United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, FRIDAY, MARCH 14, 2008 *No. 44*

Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, March 18, 2008, at 12 noon.

House of Representatives

FRIDAY, MARCH 14, 2008

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 14, 2008.

I hereby appoint the Honorable DEBBIE WASSERMAN SCHULTZ 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:

Before You, O Lord, all is to come to fulfillment. All is called into judgment.

The approaching holy days of spring's mysteries invite us to first understand, then embrace, the proposed cycle of womb and tomb: life, death, and new life.

What once appeared drab and even barren now takes shape with additional color and the unpredictable production of new life without advertisement or previews.

The tree of life, the fresh flow of rushing water, the new Moon, as well as the depth of passion, lead to surrender, only to be surprised by the unexpected gift so peacefully given.

As the long sleep of winter ends, all humanity is awakened for the feast by resurrected light that seeks to set the world afire with promise and the evolution of re-creation.

Lord, help Your people to celebrate and to live this new life of the eighth day as the free sons and daughters of the living God. Amen.

THE JOURNAL

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

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

Mr. PALLONE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. MCNERNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNERNEY 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 485

In the Senate of the United States, March 14 (legislative day, March 13), 2008.

Whereas Howard Metzenbaum served the people of Ohio with distinction for 8 years in the Ohio State Legislature;

Whereas Howard Metzenbaum served the people of Ohio with distinction for 18 years in the United States Senate;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard Metzenbaum, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand in recess as a further mark of respect to the memory of the Honorable Howard Metzenbaum.

The message also announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following titles:

H. Con. Res. 316. 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 the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 71. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

HONORING DR. MARGRETTA MADDEN STYLES

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

Mr. MCNERNEY. Madam Speaker, I rise today to ask my colleagues to join me in honoring the life of Dr. Margretta Madden Styles.

Born on March 19, 1930, in Mount Union, Pennsylvania, Dr. Styles found her life's calling in promoting quality nursing. She served as the president of the American Nurses Association, the International Council of Nurses, and the California Board of Registered Nursing.

Dr. Styles helped create the American Nurses Credentialing Center, which today is the Nation's leader in accreditation of continuing nursing education. Her work on training nurses and advancing our Nation's nursing accreditation process is unparalleled. Her legacy lives on every day through the thousands of certified nurses in the United States, the patients they treat, and the lives they save.

For these reasons I ask my colleagues to join me in honoring the memory of Dr. Margretta Madden Styles and in sending our thoughts and prayers to her beloved family and friends.

ARMY MEDIC MONICA BROWN, TEENAGE IDOL

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

Mr. POE. Mr. Speaker, Army specialist and medic Monica Brown was on patrol in the rugged terrain of Afghanistan when a roadside bomb tore through a convoy of Humvees. As Humvees burned and shrapnel filled the air, Monica ran through insurgent gunfire and mortars to protect wounded comrades. With total disregard for her safety, she used her body to shield five injured soldiers as she administered aid and then dragged each of them 100 meters away to safety.

Monica Brown is from Lake Jackson, Texas, and she's 19 years of age. A teenager, and yet she has already shown more courage, selflessness, and honor than many show in their entire lifetime. Amelia Earhart said, ''Courage is the price that life requires for granting peace.''

This month Monica Brown will be awarded the Silver Star, the Nation's third highest medal for valor for that courage she showed. She is only the second woman since World War II to receive this medal.

She said that she didn't think of anything except taking care of her fellow soldiers and protecting them from the attack. It was instinctive for her.

We thank her for her service. She is a great Texan and a true American teenage idol.

And that's just the way it is.

A NEW NATIONAL INFRASTRUCTURE PLAN

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

Mr. BLUMENAUER. Mr. Speaker, this week we commended on the floor of the House the 200th anniversary of the Gallatin Plan that guided the infrastructure for this country for the first century of our existence. It's timely because we are today losing that battle. We have an infrastructure crisis. The Society of Civil Engineers gives us a D minus for condition of transportation and water facilities and we are fast running out of money to fix it.

Now is the time for an infrastructure plan for this century. Yes, we do need adequate resources; but more than money, we need a new vision for all our infrastructure needs: roads, rail, air, energy transmission. Most important, we need to squeeze out more value. We need to find a way to do this critical work better. Congress and Federal agencies can help by changing how they do business.

I urge my colleagues to join me in a new plan for infrastructure for this century for livable communities where our families are safe, healthy, and economically secure.

THE MAJORITY'S BUDGET IS FISCALLY IRRESPONSIBLE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today in strong opposition to the majority's proposed budget. Our country cannot afford this irresponsible budget. It fails to rein in spending and raises the taxes of millions of hardworking middle-class Americans by $683 billion over the next 5 years.

Under this budget, North Carolina taxpayers will be hit with an average tax increase of $2,672. As working Americans face a slowing economy, the last thing they need is a job-killing tax hike.

The majority budget also increases discretionary spending by $276 billion over the next 5 years.

The Federal Government should never spend one penny more of taxpayer money than it needs to. American taxpayers deserve the kind of fiscal accountability that prioritizes balancing the budget without raising taxes on the American people. But this budget is straight from the same old tax-and-spend school of budgeting that Americans simply can't afford.

WHERE SECRECY STARTS, ACCOUNTABILITY OFTEN ENDS

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

Mr. DOGGETT. Mr. Speaker, recent proceedings in this House served one and only one valuable public purpose—Hopefully, this totally unproductive exercise will ensure that the Democratic leadership never again yields to demands that the public business of this people's House be conducted in secret.

Linking secrecy and political power is a dangerous recipe. Accountability often ends where secrecy begins.

Yes, there are always those whose self-importance grows when they participate in mysterious hocus-pocus, who insist that their judgment is superior to ordinary mortals because they possess confidential information not available to mere citizens. Rarely is that true. It was not true before the costly and troubling invasion of Iraq, and it is not true now.

FINANCIAL CRISIS FACING OUR NATION WILL REQUIRE BIPARTISAN EFFORT

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

Mr. WOLF. Mr. Speaker, I am disappointed in the administration and especially Secretary of Treasury Henry Paulson for not embracing solutions to the economic tsunami that is off our coast. Congressman COOPER and I have proposed the SAFE Commission to respond to what the outgoing U.S. Comptroller, David Walker, characterizes as a ''tsunami of spending and debt levels that could swamp our ship of state.''

We have $53 trillion in unfunded liabilities and are over $9 trillion in debt. What more does Secretary Paulson need?

The SAFE Commission Act has 74 bipartisan cosponsors. It has been endorsed by the Business Roundtable, the National Federation of Independent Businesses, and think tanks across the political spectrum. If we don't get our financial house in order and begin controlling entitlement spending, it will be our children and grandchildren who pay the price.

How will Secretary Paulson feel if he leaves at the end of this term and has done nothing, has done nothing to deal with the entitlement issue?

Secretary Paulson, we ask you to support the Cooper-Wolf bipartisan commission.

CALLING FOR INVESTIGATION OF THE FOREIGN CONTRACT LOOPHOLE REGARDING FRAUD

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

Mr. WELCH of Vermont. Mr. Speaker, there's a new regulation that was in the process of being promulgated that did a practical and sensible thing for taxpayers: it required contractors who receive over $5 million of taxpayer money to report fraud when they are aware it happened.

At the last minute, there was an exemption that was put in so that foreign contracts were not subject to taxpayer protection. That makes no sense and flies in the face of reason.

By exempting overseas contracts, and this is Iraq and Afghanistan particularly, the Bush administration is sending an unambiguous message: it's okay to rip off taxpayers when you spend money abroad; just don't do it at home.

Not only must we stop this reckless rule, but we must have answers: What was the rationale for the loophole? How did the loophole get slipped into the proposed rule? And who advocated for it?

Through a thorough investigation, we will stop this rule and get some answers.

THE SAVE ACT

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, I rise today to call attention to one issue that I believe we all agree on, and that is the safety and security of American citizens.

Our Nation's borders are our first line of defense. The first step in any immigration plan is to provide for a secure and impenetrable border.

I have introduced a discharge petition on Representative HEATH SHULER's bill, the SAVE Act, which provides a clear, three-point plan to get tough on illegal immigration. The plan is simple:

Increased secured security along our borders, mandatory worksite enforcement, and greater interior enforcement.

This issue deserves debate, and I am proud to reach across the aisle to work with Mr. SHULER on this bipartisan bill. I urge all of my colleagues to join me and Mr. SHULER and sign this bipartisan petition before you leave today.

It's time to demonstrate that Congress is serious about illegal immigration. The American people expect and deserve our quick and complete attention to securing our borders and protecting our Nation.

□ 1015

THE TOOLS ARE IN PLACE TO PROTECT NATIONAL SECURITY

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

Mr. PALLONE. Mr. Speaker, the White House and congressional Republicans continue to play games with our Nation's national security. Rather than working with us to modernize the Foreign Intelligence Surveillance Act, Republicans insist that this House simply rubber-stamp a bill that passed the Senate earlier this year.

House Democrats refuse to do that. Instead, just as we did last November, we will bring a balanced bill to the floor today that gives our intelligence community the tools it needs to track terrorists and prevent another attack while also protecting the constitutional rights of innocent Americans.

We believe this approach produces the best results for our intelligence community, and that is why we refuse to simply rubber-stamp the Senate bill.

Mr. Speaker, when House Republicans allowed the President's Protect America Act to expire last month, they did so knowing that all of the authorities granted the intelligence community in that act would be in place until this summer. We had time to get this legislation right, and today we intend to pass a strong compromise bill that should garner support on both sides of the aisle.

SAVE ACT

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

Mr. MCHENRY. Mr. Speaker, when a dam breaks, the first action you must take is to stop the flow, to plug the hole. And the same rule applies to illegal immigration.

There are as many as 15 to 20 million illegal aliens in this country today, and we realize the dam is broken. To fix it, we have got to start with border security and enforcement first.

The SAVE Act, which helps fix the dam by hiring 8,000 more border guards and using military equipment for border security, is a good bill. By strengthening workplace enforcement, it dries up easy access to American jobs and stems the tide of illegal immigration.

Despite broad bipartisan support, and even a Democrat sponsor of this bill, the liberal leadership of this House won't bring this up for a vote because they prefer amnesty and government tax dollar giveaways, not real border security.

I ask them to stop playing political games with our immigration policy and with our national security and bring this bill up for a vote.

FISA AMENDMENTS ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1041 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1041

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table 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, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on the Judiciary or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

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

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for purpose of debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 1041 provides for consideration of the Senate amendment to H.R. 3773, the FISA Amendments Act of 2008. The rule makes in order a motion offered by the chairman of the Judiciary Committee to concur in the Senate amendment with the amendment printed in the Rules Committee report on this resolution.

Mr. Speaker, we have come a long way on the crucial issues of intelligence-gathering. I commend Chairmen CONYERS and REYES for their diligence in providing much-needed attention in evaluation of FISA, while ensuring that we provide our Nation's intelligence community with the necessary tools and resources to prevent a future terrorist attack on our Nation.

Over the last few weeks, my office phone lines have been burning up with calls from constituents regarding FISA and the need for Congress to take action. Unfortunately, the calls were prompted by a far-reaching misinformation campaign aimed to scare the public into believing that the House majority is in some way prohibiting our Nation's intelligence community from monitoring the terrorists. Nothing could be further from the truth. Not only are these claims false, they are unconscionable.

I don't believe any Member of this institution, Republican or Democrat, wants to shackle our Nation's intelligence community from preventing another terrorist attack. Frankly, I am getting alarmed by the claims by some of my colleagues. For the last couple of weeks, we have heard only one message from the other side of the aisle: take up the Senate bill because it has the support of the President. I have no interest in being a rubber stamp for this administration, nor of any elected body, even the Senate. That is not why I was sent to Congress. I certainly mean no disrespect to the Senate, but my constituents sent me to Congress to use my judgment and conscience to help govern.

The chairman of the Judiciary Committee said it best earlier in the week during our Rules Committee hearing when he said we are not an appendage of the Senate. I couldn't agree with Mr. CONYERS more. It is our responsibility to the American people to exercise our legislative duty. Furthermore, with an issue like FISA and intelligence-gathering, I am confident that the American people would expect the House to exercise that duty to the fullest extent possible.

We are a bicameral form of government. The changes we are proposing to the Senate bill today represent a powerful step forward in the legislative process. The administration has made it overwhelmingly clear that they need to use electronic surveillance to track and identify terrorist targets. And despite the misinformation campaign and the rhetoric, the proposal we will vote on today makes it easier for our Nation's intelligence community to wiretap suspected terrorists by explicitly not requiring a court order to wiretap targets believed to be outside the United States. In addition, the proposal provides for surveillance of terrorists and other targets overseas who may be communicating with Americans.

And we are all well aware of the issue of immunity for telecom companies. It seems like that is all we have talked about here for the past several months. As a former prosecutor, I can say from experience and without hesitation, you never provide immunity to anyone unless you are sure whom you are giving the immunity to and why you are giving the immunity out.

One point that has not received enough emphasis over the last few weeks is that the telecom companies have immunity under current law. However, the problem is that anytime a telecommunication company goes to court, this administration steps in and says this is classified material and the question is deemed state secret, and therefore you are not allowed to talk about it. In that way, the telecom companies are not allowed to even defend themselves, but rather have to sit there and answer for any charges civilly made against them.

I, for one, couldn't agree more that if the intelligence community goes to a telecom company with adequate authorization and says, We need communication records for person X because he or she is believed to be a terrorist, the telecom company deserves to be afforded that protection. Unfortunately, we have absolutely no idea what the administration requested and what the telecom companies have provided.

Our proposal provides a commonsense, balanced approach to address the immunity issue. We want to provide the telecom companies with a legal way to present their defense in a secure proceeding and in a secure way in district court without the administration asserting state secret privileges to block those defenses.

And, again, don't be fooled by the misinformation campaign. We are not talking about broadcasting the content of those defenses over the public airwaves, rather just the opposite will be done in camera and in secret. This would involve ex parte proceedings in camera. That is one-on-one telecom company and a Federal district court judge behind closed doors. That way, the determination of whether or not the classified material is, in fact, a state secret is made by a neutral third party and not just this administration.

Finally, our proposal establishes a bipartisan national commission with subpoena power to investigate and report to the American people on the administration's warrantless surveillance activities and to recommend procedures and protections for the future in much the same way that the 9/11 Commission did.

Mr. Speaker, we must bring the misinformation campaign and partisan wrangling to an end. There is no question that there are groups and individuals out there who seek to do us harm. There is no question that my colleagues and I want to give the people who protect us from the danger every tool they need to keep fighting terrorism. The proposal we will vote on today will, in fact, provide our Nation's intelligence community with the resources to prevent future acts of terrorism while protecting the freedoms of the citizens under the Constitution. Everyone in this body wants the same thing, and that is to protect American citizens. This bill does exactly that.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much 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, I want to thank my friend from New York (Mr. ARCURI) for yielding me the customary 30 minutes, which I must note, Mr. Speaker, is more time than the entire House Intelligence Committee will be permitted to debate the legislative proposal covered by this rule. The Democrat Rules Committee is allowing just 20 minutes for the members of the Select Committee on Intelligence to debate this Democrat FISA proposal.

What is at stake is the safety and security of our Nation to protect us against foreign terrorists threats by modernizing the 1970s electronic surveillance law. The issue before the House is no less than our intelligence community's ability to protect American citizens by monitoring foreign terrorists communicating in foreign places. But the respective members of the Intelligence Committee are to be given only 20 minutes to debate this issue.

It appears that Democrat leaders are not content with their record of the most closed rules in the history of the U.S. House of Representatives in shutting down every Member from being permitted to offer amendments on the House floor. So now they are going so far as to restrict the time the House is even permitted to debate bills that they are trying to ram through this body.

Mr. Speaker, since the new Democrat majority took control of the House Rules Committee last January a year ago, they have approved rules that allow other committees far more time to debate matters of far less importance than FISA. For example, H. Res. 214 provided a rule allowing the Transportation Committee 1 hour of floor debate on legislation to ''authorize appropriations for sewer overflow control grants.''

H. Res. 269 gave the Financial Services Committee 1 hour to debate housing assistance for Native Hawaiians.

H. Res. 327 gave an hour to the Science and Technology Committee to discuss scholarships for math and science teachers.

H. Res. 331 gave the Resources Committee 1 hour of time, not just 20 minutes, but 1 hour of time to debate restoring the ''prohibition on the commercial sale and slaughter of wild free roaming horses and burros.''

Mr. Speaker, I believe my colleagues on the other side of the aisle care sincerely about the security of our country and our fellow citizens. But I fail to understand how it could be justified to allow more House floor time to debate overflowing sewers and the killing of wild burros than the members of the Intelligence Committee are allowed today to discuss the urgent needs of FISA.

The answer is that Democrat leaders are working overtime to block the

House from voting on a bipartisan compromise bill that has passed the Senate by a vote of 68–29. The bill passed the Senate over a month ago, and on February 12, the Democrat leaders refused to allow the House to even vote on that measure.

Twenty-one Blue Dog Democrats sent a letter to Speaker PELOSI at the end of January declaring their support for the Senate FISA bill. But there still hasn't been a vote. Mr. Speaker, I submit for the RECORD that letter.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 28, 2008.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions:

Require individualized warrants for surveillance of U.S. citizens living or traveling abroad;

Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States;

Provide enhanced oversight by Congress of surveillance laws and procedures;

Compel compliance by private sector partners;

Review by FISA Court of minimization procedures;

Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard Boswell, Marion Berry, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Christopher Carney, Earl Pomeroy, Melissa Bean, Joe Baca, John Tanner, Jim Cooper, Brad Ellsworth, Charlie Melancon, Zack Space.

When the Rules Committee met to discuss this bill on Wednesday, several of my Democratic colleagues argued that the House shouldn't have to give in to a my-way-or-the-highway or take-it-or-leave-it approach when it comes to the bipartisan Senate bill.

I agree with my colleagues, Mr. Speaker. No Member of this House should ever vote for legislation that they can't support. Members have the right to vote their conscience. But, Mr. Speaker, simply allowing the House to vote on a bipartisan FISA bill doesn't force any Members to vote against his or her will. It just gives them an opportunity to vote on a bill that has passed the other body overwhelmingly.

□ 1030

It is the Democrat leaders and a liberal minority amongst that party who are telling the rest of the House that it's their way or no way. For days and weeks, they've refused the call of the 21 Blue Dog Democrats for the House to act in the name of our Nation's security. Democrat leaders are standing in the way of letting the House vote and work its will because they fear a majority of this body will actually approve the Senate bill.

Mr. Speaker, today, every Member of the House is going to have a chance to vote and to allow the bipartisan Senate language to pass this House. Let me be very clear what I intend to do when the previous question is moved, because this will not be the ordinary motion. I will amend just one clause of the rule, that is, section 2, so that the section will then read, and I quote: Upon rejection of the motion to concur specified in section 1, a motion that the House concur in the Senate amendments to H.R. 3773 is hereby adopted.

What does that mean? What this means is that by voting ''no'' on the previous question, the rule will be amended in such a way that continues to allow the House to debate and vote on the proposal that's offered by the Democrats today. But if the House Democrat proposal fails, then the bipartisan Senate FISA bill is then agreed to by the House. So we will have the vote on the Democrats' partisan FISA bill presented to us today, but if the vote on the Democrat FISA bill fails, then the games stop right there and the Senate bill goes to the President for his signature. There's no more stalling, Mr. Speaker, no more posturing.

It's time for the House to stand up and vote and get on with the business of protecting America.

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

Mr. ARCURI. Mr. Speaker, it just seems to me that this debate is becoming more and more political rather than focusing on what we're here to do, and that is to ensure that the people of this country have absolutely the best FISA bill that they can, a bill that not only protects us but ensures that the Constitution is protected as well. That's what this FISA bill does. It takes the best of all the things that we have been trying to achieve over the past several months and incorporates it into a bill, including unshackling the telecom companies so that if they have done what has been asked of them and what is permitted to do under the law, that they are allowed immunity. We certainly don't want to prosecute people who have been trying to help our country and keep our country safe. Nonetheless, this puts into effect the important factors of ensuring that those things are done.

With that, Mr. Speaker, I would like to yield 2½ minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I was assigned to the Pentagon the day 9/11 happened. It was very obvious, sitting there at dead center, that the world had changed. We in the military used to like away games. We liked our wars over there. Suddenly we had a home game and things had to change.

A few days later, I was appointed to be head of the Navy's antiterrorism unit. Shortly after that, I was on the ground in Afghanistan flying in with a fellow from the CIA with a suitcase filled with millions of dollars. I wanted the best insurance, the best intelligence. But I felt I always had that because I had worked at the National Security Council, where in counterproliferation and antiterrorism efforts there, I was able to see that whether it had been President Reagan, President Clinton, or the first President Bush, FISA provided that ability.

I like this bill. It is very similar to the Senate bill. If someone in Saudi Arabia is talking to someone in Germany and it routes to the United States, we can listen in without asking questions.

I remember being in the White House and being frustrated, because if somebody was doing proliferation of weapons of mass destruction, we couldn't, under FISA, get a warrant for them. This bill fixes that.

And then I step back in emergencies. This bill fixes it in an emergency situation that you don't even have to ask permission; you can just do it. And it extends from 3 days of having to come to the court till 7 days. And then even if the court takes another 30 days, keep listening. Thank you for that.

But the real differences come down to what I think is important, because every day I was out there for 31 years in the military, I wasn't just fighting an enemy or trying to deter him; I was fighting for an ideal, the ideal of which America is founded upon, the rights of civil rights. Therefore, I honestly believe what we have done in the telecommunications companies and discussing immunity should be done by the proper branch of government, the judicial branch, a court, the FISA Court. Then if everything was not awry, then we can say, under the provisions of the previous law, they have immunity.

