill that you wanted us to take as a fait accompli, without going to conference, without having the opportunity to discuss it. We think that was unreasonable and we didn't agree. So we're going to pursue this process and we are all in agreement that we ought to get this done.

Mr. PRICE of Georgia. Reclaiming my time, continuing under my reservation, I would just point out to the gentleman, as he well knows again, that the majority party could have passed a 21-day extension had it desired, but it was unable to do so.

Mr. HOYER. Will the gentleman yield?

Mr. PRICE of Georgia. I am happy to yield to my friend.

Mr. HOYER. Ninety percent of our party voted for that. All we needed was just a few from your side, and you all, each and every one without exception, voted against extending the present law which you now say if it lapses will put the country at risk. We do not agree with that, but that is your contention, not our contention. And it is somewhat, I think, contradictory for you on the one hand to say we're putting our country at risk and on the other hand voting to a person to not

extend the law which you say protects our country.

Mr. PRICE of Georgia. Reclaiming my time, I would just point out once again that this has been delayed from August until earlier this month, and then 14 days, or until this evening. I respect the leader greatly, but frankly many, the vast majority if not all Members on our side, never believed that the majority party would, in fact, allow this to lapse. And so to unilaterally disarm us, as many folks have described this action on the part of the majority, is something that was, we felt, unconscionable.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. PRICE of Georgia. I'm happy to yield under my reservation to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. The gentleman from Maryland knows that I have great respect for his abilities here on the floor and consider him an expert in parliamentary procedure. However, when the opinion of the DNI, Admiral McConnell, comes to bear, I must respectfully tell the gentleman from Maryland that I believe he has the experience upon which we should rely in this Chamber. He is not a partisan. He has served both Democrat and Republican administrations. He was the head of the NSA during at least 4 if not 6 years of the Clinton administrations, and he is, I believe, a straight shooter. He is the one who came to us and said because of the decision by the FISA Court, reinterpreting in a sense the state of the law, that at least 60 percent of the valuable, legitimate terrorist targets internationally are closed off to us if we do not have the provisions of the Protect America Act and, he said, an immunity given to those companies which have assisted us in the past.

Now, the gentleman can smile about it, I understand, but the fact of the matter in he is the top intelligence expert in the United States. He along with the unanimous opinion of the top intelligence officers of the United States have told us that is a fact.

Now, the gentleman, as I said, is a well-respected parliamentarian, a well-respected leader in this House, and I would certainly respect his opinion on those issues. But what we're talking about here is intelligence. And so I think we have laid bare the differences. You on your side believe with your knowledge and experience that the law we had prior to our passage of the Protect America Act is sufficient to protect the Nation. That is directly contradicted by Admiral McConnell, directly contradicted by someone who served both Democrat and Republicans and has had their respect.

I do not recall the gentleman from Maryland ever calling into question the opinion or the direction or the leadership of Admiral McConnell when

he served in the Clinton administration, and I don't understand that while his judgment was appropriate there, his judgment is to not be respected here. So the fact of the matter in the dispute is whether we believe the top intelligence officers of the United States that we need this law, including the immunity, or I call it the Good Samaritan law, for those telecommunications companies that have responded positively to our request to help find out what the enemy is doing, or as the gentleman from Maryland suggests, superior knowledge and judgment with respect to this, and, therefore, we ought to put aside what Admiral McConnell has told us in the past and continues to tell us even till today.

Mr. PRICE of Georgia. Reclaiming my time, I thank the gentleman for his response.

Mr. HOYER. Would the gentleman yield?

Mr. PRICE of Georgia. I'm happy to yield under the reservation to my friend the leader.

Mr. HOYER. I thank the gentleman for yielding.

This is an important issue which is therefore why I think it's worthy of making sure that everybody understands. The gentleman from California makes the point that he believes that we are at risk. I again reiterate, all of your Members voted against the extension. The gentleman from Georgia says we had a lot of time. Very frankly Senator REID has given the opinion, it is my opinion, respected as a parliamentarian apparently or knowledge of parliamentary procedure, that the reason it was delayed in coming to this body was because, as the gentleman from Georgia pointed out, you made the comment, which I think is absolutely accurate, all of you on your side of the aisle thought that we would take whatever the Senate gave us because we would be fearful; we would be fearful of not pursuing substantive legislative process to discuss this very important issue. I agree with you. Every one of your Members thought, in your words, we would blink. The question is not blinking. The question is substantively getting to a result that furthers the protection of our country and the protection of our Constitution. That is our perception. That is our belief. And I will tell my friend from California that it's not my opinion alone but it's the opinion of a number of people, including the former adviser to this administration on terrorism as well as the previous administration on terrorism, Richard Clarke, that the opinion I have expressed is an accurate opinion.

The gentleman also knows in terms, and I want to say, also, I don't think it's the appropriate place nor do I intend to get into my perception of Admiral McConnell's position. That's not the purpose of this debate. I have some views, but I'm not going to get into

those. What I am going to get into and simply respond to these observations is that we believe the country is protected. We believe that in terms of all of those al Qaeda objects that you make reference to, I hope and presume, I do not know, I have no secret information that I'm disclosing, but I would be shocked and dismayed and deeply disappointed if at this point in time the administration did not have in place orders that covered at least from now until August of this year, which is when we last authorized this bill, the Protect America Act, and under which the administration could have gotten authority which would have lasted for a full year. So those orders are still in place, they will not lapse, and it will be no impediment to further interception of those communications.