And then I would like to also point out that it is very important to me that we have oversight on reports that are coming, and they must come to the FISA Court to explain the procedures they will follow. That type of oversight is what I followed for. In short, I will never forget being over there in charge of my carrier battle group, fighting in Afghanistan, that what I was fighting for was security, number one, properly balanced with civil rights. This bill

does do that. I wouldn't vote for it any other way unless it did.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and I appreciate his fine work.

It's no secret that there is a lot of controversy surrounding this issue of modernization of the Foreign Intelligence Surveillance Act and everything that surrounds our effort to successfully prosecute this war on terror. We know that sacrifices have been made. We know that sacrifices continue to be made. And we're all very committed to the civil liberties of every single American. That's why I'm convinced that we are not going to take actions which will in any way undermine the civil liberties of our fellow Americans.

It is very important to note, Mr. Speaker, that as we look at this issue, there is a great deal of bipartisanship that exists. Unfortunately, it's not in this body. And I recognize that as the people's House we have a unique responsibility and we should not in any way become a rubber stamp for action taken by the other body. But I will say this. As we look at bipartisanship, it extends beyond our colleagues in the United States Senate. It does exist right here in the House, in that 21 Democrats signed a letter to the Speaker and made the specific request that we have a chance to vote on the proposal that is, in fact, the bipartisan compromise that did emerge from the Senate. We also have had a bipartisan group of attorneys general across the country who have indicated that they very much believe that we should proceed with taking the action that is embodied in that bipartisan compromise that has emerged from the Senate.

And, Mr. Speaker, I think one of the most important things that we should note is not simply bipartisanship but something that clearly transcends any kind of politics or partisanship, and that is the words that come from the Director of National Intelligence, Mike McConnell. And when I say that he transcends partisanship, I would like to remind our colleagues that this is a man who has spent four decades of his life working in the intelligence field. He was the head of the National Security Agency for President Bill Clinton, and he now serves as the Director of National Intelligence.

In testimony before the Judiciary Committee, he referred to the fact that there has been a 66 percent reduction, a two-thirds reduction in the amount of information that they need, that they should be able to glean in the intelligence area. And he has said that in his discussions and negotiations with those in the telecommunications industry that they will not be able to continue as they have in the past to help us prosecute this war if they don't have this immunity.

Now, Mr. Speaker, I think that one of the things that we in this debate on the rule are saying is that, let's just allow a vote on that bipartisan compromise, the so-called Rockefeller-Bond bill that emerged from the Senate. Sixty-eight Democrats and Republicans came together and agreed on it. And we had an interesting Rules Committee meeting, Mr. Speaker, in which we simply said, okay, we're going to have a chance to vote on the measure that will emerge from the majority, but why if as my very dear friend, the chairman of the Committee on the Judiciary, Mr. CONYERS said, he said he wanted there to be an exchange of ideas, if there's going to be an exchange of ideas, let's at least allow our colleagues to have an up-or-down vote on that bipartisan compromise which embodies the above-partisan recommendations of the Director of National Intelligence, the bipartisan recommendations of the attorneys general across the country and simply say that we should have a chance to vote on it. It's very unfortunate that this rule denies Members of the House of Representatives the opportunity to have that vote.

Mr. Speaker, I urge my colleagues to vote down this rule. We need to defeat this rule so that we can in fact have a package that will allow us to do everything we need as we pursue our very, very important responsibility, and that is to secure our Nation.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from New Jersey, a member of the Intelligence Committee, Mr. HOLT.

Mr. HOLT. Mr. Speaker, I thank the gentleman, and I am pleased to rise to say that not only do we have enough time to debate this, but we have a very good, well-structured bill in front of us.

It is an important role of the Federal Government to look after the safety and the security of the American people. This bill does that. It is a well-structured bill that gives telecom companies the opportunity they have asked for to defend themselves in court. It provides for a congressional commission that will look at how electronic surveillance has been conducted and will make recommendations. It includes a reasonable expiration date to keep Congress involved in the oversight of this. And I would argue most importantly this legislation provides prior involvement of the court in all intercepts of communications of Americans. Critically important.

Here are the facts. This bill gives our intelligence community the flexibility they need to collect information on our enemies while protecting the American people in every aspect. And it mandates extensive reviews and reporting requirements on the electronic surveillance programs in question. It rejects the President's efforts to redefine the relationship between the people and their government, a very key point.

I commend the Speaker, the leader, the Chair of the Judiciary Committee, the Chair of the Intelligence Committee for negotiating with a firm tone and a principled approach to give us very good legislation, a very good bill despite the fact that they've had to work with the relentless drumbeat of propaganda and disinformation orchestrated by the administration in this matter. I commend them for producing such good legislation in such difficult circumstances.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 19½ minutes. The gentleman from New York has 18 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. ROYCE).

□ 1045

Mr. ROYCE. I thank the gentleman.

Mr. Speaker, I am rising to oppose the rule. As I think you know, we are going to end up in a circumstance here, according to our Director of National Intelligence, where, for the first time, frankly, this refusal to protect our telecom companies, who face some 40 lawsuits and billions of dollars, our refusal to allow for the protection for them to defend themselves will end up stopping the intelligence professionals from conducting surveillance of foreign persons in foreign countries. It's really because they cannot read the minds of their terrorist targets and guarantee that they would not call the United States or one of their people in the United States.

Unfortunately, sometimes they do. Mahmood Karimi came into this country in the trunk of a car over the border of Mexico after paying $5,000. He was the brother, by the way, of the Hezbollah general in southern Lebanon who launched the attacks there.

I was in Haifa in August, and the Prime Minister of Israel, by the way, told me that one of his great concerns was the advantages that had been given up and the knowledge that had now become known to the terrorists. He said one of the reasons we are having such difficulty with Hezbollah is because they now know how the United States, how other countries were able to apprehend the information before these attacks came.

But in any event, the brother of the individual who was launching those attacks some years ago actually came into the United States. I am certain somehow he got phone calls out of Beirut, and I am sorry if we violated his constitutional rights. I know there is the assumption that once a foreign agent from a foreign country is in this country, we don't have the right to monitor and violate his civil rights.

Here is what I do know about this individual: I know that he did manage to get through our southern border in my State. I know that somehow we apprehended him up in Detroit. I know that

once we did, we found 50 of his cohorts who were part of the Hezbollah cell.

Now, I am not making the allegation that we used this kind of intelligence in order to apprehend him, because, frankly, I don't know how we apprehended him. I only give you that example to say these are the types of individuals who are operating. He was trained by Iran; he was trained by foreign intelligence. He was here in the United States, and I imagine in one case out of 1,000, when someone is trying to make a phone call from Beirut to their agent, let's say in Syria, occasionally that call might come into the United States because there might be a foreign agent here.

The point I want to make is that this is, frankly, more protection than Americans get under court-ordered warrants in Mob and other criminal cases. The issue we are debating, frankly, is pretty important. It's an issue of life and death, frankly, as far as I am concerned.

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

Now, that good record 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. I want to share with you, because of the Internet our foes are not isolated. We are confronting a virtual caliphate. Radical jihadists are physically disbursed, but they are united through the Internet. They use the tool there to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose, and they are very sophisticated in that use.

How has the West attempted to confront that? Well, the British used Electronic surveillance in real-time and they used it last year to stop the attack on 10 transatlantic flights. They prevented that attack a year ago 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 would weaken our most effective preventive tool. That's exactly what this bill does, in the opinion of Admiral McConnell, whose job it is to protect our security. Admiral McConnell said that we are actually missing a significant portion of what we should be getting. Now, he has served both Democratic and Republican administrations with distinction.

I would ask those so distrustful, go ahead, discount his estimate, cut them in half, say we lose one-third of our intelligence as a result of this bill passing and the problems that we foment with telecom companies around the world. I would argue that is 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 the globe, we don't have that margin of error.

Mr. ARCURI. I thank the gentleman from California. I just want to assure him that I think I speak for the entire Democratic Caucus when I say that we share his concern for the safety of this country.

However, when he speaks about things that just blatantly aren't true, for some reason, and I don't know if it's an attempt to frighten the American people, it's troubling. This bill, this FISA bill, allows the government to wiretap any foreign national, whether they are overseas or they are here. This is just blatantly untrue. What he says about the fact is that we cannot wiretap, we can't monitor a person that comes to this country who is a foreigner. It's just blatantly untrue. This FISA bill allows that to happen.

It's somewhat disheartening when people mention facts that just aren't true, and I certainly hope it's not for political reasons; but let's stick to the facts, because the facts are clearly that this bill allows that to happen.

I yield 2½ minutes to the gentlewoman from Texas, a member of the Judiciary Committee, Ms. JACKSON-LEE.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I imagine that Admiral McConnell is watching and listening, and so allow me this morning to thank all of the patriots that are stationed around the world that are the front lines of the national security and defense and intelligence community of this Nation. To the American people, let me say on your behalf, we thank them, for they are working every day, and they are working diligently, and they are being successful.

This rule today supporting the underlying bill should be passed, because Admiral McConnell is aware that every single tool that he has asked for, foreign-to-foreign and otherwise in terms of surveillance, is in this bill.

Interestingly enough, if you will talk to members of the law enforcement community and those who are dealing with terrorists, they will tell you that they are intercepting terrorists. They are finding terrorists every single day. I personally spoke to law enforcement who noted in one region of the country that they have intercepted three terrorists. So what we are doing today is providing the codified document to secure your civil liberties, to suggest that if the focus of your surveillance is actually an American, they have to have a court intervention, a quick court intervention.

As it relates to our telecom companies, is anyone suggesting that they are not patriots? Is anyone suggesting that they will not comply with a request by the national security community?

They will, because in this bill it indicates to them that if they get a letter that suggests that we need their help, that they are not breaking the law, that all of the laws have been in compliance certified by the AG, they get absolute immunity.

So going forward, there will be no question. If that happened in the past, they have absolute immunity. There will be no gaping hole, and the idea of avoiding retroactive immunity is a question to America. It is protecting your civil liberties. Yes, we have been secure, or we have avoided a tragedy since 9/11. It is because we have given them the tools, and now we give them better tools.

It is important to pass this legislation, because it advances the security of America. But what it says to the world is that we are not terrorized by the terrorists. We believe in security, but we believe in the civil liberties of all Americans.

The Constitution still stands.

Mr. Speaker, I rise today in support of the H. Res. 1041, Providing for Consideration of the Senate Amendment to H.R. 3773, the Foreign Intelligence Surveillance Act (FISA) Amendments Act. This Rule will allow us to examine the Senate Amendment and to consider the many concerns associated with this act.

We have worked as a body to resolve our issues with FISA and with those of our Senate colleagues without eviscerating the fundamental rights embodied in the Bill of Rights. Leadership has worked tirelessly to not simply reconcile the Senate language with the RESTORE Act (H.R. 3773), which we passed in the House on November 15, 2007, but leadership has also worked tirelessly to go beyond the RESTORE Act. This current FISA Reform legislation has been borne out of this tireless struggle. Let me detail some of the ways that the FISA Reform Act balances security and liberty: adopting provisions from the Senate bill that will for the first time provide statutory protections for U.S. persons overseas, that ensures surveillance of their communications are conducted through the courts; and providing a mechanism for telecommunications carriers to prove their case that they did not engage in any wrongdoing and to guarantee due process with a fair hearing in court.

Like the RESTORE Act, the FISA reform legislation provides for collection against terrorist organizations such as Al Qaeda, while providing prior court approval of acquisition and an on-going process of review and oversight in order to protect Americans' privacy.

The FISA Reform Act creates a bipartisan commission on Warrantless Electronic Surveillance Activities with strong investigatory powers in order to preserve the rule of law in pending and future lawsuits. This revised version of the bill reiterates FISA's exclusive control for conducting foreign intelligence surveillance, unless a specific statutory authorization for surveillance is enacted. This is an area where the House version has differed from the Senate.

Perhaps the most important distinction between the House version of the bill and the Senate's version is that the Court must approve surveillance procedures prior to the start of surveillance. Under the Senate bill, the Director of National Intelligence and the Attorney

General authorize surveillance and submit procedures to the FISA Court 5 days after surveillance begins. Under the Senate bill, the FISA Court has no firm deadline for approving the procedures. The Senate bill does not go far enough in protecting the individual rights of Americans.

The FISA Reform Act requires submission to Congress and the FISA Court of ''reverse targeting'' guidelines that are to be promulgated by the NSA. Specifically, these guidelines will determine whether the ''significant purpose'' of the surveillance is to acquire communications of a specific U.S. person. In this regard, the House bill gives more teeth to the provisions in the Senate bill, which only has general prohibitions against reverse targeting and does not require the promulgation of agency guidelines addressing reverse targeting.

Both the FISA Reform Act and the Senate bill, provide for prospective liability protection for telecommunications companies that assist with lawful surveillance activities. However, the FISA Reform Act goes further by ensuring that telecommunication companies complying with the Protect America Act (PAA) have liability protection for lawful surveillance that occurred after the expiration of the PAA.

Another major difference between the bills is that the FISA Reform Act does not provide for any retroactive immunity. Instead, the FISA Reform Act provides for a process to allow district courts to review classified evidence in camera and ex parte (in front of the judge without the presence of the plaintiff). This allows the telecommunications companies to have their day in court and to assert defenses that already exist under FISA and other statutes. This process simply creates a pathway for companies to assert such defenses.

This process, which allows the Court to review information and the companies to prove their case, prevents the Executive Branch from blocking the companies from asserting their defenses under the doctrine of ''state secrets'' privilege. The FISA Reform Act permits the telecommunication companies an opportunity to defend themselves but does not create any new defenses or immunity and it does not excuse any conduct that may have been unlawful. Under the House bill, telecommunication companies can prove their innocence in court without the protection of the States immunity privilege. If these companies cannot prove that their actions were proper then they will be held accountable.

The Senate bill grants full immunity to any telecommunication company where the Attorney General certified that assistance was requested as part of the President's warrantless surveillance program. This blanket immunity goes to far, and do not support full immunity.

I believe the FISA Reform Act is better because it provides the telecommunications companies with due process and an opportunity to prove their guilt or innocence. I cannot support a case for blanket immunity and the FISA Reform Act does not allow it.

Lastly, the FISA Reform Act provides a forward looking provision that establishes a bipartisan National Commission, appointed by Congress. The Commission will investigate and report to Congress and the public about the Administration's warrantless surveillance activities.

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 need to be secure in our homes, secure in our thoughts, and secure in our communications.

I find it disturbing that our Republican colleagues will not join us to ensure that Americans are safe here and abroad. Disturbing that they do not recognize that we must protect the civil liberties of this Nation just as we protect American lives.

Mr. Speaker, in August of last 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 two 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 stampeded 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. In reality, it would have circumvented 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.

Under the House bill, 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 rubberstamp 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.

Moreover, Mr. Speaker, it is important to point out that the loudest demands for blanket immunity did not come 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.

My amendment, which was added during the markup last year, 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'' is a concept well known to members of the Judiciary Committee but not so well understood by those less steeped in the minutiae of electronic surveillance; it 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, as well as progressives and civil liberties organizations, have with the FISA is that the temptation of national security agencies to engage in reverse targeting is often difficult to resist in the absence of strong safeguards to prevent it.

My amendment, accepted in the House Judiciary mark up, reduced any 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 achieved 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 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 provided 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.

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

The acquisition of communications will happen over time and the Government will have the time to get an order while continuing its surveillance. It is the national security interest to require the Government 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.

We are living in a time of economic crisis and acts of unfettered terrorism. Former President Franklin Delano Roosevelt said that ''our national determination to keep free of foreign wars and foreign entanglements cannot prevent us from feeling deep concern when ideals and principles that we have cherished are challenged.''

Like former President Roosevelt, we must secure our Nation from foreign entanglements but at the same time we must continue to champion the fundamental freedoms of all Americans regardless of whether the surveillance occurs in the United States or abroad.

It is very important to me; and it should be very important to Members of this body that we require what should be required in all cases—a warrant any time there is surveillance of a United States citizen.

In short, the Senate amendment to the House amendment makes a good bill even better. For this reason alone, civil libertarians should enthusiastically embrace the amended H.R. 3773.

The Bush administration would like the American people to believe that Democrats do not want to protect America. My Republican colleagues echo this false claim in both the chambers of Congress by questioning our patriotism. But I remind them that tyrannical behavior often questions the motivations of those seeking to protect civil liberties.

Let us not fall prey to false proclamations of an administration that takes our Bill of Rights and lays it to the side when they feel like it. Security must go hand-in-hand with liberty. Oppression of some for the alleged security of others is not the example this great Nation should set.

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 democratic 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 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.

Mr. 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.

I continue to insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a basket warrant without making individual determinations about foreign surveillance.

In all candor, Mr. 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 upon incomplete information from the Bush administration or upon erroneous revelations leaked through the media. Instead Congress 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 the United States and abroad.

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.

Mr. Speaker, I encourage my colleagues to Join me In a vote of support for H. Res. 1041, the Rule providing for FISA Amendments Act. I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished Republican Conference chairman, Mr. PUTNAM from Florida.

Mr. PUTNAM. I thank my friend for the time.

Mr. Speaker, much of what we debate down here often is theoretical. We say if this passes, we believe this will happen. If this fails, we believe that will happen. Much of it is speculative. It is our opinions coming down here and directing, gazing into the future about what we think will happen.

Much in this toxic atmosphere that is Washington that we debate is very partisan. This issue is neither theoretical nor partisan. It is not theoretical anymore, because this is now the 27th day that we have denied our intelligence agencies and law enforcement officials the tools they need to keep America safe.

It is not partisan because the bill that we are asking you to vote for and support here in a few minutes already passed the Senate with 68 Senators voting for it. It was voted out on a bipartisan basis.

Now, anyone who follows the activities of the Senate knows that they have a hard time getting 68 votes for a Mother's Day resolution. For them to find 68 votes on an issue of this magnitude is remarkable.

The only way that we can put back into place the provisions of the Protect America Act that allow us to prevent future plots and conspiracies and attacks on our homeland is to pass the Senate bill. If we do not pass the Senate bill today, Congress will leave for 2 more weeks, 2 more weeks that we will deny the eyes and ears to our law enforcement and intelligence officials who keep us safe.

Now, let me just draw attention to the fact that 21 Blue Dog Democrats have put their names to a letter saying pass the Senate bill; 68 Senators have voted to pass the Senate bill. The bipartisan Senate Intelligence Committee said, and I quote, ''Electronic communication service providers acted in good faith on a good faith belief that the President's program and their assistance was lawful.''

This is not a theoretical debate. This is an important tool that we must restore to the hands of our intelligence agencies before Congress goes home for 2 more weeks. This is an example of the tyranny of the few blocking the will of the many. It is not just Republicans who say we need to pass this. It is Senator ROCKEFELLER, chairman of the Senate Intelligence Committee. It is 21 Blue Dog Democrats.

It is 25 States' attorneys general. This is too important to let it slip through our fingers before we go home for 2 weeks. Pass the previous question. Deem the Senate bill passed and give those who stand on alert as the guardians of our freedom and liberty, liberty and security on a daily basis, what they need to continue to keep us safe.

Don't extend the 27 days of darkness for another 2 weeks. Give them the tools they need. Pass the previous question. Pass the Senate bill.

Mr. ARCURI. Mr. Speaker, I yield 4½ minutes to the gentleman from New York, a member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER. Mr. Speaker, the last few weeks, the last few minutes we have heard assertions from our colleagues on the other side of the aisle that are false and designed to mislead and frighten the American people. They claim that we allowed the Protect America Act to expire, that we are dark for 27 days.

Ken Wainstein, the Assistant Attorney General of the United States, and the Bush administration admitted that because of the provisions of the group warrants in the Protect America Act that had gone on for a year, didn't change anything. It is still in effect, number one.

Number two, we forget, this House passed a FISA updating modernization bill in November, on November 14. We called it the RESTORE Act. We waited for the Senate to pass a bill so we could go to conference and compromise on it. When did they pass a bill? Not in November, not in December, not in January. Because of Republican foot-dragging, they didn't pass the bill until February, mid-February, three months after we passed the bill here, and two days before we went home for a week for the Presidents Day recess.

The President came out and said it's up to the House to pass the Senate bill, no questions asked. But there are a lot of questions about the Senate bill. Maybe our bill isn't perfect, but their bill is far from perfect, and our bill is closer to perfect than theirs.

□ 1100

So then we said, well, if you don't want, because catastrophe will happen, according to the President and the Republicans if we go home without passing the Senate bill, we will extend the Protect America Act for 3 weeks until we can come back and deal with this. Who voted it down? The Republicans. They said, no, don't extend it. The President said he would veto an extension.

So let's not hear any remarks on this floor from that side about how we are dark because the act expired. It expired because they made it expire. They voted against a 21-day extension that we could have renewed if necessary until we got this all figured out. So let's not hear any less-than-honest assertions about we are dark and we are unprotected and it is the Democrats' fault.

Mr. Speaker, we have a very good bill here. It gives the intelligence community every single tool they need and

every tool they say they need. How does it differ from the Senate bill? In two ways. One, it provides for some closer judicial supervision, because while we are giving the intelligence community the tools they need to wiretap on American citizens, on people who are not American citizens, we have to make sure that our constitutional rights and liberties are protected so that this country, which we have all defended, and we all want to defend, remains worthy of being defended by defending our own liberties.

Remember why we enacted protections in the first place, because the administration at the time wiretapped Martin Luther King. We don't want that to happen again by a future administration. And so we must protect our civil liberties.

We are told that telecom companies, if we don't provide retroactive immunity, they won't cooperate in the future, we won't get their help. Number one, that is an aspersion on their patriotism. Number two, they can be compelled to do so under court order. And number three, they have always had immunity. They have it now. All they have to do to have immunity is to have a request from the administration that says: A, we need your help; B, you are not violating the law if you do what we ask; and C, you don't need a court order. If they get that request, whether those assertions are true or not, as long as the administration says we need your help, what we are asking you to do won't violate the law, and you don't need a court order, they are absolutely immune. And they have always had this immunity.

So why do they need retroactive immunity, they say because the administration won't permit them to go to court and say we were asked for help, we gave that help. We have this request and we got the legal assurances because the administration won't let that go to court because it says it will violate State secrets.

So what does our bill do? It says you can go to court under secret procedures to protect the security of the State secrets, but you can assert your defense in court and get the case thrown out if you at least got the assurance by the administration in advance, which is all the law required. If you didn't get that, then you have no respect for the privacy rights of Americans and you don't deserve immunity. Even if we gave retroactive immunity for the future to the telecom company that helped us next week, they still have the same requirements for immunity. And if they wanted to go to court to assert them if someone sued them, they would still have to go to court and say the same thing. So you are dealing with a one-time fix.

Retroactive immunity takes it out of the courts and says Congress shall say to American citizens you're wrong, you can't protect your constitutional rights in court, you're right. That is a duty for the courts, not for Congress. That is the basis of the protections of all of our rights. The Senate bill goes the wrong way. We protect the telecom companies and protect our liberties. It is the right way to go. I urge adoption of this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the distinguished Republican leader.

Mr. BOEHNER. Let me thank my colleague from Washington for yielding.

My colleagues, several years ago when the current Speaker, Speaker PELOSI, had my job as the minority leader, she said that bills should generally come to the floor under a fair and open process with amendments allowed and substitutes allowed.

And yet here we are today once again violating the very words that she said how the minority should be treated by bringing a bill to the floor, a Senate bill with amendments crafted by the House with no opportunity for amendments, no opportunity for substitutes. And no opportunity to vote straight up or down on the bipartisan bill that came over from the Senate.

I think that what we have seen here is just a pattern of we are for this, we create rules that allow the minority the opportunity to be fairly heard, and yet they are routinely violated.

And so the only way we can have a straight up-or-down vote on the Senate bill that passed the Senate 68–29, the only way we can have a vote on that is to defeat the previous question. Why do we want to deny the Members of the House to vote on the bipartisan Senate bill? I can probably tell you, that's because it would pass. A majority of the Members of the House of Representatives are in favor of the Senate bill. But House leaders are standing in the way of the opportunity for House Members to actually vote on that bill.

We can get into the merits of the changes that were made to the Senate bill that are being debated here. I think they handcuff our intelligence officials. I think that they open up a wide avenue for trial lawyers to hold communication companies at bay and threaten their very willingness to help us in this very serious business of tracking down those who would want to do Americans harm.

And so I would ask my colleagues to defeat the previous question. Let's have a chance to vote on the bipartisan Senate bill and let's allow the House to work its will.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, the distinguished chairman of the Intelligence Committee, Mr. REYES.

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

I'm not a lawyer, but I am told by lawyers that every lawyer learns to argue the following way: When the law is against you, they are taught to argue the facts. When the facts are against you, they are taught to argue the law. To a certain extent, that is what is going on here today.

We just heard from the distinguished minority leader that he wants the House to go in neutral, put our engine in neutral and just vote on what the Senate has sent over. In other words, we want to rush to rubber-stamp what the administration wants. That's not going to happen.

We also heard this morning that somehow my good friend from Washington State says they haven't had enough time to debate these issues, the FISA issue. I would remind my good friend that we had invited our colleagues on the Republican side to work with us, to go through a process, the process of setting up our ability to go to conference, and they refused. They refused to participate. So it is not a failure of getting enough time to participate in the debate; it is a failure of wanting to participate because the rationale is let's rubber-stamp what the administration wants, which is the Senate version.

We also heard that somehow we are losing information. Somehow we are at a disadvantage because the Protect America Act expired. Nothing could be further from the truth. I would remind all of the Members that were here last night that I held up two documents, and one of those documents authored by the DNI and the Attorney General gave you the information that refutes that argument.

We have done everything that the DNI has asked us to do in this bill. He wants us to give the intelligence community the ability to monitor foreign to foreign. This bill does that.

He wants us to give the telecom companies the opportunity to state their case in order to get immunity. This bill does that.

The third thing he wanted was to make sure that any time that there is an American involved or an American address or phone involved, that a warrant be secured. This bill requires that.

This bill puts the FISA Court back in the process. That's the American way.

I will close by saying that I come from a State that reveres the second amendment, our right to bear arms. But I would submit to all of you, my colleagues here, that that amendment would be irrelevant if we were to give the administration exactly what they want, and that is the ability to monitor anyone, any time, for any reason, because a weapon or a gun is not going to do you any good if the government knows your every move.

The Senate version is their answer to give the administration exactly what they want. We took a different approach. Instead of being in neutral, we are telling the administration and, with all due respect, we are telling the Senate, let's reconcile our differences. We have given the DNI every single thing that he wants. And simply stated today, that dog is not hunting that would create an atmosphere of fear for America.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds before I yield to the gentleman from Pennsylvania.

The gentleman from Texas just said that he wanted to reconcile the differences between the House position and the Senate; yet there has never been a motion or an attempt by the House to go to conference on these two bills. If you truly want to have a compromise, why don't you go to conference? That hasn't happened.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise to urge that we defeat the previous question so we can adopt the Protect America Act.

People in this country think that Washington, D.C., is broken, and they are absolutely right. It is. And this issue is proof positive of why Washington, D.C., is broken. Yes, we do have an agreement. It is a bipartisan agreement, 68 votes in the Senate. There is a majority here, but the majority leadership won't allow us to consider this very important and necessary legislation.

Senator ROCKEFELLER, the Democratic chairman of the Intelligence Committee in the Senate, has said our intelligence capacities are being degraded because we have failed to pass the Protect America Act.

You know, it is time that we put the national interest ahead of the special interests. Why are we protecting the most litigious among us in our society at the expense of our troops serving overseas? We know the issues. It is retroactive immunity. The telecommunications companies were attempting to help us in good faith, and no good deed goes unpunished. That is what it happening here. It is time to get the job done.

I'm going to refer to an article I read in the Wall Street Journal back in January, 2006, by Debra Burlingame, the sister of the pilot who crashed into the Pentagon. The title is, ''Al Qaeda, not the FBI, is the greater threat to America.'' I think we should heed her advice and recall, because of that wall that existed before 9/11 between the intelligence agency and our domestic law enforcement, it prevented us from being more effective.

Today, we are placing barriers between our government and those who want to help us in the telecommunications sector, but they are going to be forced to comply with this. They will not be able to do so voluntarily. We know what the issue is. The Fraternal Order of Police, many State attorneys general, the VFW, all agree we should pass the bipartisan. We have it within our means to do it. I don't understand why not. It is important for the majority leadership to explain to this House why they won't let this bipartisan agreement be adopted.

The American people are watching. They want us to get the job done. They have had enough.

Mr. Speaker, I include the Burlingame article for the RECORD.

[From the Wall Street Journal, Jan. 30, 2006]

OUR RIGHT TO SECURITY

AL QAEDA, NOT THE FBI, IS THE GREATER THREAT TO AMERICA

(By Debra Burlingame)

One of the most excruciating images of the September 11 attacks is the sight of a man who was trapped in one of the World Trade Center towers. Stripped of his suit jacket and tie and hanging on to what appears to be his office curtains, he is seen trying to lower himself outside a window to the floor immediately below. Frantically kicking his legs in an effort to find a purchase, he loses his grip, and falls.

That horrific scene and thousands more were the images that awakened a sleeping nation on that long, brutal morning. Instead of overwhelming fear or paralyzing self-doubt, the attacks were met with defiance, unity and a sense of moral purpose. Following the heroic example of ordinary citizens who put their fellow human beings and the public good ahead of themselves, the country's leaders cast aside politics and personal ambition and enacted the USA Patriot Act just 45 days later.

A mere four-and-a-half years after victims were forced to choose between being burned alive and jumping from 90 stories, it is frankly shocking that there is anyone in Washington who would politicize the Patriot Act. It is an insult to those who died to tell the American people that the organization posing the greatest threat to their liberty is not al Qaeda but the FBI. Hearing any member of Congress actually crow about ''killing'' or ''playing chicken'' with this critical legislation is as disturbing today as it would have been when Ground Zero was still smoldering. Today we know in far greater detail what not having it cost us.

Critics contend that the Patriot Act was rushed into law in a moment of panic. The truth is, the policies and guidelines it corrected had a long, troubled history and everybody who had to deal with them knew it. The ''wall'' was a tortuous set of rules promulgated by Justice Department lawyers in 1995 and imagined into law by the Foreign Intelligence Surveillance Act (FISA) court.

Conceived as an added protection for civil liberties provisions already built into the statute, it was the wall and its real-world ramifications that hardened the failure-to-share culture between agencies, allowing early information about 9/11 hijackers Khalid al-Mihdhar and Nawaf al-Hazmi to fall through the cracks. More perversely, even after the significance of these terrorists and their presence in the country was known by the FBI's intelligence division, the wall prevented it from talking to its own criminal division in order to hunt them down.

Furthermore, it was the impenetrable FISA guidelines and fear of provoking the FISA court's wrath if they were transgressed that discouraged risk-averse FBI supervisors from applying for a FISA search warrant in the Zacarias Moussaoui case. The search, finally conducted on the afternoon of 9/11, produced names and phone numbers of people in the thick of the 9/11 plot, so many fertile clues that investigators believe that at least one airplane, if not all four, could have been saved.

In 2002, FISA's appellate level Court of Review examined the entire statutory scheme for issuing warrants in national security investigations and declared the ''wall'' a nonsensical piece of legal overkill, based neither on express statutory language nor reasonable interpretation of the FISA statute. The lower court's attempt to micromanage the execution of national security warrants was deemed an assertion of authority which neither Congress or the Constitution granted it. In other words, those lawyers and judges who created, implemented and so assiduously enforced the FISA guidelines were wrong and the American people paid dearly for it.

Despite this history, some members of Congress contend that this process-heavy court is agile enough to rule on quickly needed National Security Agency (NSA) electronic surveillance warrants. This is a dubious claim. Getting a FISA warrant requires a multistep review involving several lawyers at different offices within the Department of Justice. It can take days, weeks, even months if there is a legal dispute between the principals. ''Emergency'' 72-hour intercepts require sign-offs by NSA lawyers and pre-approval by the attorney general before surveillance can be initiated. Clearly, this is not conducive to what Gen. Michael Hayden, principal deputy director of national intelligence, calls ''hot pursuit'' of al Qaeda conversations.

The Senate will soon convene hearings on renewal of the Patriot Act and the NSA terrorist surveillance program. A minority of senators want to gamble with American lives and ''fix'' national security laws, which they can't show are broken. They seek to eliminate or weaken anti-terrorism measures which take into account that the Cold War and its slow-moving, analog world of landlines and stationary targets is gone. The threat we face today is a completely new paradigm of global terrorist networks operating in a high-velocity digital age using the Web and fiber-optic technology. After four-and-a-half years without another terrorist attack, these senators think we're safe enough to cave in to the same civil liberties lobby that supported that deadly FISA wall in the first place. What if they, like those lawyers and judges, are simply wrong?

Meanwhile, the media, mouthing phrases like ''Article II authority,'' ''separation of powers'' and ''right to privacy,'' are presenting the issues as if politics have nothing to do with what is driving the subject matter and its coverage. They want us to forget four years of relentless ''connect-the-dots'' reporting about the missed chances that ''could have prevented 9/11.'' They have discounted the relevance of references to the two 9/11 hijackers who lived in San Diego. But not too long ago, the media itself reported that phone records revealed that five or six of the hijackers made extensive calls overseas.

NBC News aired an ''exclusive'' story in 2004 that dramatically recounted how al-Hazmi and al-Mihdhar, the San Diego terrorists who would later hijack American Airlines flight 77 and fly it into the Pentagon, received more than a dozen calls from an al Qaeda ''switchboard'' inside Yemen where al-Mihdhar's brother-in-law lived. The house received calls from Osama Bin Laden and relayed them to operatives around the world. Senior correspondent Lisa Myers told the shocking story of how, ''The NSA had the actual phone number in the United States that the switchboard was calling, but didn't deploy that equipment, fearing it would be accused of domestic spying.'' Back then, the NBC script didn't describe it as ''spying on Americans.'' Instead, it was called one of the ''missed opportunities that could have saved 3,000 lives.''

Another example of opportunistic coverage concerns the Patriot Act's ''library provision.'' News reports have given plenty of ink and airtime to the ACLU's unsupported claims that the government has abused this important records provision. But how many Americans know that several of the hijackers repeatedly accessed computers at public

libraries in New Jersey and Florida, using personal Internet accounts to carry out the conspiracy? Al-Mihdhar and al-Hazmi logged on four times at a college library in New Jersey where they purchased airline tickets for AA 77 and later confirmed their reservations on Aug. 30. In light of this, it is ridiculous to suggest that the Justice Department has the time, resources or interest in ''investigating the reading habits of law abiding citizens.''

We now have the ability to put remote control cameras on the surface of Mars. Why should we allow enemies to annihilate us simply because we lack the clarity or resolve to strike a reasonable balance between a healthy skepticism of government power and the need to take proactive measures to protect ourselves from such threats? The mantra of civil-liberties hard-liners is to ''question authority''—even when it is coming to our rescue—then blame that same authority when, hamstrung by civil liberties laws, it fails to save us. The old laws that would prevent FBI agents from stopping the next al-Mihdhar and al-Hazmi were built on the bedrock of a 35-year history of dark, defeating mistrust. More Americans should not die because the peace-at-any-cost fringe and antigovernment paranoids still fighting the ghost of Nixon hate George Bush more than they fear al Qaeda. Ask the American people what they want. They will say that they want the commander in chief to use all reasonable means to catch the people who are trying to rain terror on our cities. Those who cite the soaring principle of individual liberty do not appear to appreciate that our enemies are not seeking to destroy individuals, but whole populations.

Three weeks before 9/11, an FBI agent with the bin Laden case squad in New York learned that al-Mihdhar and al-Hazmi were in this country. He pleaded with the national security gatekeepers in Washington to launch a nationwide manhunt and was summarily told to stand down. When the FISA Court of Review tore down the wall in 2002, it included in its ruling the agent's Aug. 29, 2001, email to FBI headquarters: ''Whatever has happened to this—someday someone will die—and wall or not—the public will not understand why we were not more effective and throwing every resource we had at certain problems. Let's hope the National Security Law Unit will stand behind their decisions then, especially since the biggest threat to us now, [bin Laden], is getting the most 'protection.' ''

The public has listened to years of stinging revelations detailing how the government tied its own—hands in stopping the devastating attacks of September 11. It is an irresponsible violation of the public trust for members of Congress to weaken the Patriot Act or jeopardize the NSA terrorist surveillance program because of the same illusory theories that cost us so dearly before, or worse, for rank partisan advantage. If they do, and our country sustains yet another catastrophic attack that these antiterrorism tools could have prevented, the phrase ''connect the dots'' will resonate again—but this time it will refer to the trail of innocent American blood which leads directly to the Senate floor.

Mr. ARCURI. Mr. Speaker, I would again just like to point out that what this bill does is unshackle the telecommunications companies because what we do want to do in this particular case is ensure that they are able to defend themselves if they have cooperated with the government and followed the law, and that is exactly what this bill does.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, I just had to come down to the floor and speak on this. No one, there isn't anybody who disagrees that we ought to be wiretapping the terrorists. No one disagrees with that. Democrats, Republicans, everyone wants to keep this country safe.

□ 1115

Let's make something real clear about what's at stake here. What's at stake is whether we wiretap Americans. That's what we're talking about.

The bill that we proposed that we have here, it can be summarized in one thing: wiretap first, get permission later. Go out and be aggressive. As a matter of fact, you can spy on Americans. You can do anything. You can spy, you can go out there and keep our country safe.

But when it comes to spying on Americans, that's the difference here. We believe that you need a warrant to do that, even after the fact of 6 or 7 days later to go back and tell the court what you've done.

I, for one, do not, and am not able to stand here and say, as the other side says, that the terrorists have already won; we need to give up our basic constitutional right. I don't believe that the terrorists have won, and I find it extremely discouraging.

What I find so troubling is the same, same rhetoric that we heard for this march to Iraq and, quite honestly, lately this march to Iran. Its the same rhetoric that we're hearing now. It's ''trust me.''

Well, I'll tell you what. I didn't get sent to Washington, DC not to speak up. A lot of people are worried sick that a 30-second ad is going to kick them out of office. And I'll tell you what, I will not put my own re-election ahead of the absolute determination that I have to make sure, first and foremost, that my family and your family are safe, but that we do not shred that Constitution to do it. This is not an either/or, and we need to find a balance. I do not believe the terrorists have won.

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

Mr. ARCURI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to urge support of the rule so we can adopt H.R. 3773.

There's been a lot of very misleading and confusing rhetoric about the issue of immunity. The truth is the phone companies have immunity already under current law. It's 18 U.S. Code, section 2511. And let me just read part of it: ''Notwithstanding any other law, providers of communications services are authorized to provide information in two cases: if there's a court order, or if they receive a certification in writing by a person specified in the title or the Attorney General of the United States that says either no warrant or court order is required, all the statutory requirements have been met and the assistance is required.''

The statute says no cause of action shall lie in any court against any provider of wire or electronic communications if they have received this certification.

I submit the entire text of section 2511 for the RECORD.

[From Westlaw, 18 U.S.C.A. § 2511, Effective: Nov. 25, 2002]

United States Code Annotated Currentness
Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part I. Crimes (Refs & Annos)
Chapter 119. Wire and Electronic Communications Interception and Interception of Oral Communications (Refs & Annos)
§ 2511. Interception and disclosure of wire, oral, or electronic communications prohibited

(1) Except as otherwise specifically provided in this chapter any person who—

(a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when—

(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) such device transmits communications by radio, or interferes with the transmission of such communication; or

(iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or

(iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or

(v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

(c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection;

(d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or

(e) (i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e), 2516, and 2518 of this chapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained

or received the information in connection with a criminal investigation, and (iv) with intent to or improperly obstruct, impede, or interfere with a duly authorized criminal investigation,

shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

(2)(a)(i) It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

(ii) Notwithstanding any other law, providers of wire or electronic communication service, their officers, employees, and agents, landlords, custodians, or other persons, are authorized to provide information, facilities, or technical assistance to persons authorized by law to intercept wire, oral, or electronic communications or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, if such provider, its officers, employees, or agents, landlord, custodian, or other specified person, has been provided with—

(A) a court order directing such assistance signed by the authorizing judge, or

(B) a certification in writing by a person specified in section 2518(7) of this title or the Attorney General of the United States that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required.

setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance required. No provider of wire or electronic communication service, officer, employee, or agent thereof, or landlord, custodian, or other specified person shall disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished a court order or certification under this chapter, except as may otherwise be required by legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate. Any such disclosure, shall render such person liable for the civil damages provided for in section 2520. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officer, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order, statutory authorization, or certification under this chapter.

(b) It shall not be unlawful under this chapter for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the Commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire or electronic communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

(e) Notwithstanding any other provision of this title or section 705 or 706 of the Communications Act of 1934, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of his official duty to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, as authorized by that Act.

(f) Nothing contained in this chapter or chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934, shall be deemed to affect the acquisition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, and procedures in this chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.

(g) It shall not be unlawful under this chapter or chapter 121 of this title for any person—

(i) to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the general public;

(ii) to intercept any radio communication which is transmitted—

(I) by any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

(II) by any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the general public;

(III) by a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

(IV) by any marine or aeronautical communications system;

(iii) to engage in any conduct which—

(I) is prohibited by section 633 of the Communications Act of 1934; or

(II) is excepted from the application of section 705(a) of the Communications Act of 1934 by section 705(b) of that Act;

(iv) to intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of such interference; or

(v) for other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system, if such communication is not scrambled or encrypted.

(h) It shall not be unlawful under this chapter—

(i) to use a pen register or a trap and trace device (as those terms are defined for the purposes of chapter 206 (relating to pen registers and trap and trace devices) of this title); or

(ii) for a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of such service.

(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—

(I) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

(II) the person acting under color of law is lawfully engaged in an investigation;

(III) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

(IV) such interception does not acquire communications other than those transmitted to or from the computer trespasser.

(3)(a) Except as provided in paragraph (b) of this subsection, a person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication (other than one to such person or entity, or an agent thereof) while in transmission on that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient.

(b) A person or entity providing electronic communication service to the public may divulge the contents of any such communication—

(i) as otherwise authorized in section 2511(2)(a) or 2517 of this title;

(ii) with the lawful consent of the originator or any addressee or intended recipient of such communication;

(iii) to a person employed or authorized, or whose facilities are used, to forward such communication to its destination; or

(iv) which were inadvertently obtained by the service provider and which appear to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.

(4)(a) Except as provided in paragraph (b) of this subsection or in subsection (5), whoever violates subsection (1) of this section shall be fined under this title or imprisoned not more than five years, or both.

(b) Conduct otherwise an offense under this subsection that consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted—

(i) to a broadcasting station for purposes of retransmission to the general public; or

(ii) as an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls,

is not an offense under this subsection unless the conduct is for the purposes of direct or indirect commercial advantage or private financial gain.