Mr. PRICE of Georgia. Reclaiming my time, and I appreciate those comments. There's clearly a difference of opinion. Just to set the record straight, it's important that this House and the Nation know that 34 of your Members voted not to extend for 21 days, a little greater number than the 21.

Mr. HOYER. If the gentleman will yield, a lot of them didn't believe that the act ought to be in place, you understand, at all.

Mr. PRICE or Georgia. I appreciate that, because I was about to make that point. The objection to the extension comes from both the left and the right. It's not that we thought you would blink. We could not believe that the majority would not live up to its primary responsibility, which we perceive as making certain that this Nation is protected. That's what we believed.

This House, Mr. Speaker, has adopted billions and trillions of dollars worth of spending in less time than it would have taken this week to come to conference and reach an agreement. We're here on Friday. We're ready to go. We are ready to go, Mr. Speaker.

Mr. HOYER. I believe the gentleman is speaking about when you were in charge, passing those trillions of dollars in very short periods of time. We took a longer time, as you may recall. I think you were responsible, as a matter of fact, for some of that time that we spent.

Mr. PRICE of Georgia. And I appreciate that, Mr. Leader. We slowed that down a little bit and hopefully we spent a little less.

Mr. HOYER. Right.

Mr. PRICE of Georgia. I appreciate that. But our side looks at the world and sees Hezbollah challenging Israel to open war. We look at the world and we see al Qaeda threatening to assassinate the Filipino President. We look at the world in, I believe, realistic eyes, and we cannot believe that this House will leave this Nation exposed to threats in this time in our history. It just is astounding to us.

And so I rise, Mr. Speaker, to reserve the right to object, because I believe strongly that the majority of Members of this House, if given the opportunity, would support the bill that came from the Senate.

I am pleased to yield under the reservation to my friend from California.

Mr. DANIEL E. LUNGREN of California. To underscore that point, as the gentleman from Maryland knows, a letter was sent by 21 Members on your side of the aisle to the Speaker asking that the Senate bill be presented and stating that they would support it in whole if it were presented on the floor. Now, again, I'm not a math major, but 21 on your side and virtually everyone on our side perhaps, with the exception of three, certainly adds up to a majority in this House.

So, if the question is would the House be given the time to work its will, the statement of support on your side of the aisle in written form from your membership sufficient to create a majority in this House shows that we had the will if given the opportunity to support a bill coming out of the Senate which responded affirmatively to the presentation made by Admiral McConnell.

I again understand the gentleman from Maryland disagrees with the admiral, disagrees with the assessment, but the fact of the matter is a majority in this House disagrees with the gentleman from Maryland. They specifically said in their letter that all of the specific aspects of the bill about which they were concerned were taken care of by the Rockefeller-Bond bill and would support it if it were presented here on the floor and said a key part of that was the inclusion of the immunity for those companies who had assisted this Nation. And, remember, it's not a blanket immunity. It is an immunity only if they acted in good faith at the request of the United States Government from 9/11 up until the present time. That is not a blanket immunity, and that's what we are confronted with here, a failure to allow us just to vote it on the floor. We could debate it then and the gentleman from Maryland and his minority of Members, a strong minority but a minority of Members who believe the admiral is wrong would have their opportunity to debate and attempt to persuade the majority of Members who have already indicated that they support the admiral's position and believe that we should follow on that support with actual legislation.

So that's the point I think that ought not to be lost here. It's not that we're not in charge or you're in charge. It's a question of whether the leadership will allow the majority of the House of Representatives to work its will on probably the most important issue facing the American people at the present time.

I thank the gentleman for yielding.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate that and I appreciate, Mr. Speaker, the indulgence of the House in allowing this debate to go forward which I think has been important.

I withdraw my reservation.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H. Con. Res. 293. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to section 5 of title I of division H of Public Law 110-161, the Chair, on behalf of the Vice President, appoints the following Senator as Vice Chairman of the U.S.-Japan Interparliamentary Group conference for the One Hundred Tenth Congress:

The Senator from Alaska (Mr. STEVENS).

The message also announced that pursuant to the provisions of title 2, United States Code, section 1151, as amended, the Chair, on behalf of the President pro tempore, appoints the following individual to the Board of Trustees of the Open World Leadership Center:

The Senator from Mississippi (Mr. WICKER).

The message also announced that pursuant to the provisions of Public Law 100-702, the Chair, on behalf of the President pro tempore, reappoints the following individual to the Federal Judicial Center Foundation Board:

John B. White Jr. of South Carolina.

The message also announced that pursuant to the provisions of Public Law 110-161, the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the National Commission on Children and Disasters:

Mark Shriver of Maryland and Sheila Leslie of Nevada.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, pursuant to House Concurrent Resolution 293, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes a.m.), the House adjourned until Tuesday, February 19, 2008, at 10 a.m.