[(c) Redesignated (b)]

(5)(a)(i) If the communication is—

(A) a private satellite video communication that is not scrambled or encrypted and

the conduct in violation of this chapter is the private viewing of that communication and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain; or

(B) a radio communication that is transmitted on frequencies allocated under subpart D of part 74 of the rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this chapter is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain,

then the person who engages in such conduct shall be subject to suit by the Federal Government in a court of competent jurisdiction.

(ii) In an action under this subsection—

(A) if the violation of this chapter is a first offense for the person under paragraph (a) of subsection (4) and such person has not been found liable in a civil action under section 2520 of this title, the Federal Government shall be entitled to appropriate injunctive relief; and

(B) if the violation of this chapter is a second or subsequent offense under paragraph (a) of subsection (4) or such person has been found liable in any prior civil action under section 2520, the person shall be subject to a mandatory $500 civil fine.

(b) The court may use any means within its authority to enforce an injunction issued under paragraph (ii)(A), and shall impose a civil fine of not less than $500 for each violation of such an injunction.

CREDIT(S)

(Added Pub. L. 90–351, Title III, §802, June 19, 1968, 82 Stat. 213, and amended Pub. L. 91–358, Title II, §211(a), July 29, 1970, 84 Stat. 654; Pub. L. 95–511, Title II, §201(a) to (c), Oct. 25, 1978, 92 Stat. 1796, 1797; Pub. L. 98–549, §6(b)(2), Oct. 30, 1984, 98 Stat. 2804; Pub. L. 99–508, Title I, §101(b), (c)(1), (5), (6), (d), (t), 102, Oct. 21, 1986, 100 Stat. 1849 to 1853; Pub. L. 103–322, Title XXXII, §320901, Title XXXIII, §330016(1)(f)(G), Sept. 13, 1994, 108 Stat. 2123, 2147; Pub. L. 103–414, Title II, §202(b), 204, 205, Oct. 25, 1994, 108 Stat. 4290, 4291; Pub. L. 104–294, Title VI, §604(b)(42), Oct. 11, 1996, 110 Stat. 3509; Pub. L. 107–56, Title II, §§204, 217(2), Oct. 26, 2001, 115 Stat. 281, 291; Pub. L. 107–296, Title II, §225(h)(2), Nov. 25, 2002, 116 Stat. 2158.)

Current through P.L. 110–195 (excluding P.L. 110–181) approved 3–12–08

Simply put, the phone companies have immunity. The only issue is, do they get their day in court to tell a judge that they have immunity? This bill allows for that.

I think the phone companies, like any other party, have a right to assert their defenses and be heard by a judge and have their case be heard. This bill provides for that.

Now, why wouldn't the Bush administration be supportive?

I think the administration is more concerned about their liability than the phone companies.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve my time.

Mr. ARCURI. Mr. Speaker, I am prepared to close. We have no further speakers on our side.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Washington has 8¼ minutes.

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

Mr. Speaker, earlier in this debate I put into the RECORD the January 28 letter from the 21 Blue Dog Democrats to Speaker PELOSI in support of the bipartisan Senate bill. And I'd like to quote from that letter, Mr. Speaker:

''Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.''

Mr. Speaker, the Protect America Act has expired, as has the entire month of February. But House Democrat leaders have not acted, as these 21 Blue Dog Democrats have asked, on our national security needs.

I will quote again from the Blue Dog Democrat letter: ''We have it within our ability to replace the expiring Protect America Act by passing strong bipartisan FISA modernization legislation that can be signed into law, and we should do so. The consequences of not passing such a measure would place our national security at undue risk.''

I regret to say, Mr. Speaker, that for 27 days, our country's national security has been put at undue risk because FISA legislation has not been passed because the Democrat leaders are blocking the House from voting, from even voting on the Senate proposal that passed the Senate by a 68–29 vote.

So let me be very clear about what I'm talking about when I'm going to ask my colleagues to vote ''no'' on the previous question, and why that will be an attempt, or will be a means, by which we can address the Senate bill for the first time in this body, because this, what I'm going to do, is not an ordinary motion.

By voting ''no,'' Mr. Speaker, on the previous question, I will seek to amend one specific clause of the rule, H. Res. 1041, so that the House will still be permitted to debate the FISA bill that this underlying rule makes in order; but if that bill, and if that proposal does not pass this body, then the House, under the provision that I'm seeking to amend the rule, will agree to the Senate bill; and, therefore, the bill would be sent to the President to become law.

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. Now let me just review where we are on this, just to put this into a time frame. The Protect America Act was first put into place last August, set to expire in February so they could work out the differences.

Now, the Senate had their proposal, as I mentioned, and as has been mentioned by our leader, passed by a big margin, 68–29.

The House has their version. There's nothing unusual with both Houses in a bicameral legislative body having two versions of the same issue. And the way you generally resolve that is to go to conference and work out the difference.

We have not had the opportunity, in this body, to go to conference with the Senate on this bill. Further, we have been denied time and time again to have an opportunity to even vote on the Senate amendments. By defeating the previous question, we will have that opportunity.

So I urge my colleagues to vote to defeat the previous question so we can amend the rule to have an opportunity to vote and address the Senate bill that passed overwhelmingly.

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

Mr. ARCURI. Mr. Speaker, as I said earlier, we must bring the misinformation campaign and partisan wrangling to an end.

There is no question that there are groups and individuals out there who would seek to do America harm. There is no question that my colleagues and I want to give the people who protect us from the danger every tool they need to fight terrorism.

The proposal we will vote on today will, in fact, provide our Nation's Intelligence Community with the resources to prevent future acts of terrorism, while protecting the freedoms of our citizens under the Constitution.

I strongly 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. 1041 OFFERED BY MR. HASTINGS OF WASHINGTON

Strike section 2 and insert in lieu thereof the following:

''SEC. 2. Upon rejection of the motion to concur specified in section 1, a motion that the House concur in the Senate amendmemt to H.R. 3773 is hereby adopted.''.

(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, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 190, not voting 23, as follows:

[Roll No. 143]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
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
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmuter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
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
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Pearce
Pence
Petri
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)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—23

Boustany
Brown-Waite, Ginny
Cramer
Cubin
Gilchrest
Granger
Hinojosa
Hooley
Hunter
LaHood
McMorris Rodgers
Meeks (NY)
Musgrave
Nunes
Oberstar
Peterson (PA)
Pickering
Rangel
Rush
Tancredo
Weller
Woolsey
Young (AK)

□ 1148

Mr. MANZULLO changed his vote from ''yea'' to ''nay.''

Mr. BAIRD changed his vote from ''nay'' to ''yea.''

Mr. CARSON of Indiana changed his vote from ''present'' to ''yea.''

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 vote was taken by electronic device, and there were—yeas 221, nays 188, not voting 21, as follows:

[Roll No. 144]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner

Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
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
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
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)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—21

Boustany
Brown-Waite, Ginny
Cramer
Cubin
Gilchrest
Hinojosa
Hooley
Hunter
LaHood
Meeks (NY)
Musgrave
Nunes
Oberstar
Peterson (PA)
Pickering
Rangel
Rush
Tancredo
Weller
Woolsey
Young (AK)

□ 1205

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.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 143 and 144, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall Nos. 143 and 144.

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1041, I call up 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, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROSS). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

''Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

''SEC. 702. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

''(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

''(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(f) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

''(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(ii) cease the acquisition authorized under subsection (a).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

''(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(k) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

''(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence; and

''(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

''(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

''(A) that the minimization procedures be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence

information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

''(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that

subsection may, with due diligence, be obtained, and

''(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

''(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

''(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 708. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subparagraph (a) shall include—

''(1) with respect to section 703—

''(A) any certifications made under subsection 703(f) during the reporting period;

''(B) any directives issued under subsection 703(g) during the reporting period;

''(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

''(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

''(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

''(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

''(G) any procedures implementing this section;

''(2) with respect to section 704—

''(A) the total number of applications made for orders under section 704(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 705—

''(A) the total number of applications made for orders under 705(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Limitation on definition of electronic surveillance.

''Sec. 702. Definitions.

''Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.

''Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.

''Sec. 705. Other acquisitions targeting United States persons outside the United States.

''Sec. 706. Joint applications and concurrent authorizations.

''Sec. 707. Use of information acquired under title VII.

''Sec. 708. Congressional oversight.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting ''(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)'' after ''electronic surveillance''.

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an ''(a)'' before ''CIVIL ACTION'',

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

''(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) pen registers under section 402;

''(D) access to records under section 501;

''(E) acquisitions under section 704; and

''(F) acquisitions under section 705;''.

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under

section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.''.

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term '' 'Foreign Intelligence Surveillance Court'' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) reasonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

''(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

''(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).''.

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting '', the international proliferation of weapons of mass destruction,'' after ''international terrorism''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by adding at the end the following new subparagraphs:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

''(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting '''weapon of mass destruction','' after '''person',''.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term ''assistance'' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term ''contents'' has the meaning given that term in section 101(n) of the

Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ''electronic communication service provider'' means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(6) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

''(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

''SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

''(a) REQUIREMENT FOR CERTIFICATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

''(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

''(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

''(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

''(D) the person did not provide the alleged assistance.

''(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

''(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

''(1) review such certification in camera and ex parte; and

''(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

''(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

''(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

''SEC. 803. PREEMPTION.

''(a) IN GENERAL.—No State shall have authority to—

''(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

''(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

''(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

''(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

''(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions.
''Sec. 802. Procedures for implementing statutory defenses.
''Sec. 803. Preemption.''.

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1041, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. CONYERS:

Mr. CONYERS moves that the House concur in the Senate amendment to H.R. 3773 with the amendment printed in House Report 110–549.

The text of the House amendment to the Senate amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 702. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other provision of law, pursuant to an order issued in accordance with subsection (i)(3) or a determination under subsection (g)(1)(B), the Attorney General and the Director of National Intelligence may authorize jointly, for a period of up to 1 year from the effective date of the authorization, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States in order to target a particular, known person reasonably believed to be in the United States;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States;

''(4) may not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g) or a determination under paragraph (1)(B) of such subsection; and

''(2) the procedures and guidelines required pursuant to subsections (d), (e), and (f).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures required by paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures for acquisitions authorized under subsection (a) that—

''(A) in the case of electronic surveillance, meet the definition of minimization procedures under section 101(h); and

''(B) in the case of a physical search, meet the definition of minimization procedures under section 301(4).

''(2) JUDICIAL REVIEW.—The minimization procedures required by paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(f) GUIDELINES FOR COMPLIANCE WITH LIMITATIONS.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt guidelines to ensure—

''(A) compliance with the limitations in subsection (b); and

''(B) that an application is filed under section 104 or 303, if required by this Act.

''(2) CRITERIA.—With respect to subsection (b)(2), the guidelines adopted pursuant to paragraph (1) shall contain specific criteria for determining whether a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States. Such criteria shall include consideration of whether—

''(A) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

''(B) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

''(C) the department or agency of the Federal Government conducting the acquisition determines that the specific United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

''(D) the specific United States person is a natural person.

''(3) TRAINING.—The Director of National Intelligence shall establish a training program for appropriate personnel of the intelligence community to ensure that the guidelines adopted pursuant to paragraph (1) are properly implemented.

''(4) SUBMISSION TO CONGRESS AND FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Attorney General shall submit the guidelines adopted pursuant to paragraph (1) to—

''(A) the congressional intelligence committees;

''(B) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(C) the Foreign Intelligence Surveillance Court.

''(g) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), if the Attorney General and the Director of National Intelligence seek to authorize an acquisition under this section, the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EMERGENCY AUTHORIZATION.—If the Attorney General and the Director of National Intelligence determine that an emergency situation exists, immediate action by the Government is required, and time does not permit the completion of judicial review pursuant to subsection (i) prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence may authorize the acquisition and shall submit to the Foreign Intelligence Surveillance Court a certification under this subsection as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a)—

''(I) is targeted at persons reasonably believed to be located outside the United States and such procedures have been submitted to the Foreign Intelligence Surveillance Court; and

''(II) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and such procedures have been submitted to the Foreign Intelligence Surveillance Court;

''(ii) guidelines have been adopted in accordance with subsection (f) to ensure compliance with the limitations in subsection (b) and to ensure that applications are filed under section 104 or section 303, if required by this Act;

''(iii) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4) in accordance with subsection (e); and

''(II) have been submitted to the Foreign Intelligence Surveillance Court;

''(iv) the procedures and guidelines referred to in clauses (i), (ii), and (iii) are consistent with the requirements of the fourth amendment to the Constitution of the United States;

''(v) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition complies with the limitations in subsection (b);

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of an element of the intelligence community; and

''(C) include—

''(i) an effective date for the authorization that is between 30 and 60 days from the submission of the written certification to the court; or

''(ii) if the acquisition has begun or will begin in less than 30 days from the submission of the written certification to the court—

''(I) the date the acquisition began or the effective date for the acquisition;

''(II) a description of why implementation was required in less than 30 days from the submission of the written certification to the court; and

''(III) if the acquisition is authorized under paragraph (1)(B), the basis for the determination that an emergency situation exists, immediate action by the government is required, and time does not permit the completion of judicial review prior to the initiation of the acquisition.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court before the initiation of an acquisition under this section, except in accordance with paragraph (1)(B). The Attorney General shall maintain such certification under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—A certification submitted pursuant to this subsection shall be subject to judicial review pursuant to subsection (i).

''(h) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—Pursuant to an order issued in accordance with subsection (i)(3) or a determination under subsection (g)(1)(B), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition authorized in accordance with this section in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target of the acquisition; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other provision of law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review of a petition filed under subparagraph (A) not later than 5 days after being assigned such petition. If the judge determines that the petition does not consist of claims, defenses, or other legal contentions that are warranted by existing law, a nonfrivolous argument for extending, modifying, or reversing existing law, or establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition filed under subparagraph (A) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition. If the judge does not set aside the directive, the judge shall immediately affirm or modify the directive and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—If an electronic communication service provider fails to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel the electronic communication service provider to comply with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) PROCEDURES FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified not later than 30 days after being assigned the petition if the judge finds that the directive meets the requirements of this section and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of a decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification submitted pursuant to subsection (g) and the targeting and minimization procedures required by subsections (d) and (e).

''(B) TIME PERIOD FOR REVIEW.—The Court shall review the certification submitted pursuant to subsection (g) and the targeting and minimization procedures required by subsections (d) and (e) and approve or deny an order under this subsection not later than 30 days after the date on which a certification is submitted.

''(2) REVIEW.—The Court shall review the following:

''(A) CERTIFICATIONS.—A certification submitted pursuant to subsection (g) to determine whether the certification contains all the required elements.

''(B) TARGETING PROCEDURES.—The targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(C) MINIMIZATION PROCEDURES.—The minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures

under section 101(h) or section 301(4) in accordance with subsection (e).

''(3) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification submitted pursuant to subsection (g) contains all of the required elements and that the procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the certification and the use of the procedures for the acquisition.

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification submitted pursuant to subsection (g) does not contain all of the required elements or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States—

''(i) in the case of a certification submitted in accordance with subsection (g)(1)(A), the Court shall deny the order, identify any deficiency in the certification or procedures, and provide the Government with an opportunity to correct such deficiency; and

''(ii) in the case of a certification submitted in accordance with subsection (g)(1)(B), the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(I) correct any deficiency identified by the Court not later than 30 days after the date the Court issues the order; or

''(II) cease the acquisition authorized under subsection (g)(1)(B).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(4) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisition affected by an order under paragraph (3)(B)(ii) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, subject to subparagraph (C), until the Court of Review enters an order under subparagraph (A).

''(C) IMPLEMENTATION OF EMERGENCY AUTHORITY PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order issued under paragraph (3)(B)(ii) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal. The Government shall conduct an acquisition affected by such order issued under paragraph (3)(B)(ii) in accordance with an order issued under this subparagraph or shall cease such acquisition.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(5) SCHEDULE.—

''(A) REPLACEMENT OF AUTHORIZATIONS IN EFFECT.—If the Attorney General and the Director of National Intelligence seek to replace an authorization issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Court a certification under subsection (g) and the procedures required by subsections (d), (e), and (f) at least 30 days before the expiration of such authorization.

''(B) REAUTHORIZATION OF AUTHORIZATIONS IN EFFECT.—If the Attorney General and the Director of National Intelligence seek to replace an authorization issued pursuant to this section, the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Court a certification under subsection (g) and the procedures required by subsections (d), (e), and (f) at least 30 days prior to the expiration of such authorization.

''(C) CONSOLIDATED SUBMISSIONS.—The Attorney General and Director of National Intelligence shall, to the extent practicable, annually submit to the Court a consolidation of—

''(i) certifications under subsection (g) for reauthorization of authorizations in effect;

''(ii) the procedures required by subsections (d), (e), and (f); and

''(iii) the annual review required by subsection (l)(3) for the preceding year.

''(D) TIMING OF REVIEWS.—The Attorney General and the Director of National Intelligence shall, to the extent practicable, schedule the completion of the annual review under subsection (l)(3) and a semiannual assessment under subsection (l)(1) so that they may be submitted to the Court at the time of the consolidated submission under subparagraph (C).

''(E) CONSTRUCTION.—The requirements of subparagraph (C) shall not be construed to preclude the Attorney General and the Director of National Intelligence from submitting certifications for additional authorizations at other times during the year as necessary.

''(6) COMPLIANCE.—At or before the end of the period of time for which a certification submitted pursuant to subsection (g) and procedures required by subsection (d) and (e) are approved by an order under this section, the Foreign Intelligence Surveillance Court may assess compliance with the minimization procedures required by subsection (e) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(j) JUDICIAL PROCEEDINGS.—

''(1) EXPEDITED PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(2) TIME LIMITS.—A time limit for a judicial decision in this section shall apply unless the Court, the Court of Review, or any judge of either the Court or the Court of Review, by order for reasons stated, extends that time for good cause.

''(k) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—The Foreign Intelligence Surveillance Court shall maintain a record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—The Director of National Intelligence and the Attorney General shall retain a directive made or an order granted under this section for a period of not less than 10 years from the date on which such directive or such order is made.

''(l) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the procedures and guidelines required by subsections (d), (e), and (f) and shall submit each assessment to—

''(A) the congressional intelligence committees;

''(B) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(C) the Foreign Intelligence Surveillance Court.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of each element of the intelligence community authorized to acquire foreign intelligence information under subsection (a), with respect to such Department or such element—

''(A) are authorized to review compliance with the procedures and guidelines required by subsections (d), (e), and (f);

''(B) with respect to acquisitions authorized under subsection (a), shall review the disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence;

''(iii) the congressional intelligence committees;

''(iv) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(v) the Foreign Intelligence Surveillance Court.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of each element of the intelligence community conducting an acquisition authorized under subsection (a) shall conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) the number and nature of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) the number and nature of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of such element of the intelligence community and approved by the Director of National Intelligence to assess,

in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, and the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence;

''(iv) the congressional intelligence committees; and

''(v) the Committees on the Judiciary of the House of Representatives and the Senate.

''(m) CONSTRUCTION.—Nothing in this Act shall be construed to require an application under section 104 for an acquisition that is targeted in accordance with this section at a person reasonably believed to be located outside the United States.

''SEC. 703. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review an application and enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information if the acquisition constitutes electronic surveillance or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act and such acquisition is conducted within the United States.

''(2) LIMITATION.—If a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease unless authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of proposed minimization procedures that—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) identifies the type of foreign intelligence information being sought according to the categories described in each subparagraph of section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by the Court approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of paragraph (1)(B), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target and facts and circumstances relating to current or future activities of the target. No United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause under paragraph (1)(B), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures referred to in paragraph (1)(C) do not meet the definition of minimization procedures as required under such paragraph the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application under subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical

entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving an acquisition under this subsection shall direct—

''(A) that the minimization procedures referred to in paragraph (1)(C), as approved or modified by the Court, be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under such order in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target of the acquisition;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this subsection shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize such acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this section is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving an acquisition authorized under paragraph (1), such acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—If an application for approval submitted pursuant to paragraph (1) is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other provision of law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(g) CONSTRUCTION.—Nothing in this Act shall be construed to require an application under section 104 for an acquisition that is targeted in accordance with this section at a person reasonably believed to be located outside the United States.

''SEC. 704. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No department or agency of the Federal Government may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order with respect to such targeted United States person or the Attorney General has authorized an emergency acquisition pursuant to subsection (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—If a targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), acquisitions relating to such targeted United States Person shall cease unless authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of such order.

''(B) APPLICABILITY.—If an acquisition is to be conducted inside the United States and could be authorized under section 703, the acquisition may only be conducted if authorized under section 703 or in accordance with another provision of this Act other than this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity of the Federal officer making the application;

''(2) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(3) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(4) a statement of proposed minimization procedures that—

''(A) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(B) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(5) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(6) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(7) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by the Court if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(5) is not clearly erroneous on the basis of the information furnished under subsection (b).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(B), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target and facts and circumstances relating to current or future activities of the target. No United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause under paragraph (1)(B), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures referred to in paragraph (1)(C) do not meet the definition of minimization procedures as required under such paragraph, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that an application under subsection (b) does not contain all the required elements, or that the certification provided under subsection (b)(5) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this section, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for the issuance of an order under this section exists,

the Attorney General may authorize such acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this section is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an emergency acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition authorized under paragraph (1) shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—If an application submitted pursuant to paragraph (1) is denied, or in any other case where an acquisition under this section is terminated and no order with respect to the target of the acquisition is issued under subsection (c), no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 703 or section 704 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 703(a)(1) or section 704(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 703(b) and section 704(b), orders under section 703(c) and section 704(c), as appropriate.

''(b) CONCURRENT AUTHORIZATION.—

''(1) ELECTRONIC SURVEILLANCE.—If an order authorizing electronic surveillance has been obtained under section 105 and that order is still in effect, during the pendency of that order the Attorney General may authorize, without an order under section 703 or 704, electronic surveillance for the purpose of acquiring foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''(2) PHYSICAL SEARCH.—If an order authorizing a physical search has been obtained under section 304 and that order is still in effect, during the pendency of that order the Attorney General may authorize, without an order under section 703 or 704, a physical search for the purpose of acquiring foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 706. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''Information acquired pursuant to section 702 or 703 shall be considered information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 707. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees and the Committees on the Judiciary of the Senate and the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subsection (a) shall include—

''(1) with respect to section 702—

''(A) any certifications made under section 702(g) during the reporting period;

''(B) with respect to each certification made under paragraph (1)(B) of such section, the reasons for exercising the authority under such paragraph;

''(C) any directives issued under section 702(h) during the reporting period;

''(D) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures adopted pursuant to subsections (d) and (e) of section 702 utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of section 702;

''(E) any actions taken to challenge or enforce a directive under paragraph (4) or (5) of section 702(h);

''(F) any compliance reviews conducted by the Attorney General or the Director of National Intelligence of acquisitions authorized under subsection 702(a);

''(G) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 702(h), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures and guidelines adopted pursuant to subsections (d), (e), and (f) of section 702; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 702(h); and

''(H) any procedures implementing section 702;

''(2) with respect to section 703—

''(A) the total number of applications made for orders under section 703(b);

''(B) the total number of such orders—

''(i) granted;

''(ii) modified; or

''(iii) denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 703(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 704—

''(A) the total number of applications made for orders under 704(b);

''(B) the total number of such orders—

''(i) granted;

''(ii) modified; or

''(iii) denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 704(d) and the total number of subsequent orders approving or denying such applications.

''SEC. 708. SAVINGS PROVISION.

''Nothing in this title shall be construed to limit the authority of the Federal Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Definitions.

''Sec. 702. Procedures for targeting certain persons outside the United States other than United States persons.

''Sec. 703. Certain acquisitions inside the United States of United States persons outside the United States.

''Sec. 704. Other acquisitions targeting United States persons outside the United States.

''Sec. 705. Joint applications and concurrent authorizations.

''Sec. 706. Use of information acquired under title VII.

''Sec. 707. Congressional oversight.

''Sec. 708. Savings provision.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended—

(A) in subparagraph (C), by striking ''and''; and

(B) by adding at the end the following new subparagraphs:

''(E) acquisitions under section 703; and

''(F) acquisitions under section 704;''.

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

''(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).''.

(b) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking ''authorized by statute'' each place it appears in such section and inserting ''authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112.''; and

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

''(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.''; and

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 111 the following new item:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term 'Foreign Intelligence Surveillance Court' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(E) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(F) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before

an order authorizing such surveillance can with due diligence be obtained;

''(B) reasonably determines that the factual basis for the issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed''; and

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) reasonably determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection, on its own initiative or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), may hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established

under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is further amended by adding at the end the following:

''(i) Nothing in this Act shall be construed to reduce or contravene the inherent authority of the court established by subsection (a) to determine or enforce compliance with an order or a rule of such court or with a procedure approved by such court.''.

SEC. 110. INSPECTOR GENERAL REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(3) PRESIDENT'S SURVEILLANCE PROGRAM AND PROGRAM.—The terms ''President's Surveillance Program'' and ''Program'' mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, including the program referred to by the President in a radio address on December 17, 2005 (commonly known as the Terrorist Surveillance Program).

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other element of the intelligence community that participated in the President's Surveillance Program shall complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures and substance of, and access to, the legal reviews of the Program;

(C) communications with and participation of individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by any such Inspector General that would enable that Inspector General to complete a review of the Program, with respect to such Department or element.

(2) COOPERATION AND COORDINATION.—

(A) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(i) work in conjunction, to the extent practicable, with any other Inspector General required to conduct such a review; and

(ii) utilize, to the extent practicable, and not unnecessarily duplicate or delay such reviews or audits that have been completed or are being undertaken by any such Inspector General or by any other office of the Executive Branch related to the Program.

(B) COORDINATION.—The Inspectors General shall designate one of the Inspectors General required to conduct a review under paragraph (1) that is appointed by the President, by and with the advice and consent of the Senate, to coordinate the conduct of the reviews and the preparation of the reports.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other Inspector General required to conduct a review under subsection (b)(1) shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other Inspector General required to conduct a review under subsection (b)(1) shall submit to the appropriate committees of Congress and the Commission established under section 301(a) a comprehensive report on such reviews that includes any recommendations of any such Inspectors General within the oversight authority and responsibility of any such Inspector General.

(3) FORM.—A report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the Program or with whom there was communication about the Program, to the extent that information is classified.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

SEC. 111. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended—

(A) in paragraph (5), by striking ''persons; or'' and inserting ''persons;'';

(B) in paragraph (6), by striking the period and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(7) an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end; and

(B) by adding at the end the following new subparagraph:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by adding at the end the following new subsection:

''(p) 'Weapon of mass destruction' means—

''(1) any explosive, incendiary, or poison gas device that is intended or has the capability to cause a mass casualty incident;

''(2) any weapon that is designed or intended to cause death or serious bodily injury to a significant number of persons through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code) that is designed, intended, or has the capability of causing death, illness, or serious bodily injury to a significant number of persons; or

''(4) any weapon that is designed, intended, or has the capability of releasing radiation or radioactivity causing death, illness, or serious bodily injury to a significant number of persons.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting ''weapon of mass destruction ,'' after ''person,''.

SEC. 112. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following new subsection:

''(e) STATUTE OF LIMITATIONS.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any offense committed before the date of the enactment of this Act if the statute of limitations applicable to that offense has not run as of such date.

TITLE II—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

SEC. 201. STATUTORY DEFENSES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after title VII the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records,

or other information relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning given that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) COVERED CIVIL ACTION.—The term 'covered civil action' means a suit in Federal or State court against any person for providing assistance to an element of the intelligence community.

''(5) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(6) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(7) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), or 703(h).

''(8) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

''SEC. 802. PROCEDURES FOR COVERED CIVIL ACTIONS.

''(a) INTERVENTION BY GOVERNMENT.— In any covered civil action, the court shall permit the Government to intervene. Whether or not the Government intervenes in the civil action, the Attorney General may submit any information in any form the Attorney General determines is appropriate and the court shall consider all such submissions.

''(b) FACTUAL AND LEGAL DETERMINATIONS.—In any covered civil action, any party may submit to the court evidence, briefs, arguments, or other information on any matter with respect to which a privilege based on state secrets is asserted. The court shall review any such submission in accordance with the procedures set forth in section 106(f) and may, based on the review, make any appropriate determination of fact or law. The court may, on motion of the Attorney General, take any additional actions the court deems necessary to protect classified information. The court may, to the extent practicable and consistent with national security, request that any party present briefs and arguments on any legal question the court determines is raised by such a submission even if that party does not have full access to the submission. The court shall consider whether the employment of a special master or an expert witness, or both, would facilitate proceedings under this section.

''(c) LOCATION OF REVIEW.—The court may conduct the review in a location and facility specified by the Attorney General as necessary to ensure security.

''(d) REMOVAL.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(e) SPECIAL RULE FOR CERTAIN CASES.—For any covered civil action alleging that a person provided assistance to an element of the intelligence community pursuant to a request or directive during the period from September 11, 2001 through January 17, 2007, the Attorney General shall provide to the court any request or directive related to the allegations under the procedures set forth in subsection (b).

''(f) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of the enactment of this Act.''.

SEC. 202. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions

''Sec. 802. Procedures for covered civil actions.''.

TITLE III—COMMISSION ON WARRANTLESS ELECTRONIC SURVEILLANCE ACTIVITIES

SEC. 301. COMMISSION ON WARRANTLESS ELECTRONIC SURVEILLANCE ACTIVITIES.

(a) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch a commission to be known as the ''Commission on Warrantless Electronic Surveillance Activities'' (in this section referred to as the ''Commission'').

(b) DUTIES OF COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) ascertain, evaluate, and report upon the facts and circumstances relating to electronic surveillance activities conducted without a warrant between September 11, 2001 and January 17, 2007;

(B) evaluate the lawfulness of such activities;

(C) examine all programs and activities relating to intelligence collection inside the United States or regarding United States persons that were in effect or operation on September 11, 2001, and all such programs and activities undertaken since that date, including the legal framework or justification for those activities; and

(D) report to the President and Congress the findings and conclusions of the Commission and any recommendations the Commission considers appropriate.

(2) PROTECTION OF NATIONAL SECURITY.—The Commission shall carry out the duties of the Commission under this section in a manner consistent with the need to protect national security.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(A) 5 members shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives; and

(B) 4 members shall be appointed jointly by the minority leader of the Senate and the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens with significant depth of experience in national security, Constitutional law, and civil liberties.

(3) CHAIR; VICE CHAIR.—

(A) CHAIR.—The Chair of the Commission shall be jointly appointed by the majority leader of the Senate and the Speaker of the House of Representatives from among the members appointed under paragraph (1)(A).

(B) VICE CHAIR.—The Vice Chair of the Commission shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives from among the members appointed under paragraph (1)(B).

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(5) INITIAL MEETING.—The Commission shall hold its first meeting and begin operations not later than 45 days after the date on which a majority of its members have been appointed.

(6) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(8) VACANCIES.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Chair, any subcommittee or member thereof may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission, such designated subcommittee, or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate under this section. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(ii) SIGNATURE.—Subpoenas issued under this paragraph may be issued under the signature of the Chair of the Commission, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission and may be served by any person designated by such Chair, subcommittee chair, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—If a person refuses to obey a subpoena issued under subparagraph (A), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(ii) JURISDICTION.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of the failure of a witness to comply with any subpoena or to testify when summoned under authority of this paragraph, the Commission, by majority vote, may certify a statement of fact attesting to such failure to the appropriate United States attorney, who shall bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government documents, information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall furnish such documents, information, suggestions, estimates, and statistics directly to the Commission upon request made by the Chair, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff in a manner consistent with all applicable statutes, regulations, and Executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(e) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—The Chair, in consultation with Vice Chair and in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(2) DETAILEES.—A Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) EXPEDITIOUS PROVISION OF CLEARANCES.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(2) ACCESS TO CLASSIFIED INFORMATION.—All members of the Commission and commission staff, as authorized by the Chair or the designee of the Chair, who have obtained appropriate security clearances, shall have access to classified information related to the surveillance activities within the scope of the examination of the Commission and any other related classified information that the members of the Commission determine relevant to carrying out the duties of the Commission under this section.

(3) FACILITIES AND RESOURCES.—The Director of National Intelligence shall provide the Commission with appropriate space and technical facilities approved by the Commission.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) PUBLIC MEETINGS.—The Commission shall hold public hearings and meetings to the extent appropriate.

(3) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(i) REPORTS AND RECOMMENDATIONS OF COMMISSION.—

(1) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(2) FINAL REPORT.—Not later than one year after the date of its first meeting, the Commission, in consultation with appropriate representatives of the intelligence community, shall submit to the President and Congress a final report containing such information, analysis, findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(3) FORM.—The reports submitted under paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

(4) RECOMMENDATIONS FOR DECLASSIFICATION.—The Commission may make recommendations to the appropriate department or agency of the Federal Government regarding the declassification of documents or portions of documents.

(j) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under subsection (i)(2).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

(k) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) UNITED STATES PERSON.—The term ''United States person'' has the meaning given the term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(l) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission under this section.

(2) DURATION OF AVAILABILITY.—Amounts made available to the Commission under paragraph (1) shall remain available until the termination of the Commission.

TITLE IV—OTHER PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 402. EFFECTIVE DATE.

Except as provided in section 404, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 403. REPEALS.

(a) REPEAL OF PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) AMENDMENTS TO FISA.—

(A) IN GENERAL.—Except as provided in section 404, sections 105A, 105B, and 105C of the

Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 nt) is amended by striking the items relating to sections 105A, 105B, and 105C.

(ii) CONFORMING AMENDMENTS.—Except as provided in section 404, section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(I) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 702(h)(4)''; and

(II) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 702(h)(4)''.

(2) REPORTING REQUIREMENTS.—Except as provided in section 404, section 4 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 555) is repealed.

(3) TRANSITION PROCEDURES.—Except as provided in section 404, subsection (b) of section 6 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 556) is repealed.

(b) FISA AMENDMENTS ACT OF 2008.—

(1) IN GENERAL.—Except as provided in section 404, effective December 31, 2009, title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2009—

(A) the table of contents in the first section of such Act (50 U.S.C. 1801 nt) is amended by striking the items related to title VII;

(B) except as provided in section 404, section 601(a)(1) of such Act (50 U.S.C. 1871(a)(1)) is amended to read as such section read on the day before the date of the enactment of this Act; and

(C) except as provided in section 404, section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by striking ''or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978''.

SEC. 404. TRANSITION PROCEDURES.

(a) TRANSITION PROCEDURES FOR PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) CONTINUED EFFECT OF ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of law, any order, authorization, or directive issued or made pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 552), shall continue in effect until the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF PROTECT AMERICA ACT OF 2007 TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) subject to paragraph (3), section 105A of such Act, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 552), shall continue to apply to any acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1); and

(B) sections 105B and 105C of such Act (as so added) shall continue to apply with respect to an order, authorization, or directive referred to in paragraph (1) until the expiration of such order, authorization, or directive.

(3) USE OF INFORMATION.—Information acquired from an acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1) shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of such Act (50 U.S.C. 1806).

(4) PROTECTION FROM LIABILITY.—Subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, shall continue to apply with respect to any directives issued pursuant to such section 105B.

(5) JURISDICTION OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 103(e), as amended by section 5(a) of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 556), shall continue to apply with respect to a directive issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, until the expiration of all orders, authorizations, and directives issued or made pursuant to such section.

(6) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act, the Protect America Act of 2007 (Public Law 110-55), or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 4 of the Protect America Act of 2007 shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted as part of a semi-annual report required by section 4 of the Protect America Act of 2007;

(iii) that states that there will be no further acquisitions carried out under section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, after the date of such certification; and

(iv) that states that the information required to be included under such section 4 relating to any acquisition conducted under such section 105B has been included in a semi-annual report required by such section 4.

(7) EFFECTIVE DATE.—Paragraphs (1) through (6) shall take effect as if enacted on August 5, 2007.

(b) TRANSITION PROCEDURES FOR FISA AMENDMENTS ACT OF 2008 PROVISIONS.—

(1) ORDERS IN EFFECT ON DECEMBER 31, 2009.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), any order, authorization, or directive issued or made under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), shall continue in effect until the date of the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF TITLE VII OF FISA TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), with respect to any order, authorization, or directive referred to in paragraph (1), title VII of such Act, as amended by section 101(a), shall continue to apply until the expiration of such order, authorization, or directive.

(3) CHALLENGE OF DIRECTIVES; PROTECTION FROM LIABILITY; USE OF INFORMATION.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) section 103(e) of such Act, as amended by section 113, shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act, as added by section 101(a);

(B) section 702(h)(3) of such Act (as so added) shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act (as so added);

(C) section 703(e) of such Act (as so added) shall continue to apply with respect to an order or request for emergency assistance under that section;

(D) section 706 of such Act (as so added) shall continue to apply to an acquisition conducted under section 702 or 703 of such Act (as so added); and

(E) section 2511(2)(a)(ii)(A) of title 18, United States Code, as amended by section 101(c)(1), shall continue to apply to an order issued pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978, as added by section 101(a).

(4) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 601(a) of such Act (50 U.S.C. 1871(a)), as amended by section 101(c)(2), and sections 702(l) and 707 of such Act, as added by section 101(a), shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives;

(iii) that states that there will be no further acquisitions carried out under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), after the date of such certification; and

(iv) that states that the information required to be included in a review, assessment, or report under section 601 of such Act, as amended by section 101(c), or section 702(l) or 707 of such Act, as added by section 101(a), relating to any acquisition conducted under title VII of such Act, as amended by section 101(a), has been included in a review, assessment, or report under such section 601, 702(l), or 707.

(5) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall continue in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that such authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

SEC. 405. NO RIGHTS UNDER THE FISA AMENDMENTS ACT OF 2008 FOR UNDOCUMENTED ALIENS.

This Act and the amendments made by this Act shall not be construed to prohibit surveillance of, or grant any rights to, an alien not permitted to be in or remain in the United States.

SEC. 406. SURVEILLANCE TO PROTECT THE UNITED STATES.

This Act and the amendments made by this Act shall not be construed to prohibit the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) from conducting lawful surveillance that is necessary to—

(1) prevent Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States, any United States person, or any ally of the United States;

(2) ensure the safety and security of members of the United States Armed Forces or any other officer or employee of the Federal Government involved in protecting the national security of the United States; or

(3) protect the United States, any United States person, or any ally of the United States from threats posed by weapons of mass destruction or other threats to national security.

The SPEAKER pro tempore. Pursuant to House Resolution 1041, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes, and the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Ladies and gentlemen of the House, we finally come to the point in time where we consider the Foreign Intelligence Surveillance Act amendments, and I am delighted to bring this measure to the floor.

I begin by observing that there are few rights that are more fundamental to our democracy than the right to have protections against unreasonable search and seizure, and there are few responsibilities that are more important than the government's protecting us from foreign threats. I submit that the measure before us does both of those and regards them as the two most important acts that we can pursue as responsible Members of the Congress. That conflict or tension goes to the very core of who we are as a Nation.

Now, for more than 30 years, we have relied on the Foreign Intelligence Surveillance Act to strike the appropriate balance between the government's need to protect our rights from foreign attack and our citizens' right to be free from unreasonable searches and seizures and to have freedom of speech. The heart of that bargain was that the government could indeed use its awesome power of surveillance but only through independent court review. That's FISA since 1978.

Now, a few years ago, the administration unilaterally chose to engage in warrantless surveillance of American citizens without court review. And last August, when this scheme appeared to be breaking down, this administration pushed through a law that it had caused to be drafted that essentially transferred the power of independent review from the courts to the Attorney General of the United States. Today, we will be voting on legislation to restore that proper balance.

And so we present to you an uncomplicated consideration of a measure that has three titles. The first allows the government to obtain a single court order to approve surveillance against all members of any known terrorist group. It includes important safeguards to make sure that this power is not used to target innocent Americans.

□ 1215

The chairman of the Intelligence Committee has a lot more to say about that.

The second title deals with the difficult issue of how we make sure that those telecom carriers who assisted the government in the aftermath of the September 11 tragedy are not placed in a position where they cannot defend themselves in court.

And then, finally, the last title provides an accounting of the highly controversial warrantless surveillance program. The administration tells us they have nothing to hide and the program was lawful in their program or its implementation. If that is the case, they should have nothing to fear from this blue ribbon commission that will be created by the enactment of the provision before us.

Now, we learned only yesterday that the Federal Bureau of Investigation was continuing to misuse the authorities that we granted it under the PATRIOT Act 6 years ago to unlawfully obtain information about law-abiding Americans. Just yesterday. We learned 4 days ago that the National Security Agency was using its massive power to create a nationwide database of American citizens. Four days ago.

And so that's why I believe it important that we include the civil liberties safeguards set forth in the legislation today. We have been working very closely with the American Civil Liberties Union in that regard, and we have a half dozen other organizations that have fully endorsed the bill.

The legislation before us gives the administration and the agencies every tool they need to protect our Nation against terrorism, while at the same time protecting our own citizens' civil rights and liberties. I urge that we carefully examine the proposition before us.

And I will reserve the balance of my time.

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

This debate today is not about Republican or Democratic arguments. It is not about right or left ideology. It is simply about protecting our country, and it is about protecting American lives. This might be a good time to recall the story of the American soldiers who were killed in Iraq last May. When the U.S. military discovered that the soldiers had been kidnapped by terrorists, they launched a full scale search and rescue mission.

In the early hours of the operation, U.S. intelligence officials on the ground discovered a lead that required immediate electronic surveillance of telephone conversations. But the terrorist loophole, which requires a court order from Washington before conducting surveillance on a foreign target, prevented our intelligence officials from gathering information from almost 10 hours.

The body of one of the soldiers was later found in the Euphrates River. The terrorists claim to have executed the other two soldiers.

We will never know if that information could have saved the lives of our soldiers. But we do know that the terrorist loophole tied our hands then and perhaps is costing us lives now.

Prior to enactment of the Protect America Act, the Director of National Intelligence, Admiral McConnell, warned Congress that our intelligence community was missing two-thirds of all overseas terrorist communications. Three weeks ago, the Protect America Act expired, and our intelligence community lost the tools they need to monitor terrorists overseas and protect Americans here at home. We may never recover the foreign intelligence lost because of Congress's inaction.

This intelligence might have given us information about terrorist plots or foreign espionage. I hope these missed opportunities will not lead to a terrorist attack in the United States or in other countries that could have been prevented.

We are now 27 days late and much intelligence short because of the Democratic leadership's refusal to consider the bipartisan Senate bill. If they had brought it to the floor 3 weeks ago, it would have passed easily; and America would be safer today. But rather than modernize the Foreign Intelligence Surveillance Act, the Democrat majority's bill actually weakens it.

First, the Democrats' bill requires a court order before the government can begin surveillance of a foreign terrorist overseas. FISA has never required a court order to target foreigners overseas. As we saw in May, this causes significant delays in gathering foreign intelligence, placing Americans at risk.

Second, the Democrats' bill denies giving immunity to telecommunications providers who assisted the government following the terrorist attacks of September 11, 2001. The past

and future cooperation of these companies is essential to our national security.

Ninety-eight percent of America's communications technology is owned by private sector companies. We cannot conduct foreign surveillance without them. But if we continue to subject them to billion-dollar lawsuits, we risk losing their cooperation in the future. In fact, this bill is so flawed that the President has promised to veto it. Even more, Senator REID, the Democratic majority leader, acknowledges that this legislation will never pass in the Senate.

Congress can and must do better than this bill. Our liberties, our security, and the future of our Nation depend on it.

I urge my colleagues to oppose this fatally flawed piece of legislation, and I ask the Democratic majority to bring the bipartisan Senate bill to the House floor for a vote.

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

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

I am proud to rise today in support of H.R. 3773, the FISA Amendments Act of 2008. This bill arms our intelligence community with powerful new tools to track and identify terrorist targets outside the United States. At the same time, it restores essential constitutional protections to Americans that were sharply eroded when the President signed the law known as the Protect America Act last August.

We have put the security of Americans first and foremost, with close attention to their constitutional rights. We have also included provisions to allow companies that acted lawfully to make that argument to the courts. If they did nothing wrong, as they have said, then they will be immune from any lawsuit.

Title I of this bill ensures that the government does not need to get an individualized warrant when it targets communications of targets overseas, the so-called foreign-to-foreign. This is the central problem that the administration cited with FISA in August, and we have fixed it.

Let me be clear, Mr. Speaker, this bill does not require individual warrants for foreign targets before surveillance can begin. It does require the FISA Court to ensure that the procedures that the government uses to identify foreign targets are designed to protect the rights of Americans. This independent front-end review is necessary to ensure that the rights of Americans are being properly protected before any violations occur. However, we also provide a generous emergency provision, at least 30 days, so that the surveillance can begin in an emergency before the government has to go get approval from a court.

In title II, we address the issue of the lawsuits filed against the telecom companies who allegedly participated in the President's warrantless surveillance program. This bill allows the courts to carefully safeguard classified information under well-established protocols. This information that the companies may wish to use to defend themselves now gives them that opportunity. This will also allow the companies to defend themselves in a secure effort. If they are innocent, they will face no damage. If they broke the law, they will be held to account. But this issue will be decided by a court, the American way.

Title III of this bill establishes a bipartisan national commission to investigate warrantless tapping. I believe that the Nation is deeply concerned about what has gone on for the last 7 years. And I also want to restore some of the trust in the intelligence community. Title III is designed to do just that, by bringing these things into light in a careful and bipartisan manner. The American people deserve to know the truth about what has happened. This provision makes that happen.

This is an important step forward, Mr. Speaker. So I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, not enough attention is given to what the Director of National Intelligence and the Attorney General think about this piece of legislation; and in order to serve that purpose, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), who is also a member of the Judiciary Committee.

Mr. FEENEY. Mr. Speaker, there couldn't be a more critical discussion to have this morning before we cast this critical vote. The chairman of the Intelligence Committee, I must say, I respectfully disagree with in terms of the devastating consequences his proposal would have. The Attorney General of the United States and the Director of National Intelligence have looked at this proposal, and here is what they have said about the majority's proposal: ''Requiring prior court approval to gather foreign intelligence from foreign targets located overseas: the reason Congress did not include such a requirement when it passed the original FISA statute and with good reason, these foreign targets have no right to any court review of such surveillance under our Constitution. We know from experience requiring prior court approval is a formula for delay. Thus, this framework would impede vital foreign intelligence collection and put the Nation at unnecessary and greater risk.''

Ladies and gentlemen, assume that you are the head of a corporation or a business in America after America is attacked, thousands of lives and several cities attacked; assuming that there is imminent threats to dozens of other cities and millions of others; assuming the Attorney General or the President contacts you and say that you have access to information that will save millions of Americans. What would you do? I hope you would cooperate.

That is what many companies did, and now they are subject, in San Francisco, to over 50 lawsuits for tens of billions of dollars. The question is whether we ought to protect patriotic companies that for several hundred years have had a privilege to cooperate with government. It's true that technically they may have immunity. But here is what you haven't acknowledged: the immunity is useless to them because they cannot assert it. It would be a violation of Federal law.

Mr. Speaker, I will submit for the RECORD a letter from the general counsel of AT&T, the victim of one of these trial lawyer suits to the tune of tens of billions of dollars as he talks about the state secrets doctrine that prevents them from protecting themselves in a court of law, as he talks about the dilemma that they face in the future going forward if they want to help Americans defend themselves.

Mr. CONYERS. Mr. Speaker, I would like to recognize JIM MARSHALL of Georgia, who has worked with us on this month in and month out, for 1½ minutes.

Mr. MARSHALL. I thank you, Mr. Chairman.

Mr. Speaker, may I engage the chairman of the Judiciary Committee and the chairman of the Intelligence Committee for purposes of a colloquy.

Mr. CONYERS. Of course.

Mr. REYES. I would be happy to oblige my good friend from Georgia.

Mr. MARSHALL. I would like to clarify some elements of the process to be established under title II of the bill we debate today. Title II of the bill would assist the telecommunications carriers in dealing with the civil lawsuits they currently face by permitting them to use classified information in defense of claims against them.

I want to be clear that any review of classified information would only take place in the judge's chambers without the plaintiffs or their representatives present. The bill requires the judge to follow the procedures in section 106(f) of FISA.

Am I correct in my understanding that section 106(f) of FISA requires that the review of any classified information must take place in camera and ex parte and that such classified information must remain secret, that it is not to be disclosed to the plaintiffs, their representatives or any others except those authorized to receive such information by virtue of their security clearances?

Mr. CONYERS. Mr. MARSHALL, I couldn't put it any more appropriately myself.

Mr. REYES. That is correct.

Mr. MARSHALL. I would also like to clarify what sort of trial would be involved in this process. Am I correct in my understanding that under the bill being debated, if this judicial process in any way involves classified information, the classified portion of the trial

would be conducted by a judge without a jury; the judge would privately inspect, but not reveal, classified information relevant to the case; and that the process would be limited to the in camera ex parte procedures already outlined in FISA?

Mr. REYES. That is correct.

Mr. CONYERS. I agree, as well.

□ 1230

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. I thank the ranking member for yielding.

Mr. Speaker, you know, we are here not really talking about the issue of rights. I haven't found anyone yet who has had their rights trampled on, their rights to be free from unreasonable search and seizure, as the chairman announced from the beginning.

As I look at what is going on here in policy, there is a situation going on right now in New York, in that area, where you have contractors that answered the call and the crisis of 9/11, and they are under lawsuits by the thousands, and I think we are in pretty much unanimous agreement that we should indemnify them for answering the call to protect America. I don't understand the difference between why we would not want to indemnify an information company that answered the call to protect America.

To me, those are the closest two comparisons that we can get. If we protect contractors when they went to that smoking hole in that war zone, why won't we protect telecommunication companies when they stepped up on good faith and believed that they were legally operating under the law?

Where is that first citizen that has had their privacy violated? I haven't found one yet. None have been brought forward. I sat in hours of classified briefings. No one even uttered the name of a person who had their rights violated.

The chairman talked about restoring the proper balance. Well, here is the thing that sits behind this restoring the proper balance. This is from page 8 of the AT&T letter. ''The legal paradox has implications not just for the carrier defendants, but for the Nation's security in general. It suggests to private companies that even good-faith cooperation is apparently authorized, and lawful intelligence activity can expose them to serious legal and business risk. This creates incentives to resist cooperation.''

That sets up a scenario where we are saying to companies, cooperate with us, but you might have to face, and will face, billions and billions of dollars of lawsuits, two score more of lawsuits, two dozen or more aggregated under a single court, Ninth Circuit, San Francisco, and they are watching their share values go down and watching their opportunities diminish around the world. And then we put them in the face of the paradox, what do you do if there is another attack on America?

These scales of justice are now out of balance because the trial lawyers have put this thing out of balance, and the political pressure and the risk to the American people of the security of being attacked again are what is weighing on the other side. When the fear of attack gets greater and when the political benefit becomes that point, then we will offset the trial lawyers and we will get a bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a coauthor of the bill before us today and the chairman of the Constitution Committee.

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

Mr. Speaker, I rise in support of this carefully crafted legislation which gives our intelligence agencies all the tools they say they need to protect our country while protecting our fundamental civil liberties.

In the last few weeks, we have heard countless assertions from our colleagues on the other side that are false and misleading. They claim that we allowed the Protect America Act to expire, when it was the Republicans who blocked attempts to extend that bill temporarily, and they continue to claim that retroactive immunity for the telecom companies is necessary for the security of the country.

The telecom companies aided the administration's surveillance program. Some people, American citizens, believe their constitutional rights were violated and brought a lawsuit against the government and telecom companies.

There are two narratives here. One is that these companies patriotically aided the administration to protect Americans from terrorists. The other is that they conspired with a lawless administration to violate the constitutional rights of Americans. Which of these narratives is right is for a court to decide. It is not the role of Congress to decide legal cases between private parties. That is why we have courts.

We had told the telecom companies they would not be subject to lawsuits for doing their duty. But whether they were doing their duty or abusing the rights of Americans is precisely the issue.

In any event, the existing law already provides absolute immunity if their help was requested and if they were given a statement by the Attorney General or various other government officials stating that the requested help did not require a warrant or court order and would not break the law. They have immunity. Whether those statements are true or not, they can rely absolutely on the government's assertions.

So why do they think they need retroactive immunity? Because of the administration's sweeping assertion of the State secrets doctrine, will has prevented the companies from claiming their immunity.

This bill allows the telecom companies in secret in court to present the evidence for their immunity and to get their immunity, if they obeyed the law. And I remind that obeying the law means simply obtaining a statement from the government that the company's help is needed and that the requested help does not require a court order or violated the law. A company that assisted in spying on its customers without getting that simple assurance from the government does not deserve immunity. And even if we voted retroactive immunity, they would still have to prove that immunity for what they do next week in the same way, and they would have the same problem.

So, by solving the State secrets problem, we give the companies the immunity they need, if they need it, and if they obeyed the law. This still gives our intelligence agencies what they need. I urge its adoption.

Mr. Speaker, I rise in strong support of H.R. 3733, the FISA Amendments Act. This carefully crafted legislation gives our intelligence agencies all the tools they say they need to protect our country, while protecting our fundamental civil liberties.

Mr. Speaker, let us be clear about what this legislation does not do. It does not require individual warrants for the targeting of foreign terrorists located outside the United States. For three decades, that has been the law, and it will still be the law under this bill. There is no dispute about this.

The bill starts with the recognition that the intelligence community needs to surveil all members of a terrorist group—once that group is identified. Any suggestion that it requires individualized warrants to intercept communications of terrorists overseas is wrong.

The bill maintains the traditional requirement of a warrant when our intelligence agencies seek to conduct surveillance on Americans. And because some foreign surveillance may record conversations with Americans, the bill requires that, when the Government proposes to undertake surveillance of a foreign group or entity, it must first apply to the FISA court, except that, in an emergency, the surveillance can begin immediately, and the court can consider the surveillance procedures later.

In both this bill and the Senate bill, the government must inform the court of the procedures it will use to ensure that it is targeting only foreigners overseas and how it will ''minimize'' domestic information it might inadvertently pick up. The only real difference is that the Senate bill lets them listen first, then go to the court within 5 days. This bill requires that they go to the FISA Court first. But in an emergency, we give them 7 days to listen before they go to the court. So will someone please tell me how this minor difference between the bills somehow gives rights to terrorist?

There is one thing that this bill does not do, and this great body must not do—provide blanket, retroactive immunity to the telecommunication companies that assisted in the President's warrantless wiretapping program. Such a move would fly in the face of our notions of justice.

Mr. Speaker, in the last few weeks, we have heard countless assertions from our colleagues on the other side that are false and

misleading. They claim that we allowed the Protect America Act to expire—when it was the Republicans who blocked attempts to extend that legislation temporarily. And they continue to claim that retroactive immunity for the telecom companies is necessary for the security of the country. But they have failed to provide any evidence for that claim.

The telecom companies aided the Administration's surveillance program. Some people—American citizens—believe their constitutional rights were violated, and brought suit against the government and the telecom companies. There are two narratives here. One is that the telecom companies patriotically aided the Administration in protecting Americans from terrorists. The other is that the telecom companies conspired with a lawless Administration to violate the Constitutional rights of Americans. Which of these narratives is correct is for a court to decide.

It is not the role of Congress to decide legal cases between private parties. That is why we have courts. If the claims are not meritorious, the courts will throw them out. But if the claims do have merit, we have no right to dismiss them without even reviewing the evidence.

We are told that the telecom companies should not be subject to lawsuits for doing their duty. But whether they were doing their duty, or abusing the rights of Americans, is precisely the issue. And that is a legal issue for the courts to decide.

In any event, the existing law, in a wise balance of national security and constitutional rights that this bill does not change, already provides absolute immunity to the telecom companies if their help was requested, and if they were given a statement by the Attorney General, or by various other government officials, stating that the requested help did not require a warrant or court order and would not break the law. They have immunity whether those statements were true or not. They can rely absolutely on the government's assertions.

So why do they think they need retroactive immunity? Because of the Administration's sweeping assertion of the ''state secrets'' doctrine, which has prevented the companies from claiming their immunity.

Title II of this bill will allow the telecoms to show the courts, in a secure setting, if they were obeying the law or if they weren't. It will allow the telecom companies to assert their immunity in court, and to present the relevant documents and evidence to the court in a secret session that protects any ''state secrets.'' The courts can then judge whether the telecom company obeyed the law—in which case it has complete immunity—or whether it did not. And, I remind you, that ''obeying the law'' means simply obtaining a statement from the government that the company's help is needed, and that the requested help does not require a court order or violate the law. A company that assisted in spying on its customers without getting that simple assurance does not deserve immunity.

Mr. Speaker, this bill gives our intelligence agencies what they say they need. But it also demands that their extraordinary powers be used properly, and that they follow our laws and our Constitution. This bill will help limit this Administration's disregard for the rule of law. It is a carefully crafted measure, and deserves the support of every member in this body.

Mr. SMITH of Texas. I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Judiciary Committee and the Foreign Affairs Committee.

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

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the FISA Amendments Act of 2008. America is at war. We have to do all we can to protect ourselves from those who seek to do us and our communities and our families harm. But for the past few weeks, we have unilaterally disarmed, because this House has failed to pass an acceptable long-term extension of the Foreign Intelligence Surveillance Act, and it will fail again today.

The United States Senate passed a workable bipartisan compromise by a vote of 68–29 that extended FISA for nearly 6 years. The Senate bill provided necessary immunity to communication providers who aided the government after 9/11, and they are now facing numerous frivolous lawsuits as a result. It also closed a massive loophole in our foreign intelligence surveillance laws that prevents us from listening to terrorists in one foreign country who are talking to a terrorist in another foreign country; yet the Senate bill is not before us today.

It is extraordinary that a bipartisan compromise and accomplishment in the United States Senate is not being considered before this House today.

Last August, Republicans and Democrats on the Judiciary Committee came together in the Protect America Act and we forged a compromise, but it was only embraced in the short term. And, sadly, the Senate will not pass this bill, even if it passes the House today, and if it did, the President will veto it. So what we are involved in here is a futile attempt at compromise that will fail.

Speaking less as a Congressman and more as a father and as an American who was here on September 11, I urge my colleagues to take a breath, to step back, to examine the spirit of compromise evidenced by our colleagues in the Senate, and find a way to give our foreign intelligence gathering the tools they need to protect our families.

Mr. REYES. Mr. Speaker, I am proud to say that the 110th Congress is not a rubber stamp for anybody, the Senate or the administration.

I now yield 2½ minutes to the distinguished gentleman from Iowa (Mr. BOSWELL), the vice chairman of the Intelligence Committee.

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

Mr. BOSWELL. Mr. Speaker, I thank Chairman REYES for the time and your dedicated leadership and hard work to effect oversight over our Nation's multiple intelligence gathering agencies.

In the process of this debate regarding FISA, we have strived to make America safe and exercise and protect the Constitution and Americans' civil liberties. As I have heard Congressman TIERNEY say at different times, if we had followed FISA, we wouldn't be here today, and I appreciate that very, very much. Unfortunately, for whatever reason, and I don't know, none of us do, whatever reason, this President has repeatedly used executive orders and end-run the provisions, protections of FISA that work for the purposes intended.

Several weeks ago, I became concerned that our private telecom companies might be falsely accused and have the effect of putting a chill on their response in the future. I felt a gut confidence that pressure from on high was put on, i.e., we have an emergency, and we, the government, must have your assistance or a terrible event would happen. I think back on my own training in my life, and I know something about those terrible events that could happen, because I put together weapons of mass destruction in my own training, so it kind of haunts you sometimes.

So, yes, I, like others, like 20 others, signed a letter of concern. By the way, it was not a Blue Dog letter or a Blue Dog position. It was individuals, some of whom were Blue Dogs.

Now, over the course of these past weeks, a credit to Chairman REYES and Chairman CONYERS and our super staff, an acceptable solution has been found that makes FISA, supports FISA, and gives protection to those who assist within the provisions of the law.

For example, those who feel their civil rights have been violated can seek justice, and the telecoms who feel they have complied with the law can be defended. A judge would review the classified evidence and decide. This means to me that the Constitution and civil rights are protected, and the telecoms who are asked or pressured to assist in an emergency can know that classified evidence will be seen by the judge. Classified evidence would be seen by a judge and the providers' defense would be taken into account. I believe this to be a solution.

So, in closing, I would say this will protect the Constitution and the American people's civil rights, plus I support the bill because it gives the intelligence community the tools it needs and gives the telecom companies the means to defend themselves from unfair lawsuits. The bill provides telecom companies a way to present their defense in district court without the administration using State secrets to block the defense. If a company is simply doing its patriotic duty and following the law, this bill ensures the company will not be punished.

I urge everyone who signed the letter with me to support this resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of both the Judiciary Committee and the Foreign Affairs Committee.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, we are on the floor today debating yet again another set of amendments to FISA, another set of amendments that limit the ability of law enforcement and intelligence communities to make this Nation safer, another set of amendments that have no chance of becoming law. What these amendments do confirm is that we are a litigious society, that some are willing to put lawsuits over safety.

Prior to the passage of the Protect America Act, our intelligence community told us that they missed more than two-thirds of all overseas terrorist communications because of gaps and inconsistencies in the law. In August, we closed those holes, giving law enforcement and the intelligence communities the tools and resources they need to stay one step ahead.

Disappointingly, 26 days have passed since those provisions expired. For 26 days now, our law enforcement and intelligence communities have had to revert back to the status quo. They have had to revert back to a status that allows terrorists to have the upper hand. And yet this Chamber continues to bring legislation that we know will not do the job, all the while, knowing that there is a solution, a bipartisan solution, to this predicament.

The bipartisan solution lies in the legislation passed by the Senate 30 days ago. These amendments continue and build on the authorizations provided by the Protect America Act, ensuring that surveillance continues on foreign targets outside the United States. Immunity is provided to our communication partners, FISA applications, and orders are processed in a more timely manner, and lengthening the periods of emergency authorization for electronic surveillance.

Yet this bill is mindful of our Constitution and the protections it affords to U.S. citizens, whether they are inside or outside the United States. Moreover, the authority provided by the bill sunsets in 6 years, allowing Congress to revisit if issues arise.

I urge my colleagues to not make the safety of the American people a partisan issue.

There are many things that we can disagree on, but the safety of this country should not be one of them. Let's not send the message that litigation is more important than patriotism, but that we are committed to standing as one in doing what is necessary and needed to keep this Nation safe.

□ 1245

Mr. CONYERS. Mr. Speaker, could I remind my two distinguished members of Judiciary, MIKE PENCE of Indianapolis and STEVE CHABOT of Ohio, that the reason we are not taking up the Senate provisions is that the House has a better idea, and we are coequal. They don't give us whatever they want.

The Chair is pleased now to recognize BOBBY SCOTT of Virginia, chairman of the Crime Committee, for 2 minutes.

Mr. SCOTT of Virginia. I would like to thank the chairs of the Judiciary Committee and the Intelligence Committee for their hard work in addressing the issue of warrantless surveillance under the Foreign Intelligence Surveillance Act and for introducing legislation that addresses national security challenges presented by global terrorism.

This bill provides that any wiretap which would be legal under the President's proposal will be legal under this legislation. It merely requires that under some circumstances that a warrant be obtained prior to the wiretap or if there is an emergency after the wiretap begins. The warrant procedure is a modest protection of our civil liberties.

This bill does not balance civil liberties with national security, because all of the wiretaps would be permitted; but this bill just provides a little oversight. The idea of wiretaps without oversight has to be considered in the context of some recent documents of the Department of Justice.

Republican-appointed officials have accused this administration of firing U.S. Attorneys because they did not indict Democrats in time to affect an upcoming election. We have been unable to ascertain the truth of the allegations for several reasons.

First, high-ranging administration officials question the credibility of Attorney General Gonzales' original response to the allegations. One high-ranking Justice Department official quit; another pleaded the fifth. White House officials have refused to respond to our subpoenas. It is this Justice Department that seeks unprecedented authority to wiretap citizens without traditional oversight or even articulating the primary purpose of the wiretaps.

Furthermore, the bill does not offer retroactive immunity for illegal activities. The fact is that the telecom companies which may benefit from retroactive immunity already have immunity for any reasonable actions they may have taken. This bill provides a procedural change which ensures that these claims of immunity can properly be considered.

In summary, this bill provides for all of the security protections sought by the President, but it also provides modest protection for our civil liberties. Therefore, we should support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my colleague from Texas (Mr. GOHMERT), who is not only on the Judiciary Committee but also the ranking member of the Crime, Terrorism and Homeland Security Subcommittee.

Mr. GOHMERT. Mr. Speaker, we have just heard reference to the Senate bill; and my friend, for whom I have great respect, our chairman of Judiciary, Chairman CONYERS, mentioned that we are coequal branches. I would submit to you, we are an even more important branch because we are more accountable to the people than the Senate is.

The difference, though, in the Senate bill and this bill is, the Senate Democrats got input and allowed input into the bill from their Republican colleagues, and we are not allowed to make amendments on this bill. All we can do is come up and point out problems with it.

My friend, Mr. NADLER, whom I have come to believe has a brilliant legal intellect, has come on the floor this morning and said that there is false information from our side, that we are falsely misleading. He said that we have been less than honest. That bothers me to no end, because he knows some of the talking points that are being talked on this floor are just not right.

Now, I have read the bill. It's a better bill than the manager's amendment we dealt with last time; it is. But we are still not there, and we still haven't been allowed enough input to make it better.

But we also heard from one of our colleagues across the aisle that said he fought in Afghanistan, and he was a soldier. Thank God we have him and others that would do that. But the telecoms in the week, 2 weeks, 4 weeks right after 9/11, when we did not know if we were going to have thousands of Americans lost any day, they were put in a terrible situation.

You know the law. The law is very restricted on who in the telecom company can see the request or the demand from the administration, from the NSA or whoever makes it. You know that. I pushed to make sure in the law that they are at least allowed to talk to a lawyer, but they are restricted there.

Put yourself in their place. They get a request in any hypothetical case after Americans are killed in an act of war on our soil.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California, Ms. ANNA ESHOO, who chairs our Subcommittee on Intelligence Community Management.

Ms. ESHOO. I thank the distinguished chairman of the House Intelligence Committee.

Mr. Speaker, I rise in support of H.R. 3773. Today's debate really goes to the heart of the two highest responsibilities of Members of Congress, to preserve our Constitution and to secure our Nation.

Front and center, that's what this bill does, it accomplishes both. It gives the intelligence community the most flexible tools for our professionals for their surveillance of terrorists and other necessary targets overseas. It accomplishes that. It safeguards our constitutional rights by requiring the FISA Court to approve targeting and minimization standards at the front end, when no emergency exists and to assure that Americans are not targeted.

It protects the private sector by providing prospective liability protection for telecommunications companies that provide lawful assistance to the government, and it provides those companies a way to present their defenses

in secure proceedings, in district court, without the administration using state secrets to block those defenses.

These are the most critical tools and safeguards, and that's why Members of Congress can be assured that they will be taking all the right steps by supporting this bill.

The bill is one that we should all support, and I am proud to support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my colleague from Texas (Mr. MCCAUL), who is a member of the Homeland Security Committee and the Foreign Affairs Committee.

Mr. MCCAUL of Texas. Mr. Speaker, we all took an oath in this Chamber to protect and defend the Constitution of the United States from all enemies, both foreign and domestic. That is what this debate here today is really all about.

By allowing the Protect America Act to expire, we are extending constitutional protections to foreign terrorists. This bill does nothing to fix that problem.

We need to pass this Senate bill that passed overwhelmingly on a bipartisan basis. I worked in the Justice Department on FISA warrants. The statute was never designed to apply to foreign terrorists in a foreign country, as recently stated by admiral Bobby Inman, the principal author of the FISA statute.

I want to point out two articles that were in The New York Times today: ''Afghanistan: Taliban Destroy Cell Towers.'' ''Taliban Threatens Afghan Cellphone Companies.''

This is what is happening. We need to protect America now by making the Protect America Act permanent. The Taliban in their own words, their own statements, says the surveillance program has ''caused heavy casualties to Taliban'' in great proportions.

It is time to pass the Protect America Act.

Mr. CONYERS. I wanted my friend Judge GOHMERT to know that the reason we didn't get the bipartisanship that the other body did is that you guys boycotted our meetings. Your ranking member or leader could have sent anybody to our meetings, but you didn't come. So now you are complaining.

Mr. Speaker, I am happy to recognize DEBBIE WASSERMAN SCHULTZ, a valuable member of our Judiciary Committee, for 1 minute.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I began my service in Congress fighting for the right to privacy. Above all else, Americans' ability to communicate without the fear of having the government tap their phones, listen to their conversations or intercept their private communication is a right that just cannot be discarded.

Our good friends on the other side of the aisle have said if an American is not communicating with a terrorist, then they have nothing to fear. The manner in which the administration has conducted the warrantless surveillance program has undermined our citizens' confidence in the bedrock belief that we live in a free country where we do not live in constant fear of the government looking over our shoulder.

This is a cherished right that has been arrogantly cast aside by an administration run amok. After a careful review of both classified and unclassified materials concerning the administration's warrantless wiretapping program, I, like so many of my Judiciary Committee colleagues, concluded that the immunity that is proposed by the administration is unnecessary and goes too far.

We must be vigilant when protecting our citizens' right to privacy. It is a rare, unique, and important right that we cannot allow to be subjected to death by a thousand cuts. If the administration has its way and this right falls, what is next? We must stand in the breach and make sure that Americans' right to privacy is preserved.

I urge my colleagues to support this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN), whom we wish were a member of the Judiciary Committee.

Mrs. BLACKBURN. Mr. Speaker, the legislation before the House today is nothing short of an abdication of the liberal majority's responsibility to protect the American people. Yesterday's Investor's Business Daily editorial sums the bill up nicely, a ''FISA Fix for Lawyers.'' I could not say it better myself. After all, this bill is nothing short of an earmark for the trial bar, and it reveals the brazen partisan interest of this Democrat majority.

Rather than accept the bipartisan legislation adopted in the Senate and endorsed by our Nation's security experts, the liberal elite of this House instead brings forward a $72,440,904 thank you note to the trial bar. Why $72,440,904? That's the amount the trial attorneys have contributed to Democrat candidates in the 2008 election cycle.

But it might only be a down payment for the potential liability interest that they have if they get their way on their earmark bill. We have to say, at what cost? We have heard the story that I used in a Memphis story on February 28 of our three American soldiers who were kidnapped.

Mr. CONYERS. Mr. Speaker, I am honored to recognize the Speaker of the House of Representatives, the Honorable NANCY PELOSI, for 1 minute.

Ms. PELOSI. I thank Mr. CONYERS, the Chair of the Judiciary Committee, for yielding and thank Mr. REYES, the chairman of the Intelligence Committee, for bringing this legislation to the floor. They know, as does each and every one of us, that our primary responsibility is to protect the American people.

Mr. Speaker, we take an oath of office, as has been referenced, to protect and defend the Constitution of the United States from all enemies foreign and domestic.

In the preamble it states that one of our primary responsibilities is to provide for the common defense. We take those responsibilities seriously, and I don't take seriously any statements by some in this body that any person here is abdicating that responsibility.

All of us understand also the role that intelligence plays. In protecting our troops, force protection, that used to be our primary responsibility and now, of course, Homeland Security is part of that.

None of us would send our troops into harm's way without the intelligence to perform their mission and keep them safe, although some have been willing to send our men and women in uniform into harm's way without the equipment they need to keep them safe, but we don't make any accusations against them that they are not patriotic Americans who don't want to protect the American people.

Chairman CONYERS and Chairman REYES have already pointed out in some detail this legislation will meet our responsibility to protect America while also protecting our precious civil liberties. The President has said that our legislation will not make America safe. The President is wrong, and I think he knows it. He knows that our legislation contains within it the principles that were suggested by the Director of National Intelligence, Mr. MCCONNELL, early on, as to what is needed to protect our people in terms of intelligence.

□ 1300

The administration demands that Congress grant immunity to companies for activities about which the President wants only a small number of Members of Congress, and no member of the judicial branch, deciding on any currently filed lawsuits to know anything about.

The bill before us acknowledges that immunity for the companies may already exist under current law and allows that determination to be decided by a judge with due protection for classified information, not by hundreds of people who really do not have the facts.

Why should the administration oppose a judicial determination of whether the companies already have immunity. Well, there are at least three explanations. First, the President knows that it's the administration's incompetence in failing to follow the procedures in statute is what has prevented immunity from being conveyed. That is one possibility. They simply didn't do it right.

Second, the administration's legal argument that the surveillance requests were lawfully authorized was wrong, or public reports that the surveillance activities undertaken by the companies went far beyond anything about which any Member of Congress was notified, as is required by the law.

None of these alternatives is attractive, but they clearly demonstrate why the administration's insistence that Congress provide retroactive immunity has never been about national security or about concerns for the companies. It has always been about protecting the administration.

As important as the issue of immunity might be, it is chiefly important to the administration and the telecommunications companies as they look back to events that occurred as many as 6 years ago. What is truly important to the security of our country and the protections of our Constitution going forward are the amendments made to the FISA bill in title I in this bill that is on the floor today, the so-called surveillance title of the bill.

The bill contains three of the essential provisions of the bill passed by the House in November and, in doing so, explicitly rejects the heart of the President's warrantless surveillance program. Those provisions are:

One, the reinstatement that FISA remains the exclusive means to authorize electronic surveillance. The President likes to think he has inherent authority to surveil, to collect on anybody, and this bill restates that FISA is the exclusive authority. This was a point conceded to in 1978 when the Congress of the United States established the FISA law, passed the FISA law, which was signed by the President of the United States, thereby his recognition of Congress's ability to make the courts, the third branch of government, the exclusive authority for the collection of intelligence in the United States. That is exclusivity.

Second, except in emergencies, FISA Court approval must take place before surveillance begins, but there are exceptions in case of emergency.

Third, a refusal to follow the Senate in excluding, and this is very important because people are talking about the Senate bill as though it is some great thing. This is very important: A refusal to follow the Senate in excluding from the definition of electronic surveillance activities historically considered within the definition. In other words, if they don't want the law to apply to a particular activity, they will just say it doesn't fall into this bill.

If the administration's change in the definition was accepted, FISA-derived information, including U.S. person information, could be data-mined with fewer protections than are currently in place under FISA. This is very important to each and every person in America.

The President insists that we pass the Senate bill as is. Yet even that legislation's chief author, Chairman ROCKEFELLER, agrees that many of the House provisions improve the Senate bill.

This legislation before us today will ensure that our intelligence professionals have the tools they need to protect the American people. And the President knows it.

This legislation will ensure that we protect what it means to be an American, our precious civil rights and civil liberties. Both goals are essential and both are achieved in this bill. I urge its passage.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this might be a good time to read excerpts from a letter to the Speaker. This letter was written 2 days ago by the Attorney General and by the Director of National Intelligence, and I think Members and the American people are going to be very interested in what these two individuals had to say.

They expressed particular concern about requiring prior court approval to gather foreign intelligence from foreign targets located overseas.

The letter says: ''Congress did not include such a requirement when it passed the original FISA statute, and with good reason. These foreign targets have no right to any court review of such surveillance under our Constitution. We know from experience that requiring prior court approval is a formula for delay. Thus, this framework would impede vital foreign intelligence collection and put the Nation at unnecessary and greater risk.''

They conclude about this bill that it does not provide the intelligence community the tools it needs to collect effectively foreign intelligence information vital for the security of the Nation.

Mr. Speaker, what else do we need to hear? Members need to know this.

I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN) who serves on our Intelligence Committee.

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

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

Mr. Speaker, I rise in support of H.R. 3773, a careful and reasoned approach to electronic surveillance. Though people have talked a lot about immunity, we must remember that because of changes in technology, this is a bill to update the way we conduct electronic surveillance.

I approached this subject with two principles in mind. First, our surveillance must be effective. Second, the rights of Americans must be protected. On the second point, there is a real difference between the Senate and the House bills.

The issue is how both bills handle the calls of Americans. Under the Senate bill, the DNI and the Attorney General approve surveillance and then go to the court, with no set timeline for ruling. Under the House bill, the program of surveillance, not the specific individual targets, is submitted to the court. The government will essentially ask the court: Is this method of handling the communications of Americans appropriate, careful, and, most importantly, constitutional?

The approval of a program of surveillance allows the government to get approval before there is an operational requirement. So there will never be any operational sacrifice here. If it were going to slow down intelligence collection or cause operational problems, I can see where some might take issue with that. But the simple fact is that the way this bill is drafted, there is no excuse for not getting the approvals in place in advance.

I am all for strong intelligence authorities. The beauty of this bill is it combines that with care for our civil liberties, without sacrificing either.

Mr. HOEKSTRA. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished minority whip.

Mr. BLUNT. Mr. Speaker, I thank Mr. HOEKSTRA for the leadership he has given on this issue.

The problem we have with the bill on the floor today is, in everything I read, it can't become law. That is one problem. A bigger problem is that it doesn't address the fundamental question of how we treat these companies for doing what we asked them to do after 9/11.

It is clear from all of the facts that as the FISA law anticipated, that the leaders of the House and the leaders of the Senate on the Intelligence Committee would be informed of what was going on. And, in fact, in October of 2001 and November of 2001, in March of 2002, those leaders were informed. On our side, the ranking Democrat at the time is the current Speaker of the House. Porter Goss, the future CIA director, was the chairman of the committee. They were informed on all of those occasions, and these companies only have liability protection if they were pursuing what was given to them as a lawful government order; orders that Members of Congress, including the now Speaker, were told would be issued to these companies.

This program doesn't work without voluntary compliance on the foreign side. It also doesn't work without subpoenas on the American side, the U.S. side. Every U.S. effort has to include a subpoena. The 1978 law anticipated that. The law we would like to have on the books today continues that. But for foreign subpoenas, to have to get a court order for a foreign request of somebody in a foreign country simply bogs this program down to the point it won't work. We proved that in July of last year when this FISA came to a screeching halt.

This bill is not the improvement that we need. There is a bipartisan majority in the House ready to pass a bill that could go to the President today, be signed today.

We are now 4 weeks away from the time when we said, if we just had a 21-day extension, we would solve this problem. This problem needs to be solved. It needs to be solved now. I urge the majority to step back and bring a bill to the House that can pass and become law.

I urge my colleagues to vote ''no'' on this replacement.

Mr. CONYERS. Mr. Speaker, I recognize an invaluable member of the Judiciary Committee, KEITH ELLISON from Minnesota, for 1 minute.

Mr. ELLISON. Mr. Speaker, today I rise to support the House Democratic FISA bill, a bill that provides for collection of data to protect America against people who would harm us, but also, and very importantly, provides court approval of acquisition and an ongoing process of review and oversight in order to protect Americans' privacy.

The bill goes beyond the RESTORE Act which we passed in the House, and I supported, by adopting statutory protections for U.S. persons overseas to ensure that surveillance of their communications are always conducted through the courts.

The House bill does not confer retroactive immunity on telecom carriers alleged to have participated under the President's warrantless surveillance program. It provides a mechanism for the carriers to assert existing immunity claims and to guarantee that they have a fair hearing in court currently prevented by the administration's assertion of the State secrets privilege.

In order to fully ascertain the scope and legality of the TSP, the House bill also creates a bipartisan commission on warrantless electronic surveillance activities with strong investigatory powers.

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

Mr. HOEKSTRA. Mr. Speaker, I would like to recognize my colleague, the gentleman from Texas (Mr. THORNBERRY) for 3 minutes.

Mr. THORNBERRY. Mr. Speaker, Chairman CONYERS said a few moments ago the House will not be permitted to vote on the Senate bill because he has a better idea. Let me suggest three reasons why he does not have a better idea.

Number one, the bill before us sets up a new process to adjudicate immunity. Now, if a company voluntarily answered the request of their government, they did not do so to get a chance to have another legal process, to pay some more lawyers to file some more motions. That is not what they were doing. They were doing it to answer the call of their country, and I think most Americans believe that Good Samaritans should be thanked rather than punished with a new legal process.

But I would also suggest that this new legal process chills any hope of voluntary cooperation in the future, not just for intelligence but for quick response for law enforcement matters as well.

I don't see how any company can meet the obligations of the laws this Congress has passed to its shareholders and others and voluntarily submit themselves to another legal process to pay some more lawyers and file some more motions.

□ 1315

Secondly, this bill requires court approval of processes, of procedures before foreign surveillance of foreign targets can ever begin.

Now, under the Protect America Act, the FISA Court took months to approve the procedures. And so it's reasonable to assume it's going to take months to approve the procedures under this bill were it to become law. The problem is, you can't begin foreign surveillance of foreign targets under this law until those procedures are approved. And I am perplexed how Members on either side can feel comfortable having months more go by before we can have that intelligence information.

Thirdly, this bill sets up a new commission. And I understand it may be politically desirable to set up a new commission and have new investigations and have some more folks on a commission looking to make their mark. I understand politically why that would be attractive. But it seems to me that, one, there is no need to do that. What do we have the Intelligence Committee for, if it is not to investigate and understand, as has been done thoroughly in this case. So I must conclude that this new commission must be an attempt to deflect responsibility away from those in this Congress who had the responsibility to oversee these programs.

We have a better option. We should take it.

Mr. CONYERS. I am pleased to yield 1½ minutes to the gentlelady from California (Ms. HARMAN), a former member of the Intelligence Committee. I wish I could give her more time.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. My oldest grandchild, Lucy, is 2 today. She, my other two grandchildren, and my four children are never out of my thoughts as I wrestle with what are the right and wise security policies to protect our country.

I served 6 years on the Armed Services Committee, 8 on the Intelligence Committee, and 4 on the Homeland Security Committee where I chair its intelligence subcommittee.

I received so-called ''Gang of Eight'' briefings on the operational details of the terrorist surveillance program from 2003 to 2006, and I regularly receive classified threat briefings.

Some in this Chamber in both parties seek my views on security issues, and I hope my advice is helpful. On the matter before us it is as follows:

First, the world is very dangerous and we need to protect against threats.

Second, actions we take can and must comply fully with the rule of law. FISA has served us well for 30 years. Its framework is still sound.

Third, FISA does need some tweaking, but the technical changes are not controversial.

Fourth, FISA has already provided immunity for telecom firms which follow its provisions. Telecom firms are now protected under FISA.

Fifth, telecom firms are now complying with FISA.

And, sixth, press accounts, especially Monday's story in the Wall Street Journal, make clear there are other programs out there that haven't been told to Congress.

We can't pass retroactive immunity when we don't know what we're talking about.

So happy birthday, Lucy. May you grow up in a country with security and liberty.

Passing the bill before us is a good start.

Mr. HOEKSTRA. Mr. Speaker, at this time I would like to yield 2 minutes to my colleague from the State of Michigan, a member of the Intelligence Committee, Mr. ROGERS.

Mr. ROGERS of Michigan. Mr. Speaker, two problems with where we're going: one is, this will, in effect, require intelligence officials to seek a Federal court warrant for foreign targets overseas. That is undeniable. Everybody in the intelligence community says it. The Senate even came across in a bipartisan bill, led by Democrats, who agree to the same principle and said that's the wrong direction to go to protect America.

The other serious problem: one of your great distinguished Members, ELIJAH CUMMINGS, took a courageous stand in a courageous moment when he had serious crime in his district in Baltimore. He went out, went on TV on a PSA and said, please cooperate with the local police to solve this crime. Please step up and cooperate so that we can solve these crimes together.

What we are effectively doing today, we're effectively telling businesses, large and small, and citizens from neighborhoods to corporate citizens to individual citizens, everybody who every day across America says, I will cooperate with law enforcement to solve crime because it's the right thing to do, you send an absolute chilling effect across. And I've heard this from businesses not related to this particular issue, telecom companies, companies who cooperate on kidnappings, companies that cooperate on trying to find people who are fugitives, who have raped children, people who cooperate on catching drug dealers. They've said, you know, if you show up and ask me that, I want to help. But what this body is telling them, you might not be protected. It might not be just enough. And if you have enough money, and we have enough trial lawyers, you're going to find yourself in court.

So what these people are saying is, maybe I can't cooperate with my government anymore. Maybe I can't, in good faith, like good Samaritans have done all 200-plus years of this great Nation, come forward and say we are in this together. We are united to stop crime, to keep our homes and neighborhoods safe and to protect our country from terrorism.

The CIA case also said it's not good. The military leader said it's dangerous,

the intelligence community said it's dangerous, and so did the Democrats in the Senate. Let's join them and do this right.

Mr. CONYERS. Mr. Speaker, I'm going to recognize BARBARA LEE, but I want my dear friend from Michigan to know you cannot give retroactive immunity when you don't know what you're immunizing. That's the problem.

I turn now to the co-chair of the Progressive Caucus, a distinguished civil rights fighter who has her own experiences, and we yield proudly to BARBARA LEE of California for 1 minute.

Ms. LEE. I want to thank Chairman CONYERS and Chairman REYES for bringing this legislation to the floor which does contain the safeguards necessary to protect the liberties of the American people, while giving the intelligence community powers to protect our Nation, which are very important in this bill.

Now, let me tell you, I know from personal experience about wiretaps during the J. Edgar Hoover period and the unwarranted domestic surveillance and wire tapping as a result of the Cointelpro program. Many innocent people, their lives were destroyed, personal information was gathered from innocent people, yes, including myself, who were no threat to national security. Dr. King and his family were the victims of government-sponsored wiretapping.

We must never go down this road again. So I fully support this bill because it explicitly declares that the FISA Court is the sole authority for electronic surveillance. It prohibits this reverse targeting. It also makes sure that we do not provide retroactive immunity to telecom companies that participated in any illegal spying by this administration.

This bill will protect America and, equally important, protect American civil liberties and values as guaranteed, mind you, guaranteed by the fourth amendment.

Mr. HOEKSTRA. Mr. Speaker, Mr. SMITH and I both have only one speaker remaining, so we would reserve our right to close in the order as determined.

Mr. REYES. Mr. Speaker, I only have one more speaker remaining as well.

Mr. CONYERS. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 2¾ minutes remaining.

Mr. CONYERS. The gentleman from Washington (Mr. INSLEE), who has worked with us on this matter, is recognized for 1 minute.

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

Mr. INSLEE. Mr. Speaker, from time to time, we are called to, again, define what it means to be an American. And this is never more so than when security concerns threaten our commitment to liberty. And at those moments, at this moment, we need to be imbued with the spirit of 1776, a spirit against tyranny, a spirit that recognizes that the rule of law is the ultimate bulwark of liberty.

A Nation that threw off the shackles of King George should never yield to an executive who seeks to trample on the rule of law. Whether it was inconvenient, whether it was bothersome, whether it was frustrating, we should never yield to an executive who believes himself above the rule of law. We should never yield to an Executive that, instead of coming to Congress to change a law, simply decides to ignore it.

We are nothing without this commitment. We are everything with it. Stand for liberty. Pass this bill.

Mr. CONYERS. Mr. Speaker, I yield everything but 1 minute to the gentlelady from Illinois, JAN SCHAKOWSKY.

The SPEAKER pro tempore. The gentlewoman from Illinois is recognized for 45 seconds.

Ms. SCHAKOWSKY. This FISA legislation is proof that we can protect the American people, keep our country and our families safe without violating American's civil liberties. The Republicans have posed a false choice, tried to convince us, the American people, that the only way to protect this country from terrorists is to sacrifice our civil liberties, particularly when it comes to this administration perhaps illegally telling the telecommunications companies to share our private communications with them.

The Republicans want to wave a wand, grant amnesty to the phone companies, retroactive immunity to turn over information about their customers, not only letting the companies off the hook, but protecting the administration from judicial scrutiny about its warrantless surveillance programs.

This program, this legislation that we have introduced, is a fair way to resolve this conflict issue.

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

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

Ms. JACKSON-LEE of Texas. Having heard all of the answers to all of the questions that have been raised by the opposition, knowing that full justice, civil liberties and the protection is in this bill, I rise in support of the underlying bill.

Mr. Speaker, I rise today in support of the Senate Amendment to H.R. 3773, the Foreign Intelligence Surveillance Act (FISA). This body has worked diligently with our colleagues in the Senate to ensure that the civil liberties of American citizens are appropriately addressed.

We have worked to not simply reconcile the Senate language with the RESTORE Act (H.R. 3773) which we passed in the House on November 15, 2007, but to go beyond the RESTORE Act as part of FISA Reform legislation by: Adopting provisions from the Senate bill that will for the first time provide statutory protections for U.S. persons overseas, that ensures surveillance of their communications are conducted through the courts; and Providing a mechanism for telecommunications carriers to prove their case that they did not engage in any wrongdoing and to guarantee due process with a fair hearing in court.

Like the RESTORE Act, the FISA reform legislation provides for collection against terrorist organizations such as Al Qaeda, while providing prior court approval of acquisition and an on-going process of review and oversight in order to protect Americans' privacy.

The revised House bill creates a bipartisan commission on Warrantless Electronic Surveillance Activities with strong investigatory powers in order to preserve the rule of law in pending and future lawsuits. This revised version of the bill continues to reiterate FISA's exclusive control for conducting foreign intelligence surveillance, and requires explicit statutory authorization for any means outside of FISA. This is an area where the House version has differed from the Senate.

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 need to be secure in our homes, secure in our thoughts, and secure in our communications.

I find it disturbing that our Republican colleagues will not join us to ensure that Americans are safe here and abroad. Disturbing that they do not recognize that we must protect the civil liberties of this nation just as we protect American lives.

Mr. 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 two 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 stampeded 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. 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.

Under the House bill, 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 rubberstamp 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.

Moreover, Mr. Speaker, it is important to point out that the loudest demands for blanket immunity did not come 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.

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.

My amendment, which was 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.

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

This will usually happen over time and the Government will have the time to get an order while continuing its surveillance. 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.

It is very important to me, and it should be very important to Members of this body that we require what should be required in all cases—a warrant anytime there is surveillance of a United States citizen.

In short, the Senate amendment to the House version makes a good bill even better. For this reason alone, civil libertarians should enthusiastically embrace H.R. 3773.

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 democratic 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.

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

However, I know that FISA as it is run currently attempts to circumvent the Bill of Rights and the civil liberties of the American people. I continue to insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a ''basket warrant'' without making individual determinations about foreign surveillance.

In all candor, Mr. 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.

Mr. Speaker, I encourage my colleagues to join me in a vote of support for the FISA Amendments Act, H.R. 3773, as it seeks to balance our Nation's securities and our civil liberties.

Mr. HOEKSTRA. Mr. Speaker, before I close, could the Speaker tell me exactly how much time I have left.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) has 3 minutes remaining; the gentleman from Texas (Mr. SMITH) has 2½ minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 1 minute remaining; and the gentleman from Texas (Mr. REYES) has 1½ minutes remaining.

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

What is this Congress thinking? Some of my colleagues are scaring the American people into believing that the men and women in the intelligence community are spying on them. In reality, our intelligence professionals are focused solely on identifying and stopping the threat from radical jihadists.

What's this Congress thinking? Some of my colleagues want to reward opportunist trial lawyers who are suing the very companies that stood up in America's hour of need. We should recognize what these companies did and protect them from these frivolous lawsuits.

What is this Congress thinking? Some of the key leadership in this House, including this current Speaker, were fully briefed and involved in developing the strategies that were implemented to keep America safe in the aftermath of 9/11. Now some are running from those decisions. They should take responsibility for their actions.

□ 1330

At the funerals last week for the victims of the recent terrorist attack in Jerusalem, Rabbi Shapira delivered a eulogy charging the government with not doing enough to keep Israel safe, for not delivering the strong leadership to face down a deadly enemy. That same enemy wants to attack America.

The 9/11 Commission said, ''Terrorists could acquire without great expense communications devices that were varied, global, instantaneous, complex, and encrypted.''

As Rabbi Shapira last week questioned the leadership of his country, and in light of what the 9/11 Commission told us years ago, I ask the leadership of this House are we doing enough.

Is the 2001 FISA law adequate? The answer has been, and continues to be, a resounding ''no.''

Are we doing enough to protect America, our troops, and our allies, when we go home without finishing this crucial work on intelligence surveillance? Is it acceptable to have our intelligence capabilities continue to erode? Continuing down this path is dangerous.

I hope that when we return, America will not have its own Rabbi Shapira, our own Rabbi Shapira asking, Why did Congress go home without finishing its work? Why didn't the Democratic Congress do better? Why didn't the House recognize the danger and the threat?

We should complete this work today. We should vote on the Senate bill. Why are we going home? Why are we going home with the work unfinished one more time?

With that, I yield back the balance of my time.

Mr. REYES. Mr. Speaker, before I yield the balance of our time, I would like to insert into the RECORD at this point several letters of endorsement for H.R. 3773.

CENTER FOR DEMOCRACY
AND TECHNOLOGY,
Washington, DC, March 12, 2008.

Re Vote ''Yes'' on H.R. 3773, the FISA Amendments Act.

DEAR REPRESENTATIVE: We are writing to urge you to support legislation to amend the Foreign Intelligence Surveillance Act that the House of Representatives will soon consider. The bill, an amendment in the nature of a substitute to H.R. 3773, is a responsible compromise between the House RESTORE Act and the Senate FISA legislation. This compromise includes most of the civil liberties protections in the RESTORE Act while also providing the intelligence agencies the flexibility they need to monitor the international communications of people believed to be abroad. The legislation would replace the Protect America Act (''PAA,'' Pub. L. No. 110–55), which became law in August 2007 and which expired a few weeks ago.

Like the RESTORE Act, the compromise bill permits authorization of surveillance programs targeting persons abroad who may be communicating with people in the United States. The compromise bill makes it clear that the government does not have to make an individualized showing of probable cause for targeting any person reasonably believed to be abroad, unless that person is a U.S. citizen or green card holder. It provides intelligence agencies great flexibility in adding new surveillance targets to existing authorizations. The compromise bill also makes it clear that no order is required for surveillance of foreign-to-foreign communications. The compromise bill includes no blanket immunity from civil liability for telecommunications carriers who assisted with illegal warrantless surveillance from October 2001 through January 17, 2007, but it does allow carriers to defend themselves against those lawsuits while protecting classified information.

Unlike the PAA, the compromise bill includes significant civil liberties protections that merit your support.

Prior Court Approval. Most importantly, the compromise bill requires court approval of surveillance procedures prior to the commencement of surveillance. Except in emergencies, the compromise bill bars the executive branch from commencing surveillance unless the Foreign Intelligence Surveillance Court (''FISA court'') has approved of targeting and minimization procedures designed to protect Americans. The targeting procedures must be reasonably designed to ensure that communications to be acquired will be those of persons reasonably believed to be located outside the United States. The minimization procedures limit the circumstances in which a U.S. citizen or green card holder can be identified when information resulting from intelligence surveillance is disseminated. We are disappointed that under the compromise bill, the authorization for surveillance comes from the Director of National Intelligence (''DNI'') and the Attorney General (''AG''), and not from the FISA court, as would have been provided under the RESTORE Act. While we would have preferred the RESTORE Act approach, surveillance under both bills cannot commence unless the FISA court has first approved the procedures under which it would be conducted.

Court Compliance Assessment. The compromise bill explicitly authorizes the FISA court not only to assess the adequacy of surveillance procedures at the front end, but also to assess whether those procedures are being complied with on a going forward basis. It provides that the court shall assess compliance with the minimization procedures it has approved, and it acknowledges that nothing in the bill prohibits the FISA court from having inherent authority to assess compliance with those procedures and other procedures it has approved. While the extent of the court's inherent authority is unclear, we understand that the Administration has agreed that the court has inherent authority to assess compliance.

Prevention of Reverse Targeting. The compromise bill bars the targeting of a person reasonably believed to be outside the United States for the purpose of targeting a particular, known person reasonably believed to be in the United States. A number of provisions support this bar. They help ensure that surveillance targeted at persons abroad will not be used to circumvent individualized court order requirements that protect Americans from unwarranted surveillance. The bill requires the AG, in consultation with the DNI, to adopt guidelines to ensure compliance with the reverse targeting limitation. Those guidelines must contain criteria for determining whether a ''significant purpose'' of an acquisition is to acquire the communications of a specific, known U.S. citizen or lawful permanent resident reasonably believed to be in the United States. Those criteria must in turn reflect consideration of criteria listed in the bill that tend to show whether a person in the U.S. has become of significant intelligence interest. The guidelines must be submitted to Congress. AG/DNI certifications submitted to the FISA court in connection with authorized surveillance are reviewed by the FISA court for completeness, and must attest that guidelines meeting the reverse targeting limitation have been adopted. The Inspectors General and the AG/DNI both report to Congress on whether the reverse targeting guidelines are being followed.

FISA Exclusivity. The compromise bill takes a significant step toward the goal of clarifying that FISA is the exclusive means of conducting surveillance in the United States for foreign intelligence purposes. It does this by cutting off the argument advanced by the Administration that Congress may implicitly authorize warrantless surveillance when it authorizes the use of force following an attack on the United States, or when it passes other legislation. Under the bill, such authorization would need to be explicit.

Telecom Immunity. Unlike the Senate bill, the compromise bill wisely rejects proposals to grant blanket retroactive immunity to telecommunications carriers that assisted with illegal warrantless surveillance for more than five years following the attacks of September 11, 2001. Telecoms should be immune when they assist surveillance that meets the statutory requirements, and should face civil liability when they assist with requests for assistance with unlawful surveillance. The compromise bill preserves this incentive system, which helps ensure that telecoms prevent unlawful surveillance. In lieu of retroactive immunity, the compromise bill frees telecoms to present in court information tending to show that they complied with the law, even though such information may be subject to the state secrets privilege. It signals the courts that such submissions must be protected from disclosure and should be handled in accordance with the relevant provision of FISA, Section 106(f).

The compromise bill also includes the following significant provisions:

A December 31, 2009 sunset to prompt Congress to reconsider the legislation in a timely manner, and to encourage Executive branch compliance with reporting duties imposed in the legislation and with congressional requests for information;

An Inspectors General audit of post 9–11 warrantless surveillance that may represent the best chance of shedding light on this surveillance, to the extent consistent with national security concerns; and

A requirement for court orders based on probable cause for surveillance of Americans and green card holders who are believed to be abroad, in lieu of the Attorney General certification of probable cause now required by executive order.

For all of these reasons, we encourage you to vote for the compromise bill when it is considered by the House of Representatives. It represents a responsible effort to preserve both liberty and security, and it is legislation the Administration would be wise to support.

For more information, please see our latest policy brief on FISA legislation (http://www.cdt.org/publications/policyposts/2008/3) or contact the Director of CDT's Project on Freedom, Security & Technology, Gregory T. Nojeim, at 202/637–9800 x113.

Sincerely,

LESLIE HARRIS,
President and CEO.
GREGORY T. NOJEIM,
Director, Project on Freedom, Security & Technology.

CENTER FOR NATIONAL
SECURITY STUDIES,
Washington, DC,
MARCH 12, 2008.

Re H.R. 3733 Substitute Amending the Foreign Intelligence Surveillance Act.

Hon. JOHN CONYERS,
Chairman, Judiciary Committee,
Hon. SILVESTRE REYES,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR CHAIRMEN CONYERS AND REYES: We write on behalf of the Center for National Security Studies, which is the only organization whose sole mission is to work to protect civil liberties and human rights in the context of national security issues. For more than thirty years, the Center has worked to find solutions that both respect civil liberties and advance national security interests. The Center advocated for constitutional protections in the Foreign Intelligence Surveillance Act when it was first enacted and has litigated and repeatedly testified against unconstitutional government surveillance since then.

We are writing to outline our views on the substitute bill, which we understand will be brought to the floor for a vote this week.

The new bill (H.R. 3773 substitute) is substantially better than the Protect America Act enacted in August or the bill passed by the Senate last month. The substitute contains strong reporting requirements that will ensure that Congress obtains access to the information needed for public and congressional consideration of what permanent amendments should be made to the FISA. At the same time, the bill would authorize the surveillance of Americans' international communications without a warrant in some circumstances where we believe that the Fourth Amendment requires a warrant. However, the bill contains important protections against such unconstitutional surveillance, many of which were not included in the bill passed by the Senate. Given the votes for that severely flawed bill and the Protect America Act, we welcome this substitute as an important step toward restoring constitutional privacy protections and congressional and public oversight.

A. The new bill contains important provisions to establish accountability for the illegal surveillance by this administration as well as guarantees for future oversight. In particular, and unlike the bill passed by the Senate, it contains:

1. A December 2009 sunset so a new Congress will revisit these temporary powers;

2. A required Inspector General audit of all warrantless electronic surveillance and a public report, which will ensure that information about past programs is preserved and reviewed;

3. Better congressional reporting requirements about future surveillance;

4. Creation of a commission appointed by Congress with subpoena power to investigate and report to the American people about the Administration's warrantless surveillance; and

5. No retroactive immunity for the telecommunications carriers that carried out the warrantless surveillance of Americans' communications.

We applaud your efforts to require an accounting of the administration's past illegal surveillance of Americans. The Inspector General audit, the commission, and the other congressional and public reporting requirements would lay the groundwork for the next administration and the next Congress to gain a full understanding of this administration's illegal surveillance, its underlying interpretations of applicable laws, and the impact of any changes to FISA this year. This bill would help ensure that more information, not just the administration's rhetoric and selective disclosures, are made available to Congress, and will give Congress and the American people the opportunity to assess surveillance procedures on the basis of a complete record in 2009. In this connection, we applaud your commitment to revisiting in advance of that sunset date what the substantive standards and procedures for surveillance of Americans should be in order to better protect Americans' constitutional rights and ensure effective national security measures.

B. The bill also contains stronger judicial review procedures than does the Senate bill.

1. It does not contain the rewrite of the definition of ''electronic surveillance'' contained in the Senate bill, which would have weakened even further the FISA's protections for the rights of people in the U.S.

2. It requires judicial review in advance of surveillance except in emergencies.

3. It contains specific protections from the RESTORE Act for Americans' international communications.

4. It requires a court order based on probable cause to target Americans who are overseas. (This requirement is also in the Senate bill.)

5. The bill also reinforces that surveillance must be conducted within the requirements of the FISA or federal criminal law and not at the President's say-so.

In sum, the bill provides many more protections than any proposal the administration has helped draft on these issues, including the bill passed by the Senate last month.

Thank you for your consideration of our views.

Sincerely,

KATE MARTIN,
Director.
LISA GRAVES,
Deputy Director.

MARCH 12, 2008.

GROUPS URGE FURTHER INVESTIGATION OF TELECOM'S ACTIONS BEFORE ANY VOTE ON RETROACTIVE IMMUNITY

DEAR MEMBER OF CONGRESS: Our thirty-four organizations write to support the March 6 Dear Colleague letter on telecom immunity legislation from House Energy and Commerce Committee Chairman John Dingell, Subcommittee on Telecommunications and the Internet Chairman Edward Markey, and Subcommittee on Oversight and Investigations Chairman Bart Stupak. These respective Chairs urged Congress to uphold its duty to make an informed decision by first learning and evaluating ''all the facts'' prior to any vote on immunity. They specifically referenced a whistleblowing disclosure from Mr. Babak Pasdar whose affidavit was distributed last week to all House offices. We ask the House to support the chairmen and not grant retroactive immunity as part of any bill to amend the Foreign Intelligence Surveillance Act.

The Dear Colleague letter summarized a threat to privacy rights that is the bottom line in Mr. Pasdar's affidavit: That an unnamed major wireless telecommunications carrier may have given the government unmonitored access to data communications from that company's mobile devices, including e-mail, text messages, and Internet use.

Mr. Pasdar's statement describes a mysterious ''Quantico Circuit'' with apparently unfettered access to this carrier's mobile device data network as well as its core business network, which includes billing records and fraud-detection information. The other end of that Quantico Circuit may have had capabilities to physically track the whereabouts of innocent subscribers and monitor communications and other personal, behavioral habits. Yet, according to Mr. Pasdar, the line was configured so that the carrier could have no record of what information had been transmitted. Of equal concern was his allegation that there was no security to protect this line—an unheard of vulnerability in a carrier environment.

Mr. Dingell, Mr. Markey, and Mr. Stupak are right. Mr. Pasdar's concerns are strikingly similar to those raised by another whistleblower, Mr. Mark Klein from AT&T. Their combined disclosures raise grave questions. For example, who was at the other end of the Quantico Circuit, and what information have they been obtaining? Does such access comport with long-standing federal law? Is the circuit legal? Is its apparent lack of security legal or wise? How long has it been in operation? Who paid for construction and operation of the Quantico Circuit? Was the telecom paid by its recipients for using the circuit? What were the terms?

You must get answers to these questions to make an informed decision about what the Senate's broad retroactive telecom immunity provision would sweep in. Congress should schedule hearings and exercise any other investigative authority necessary to determine the truth about our privacy and telecom companies—before Congress votes on any bill that would give amnesty to these companies.

We urge you not to retreat on the immunity issue in the face of Administration scare tactics. A rush to judgment would not improve national security, and would unnecessarily jeopardize our rights to privacy. Four experts and former aides to the current Director of National Intelligence explained last week that alternate authority exists under current law to continue ongoing surveillance for up to a year, as well as to obtain new approvals as needed. No special immunity is needed, as the FISA court can order telecoms to cooperate with lawful foreign intelligence surveillance.

If Messrs. Pasdar and Klein are telling the truth, they have described the tip of an iceberg. Congress must find out what is underneath. Accordingly, we urge you to investigate these matters fully and not grant retroactive immunity in the meantime.

Sincerely,

Christopher Finan, President, American Booksellers Foundation for Free Expression; Nancy Talanian, Director, Bill of Rights Defense Committee; Chief Gary Harrison, Chickaloon Village, Alaska; Lyn Hurwich, President, Circumpolar Conservation Union; Jesselyn Radack, Coalition for Civil Rights and Democratic Liberties; Matthew Fogg, Congress Against Racism and Corruption in Law Enforcement (CARCLE); Ben Smilowitz, Disaster Accountability Project; Dr. Jim Murtagh, Doctors for Open Government (DFOG); Jim Babka, President, DownsizeDC.org, Inc.; John Richard, Director, Essential Information.

George Anderson, Ethics in Government Group, (EGG); Mike Stollenwerk, Fairfax County Privacy Council; Steven Aftergood, Project Director, Federation of American Scientists; Conrad Martin, Executive Director, Fund for Constitutional Government; Gwen Marshall, Co-chairman, Georgians for Open Government; Tom Devine, Legal Director, Government Accountability Project; James C. Turner, Executive Director, HALT, Inc.—An Organization of Americans for Legal Reform; Helen Salisbury, MD, Health Integrity Project; Scott Armstrong, President, Information Trust; Michael Ostrolenk, National Director, Liberty Coalition.

Dr. Janet Chandler, Co-Director, TAF Mentoring Project; Joan E. Bertin, Esq., Executive Director, National Coalition Against Censorship; Zena D. Crenshaw, Executive Director, National Judicial Conduct and Disability Law Project, Inc.; Mike Kohn, General Counsel, National Whistleblower Center; Ron Marshall, Chairman, The New Grady Coalition; Sean Moulton, Director, Federal Information Policy OMB Watch; Patrice McDermott, Director, OpenTheGovernment.org; Darlene Fitzgerald, Patrick Henry Center; David Arkush, Director, Congress Watch Public Citizen; John W. Whitehead, President, Rutherford Institute; Daphne Wysham, Director, Sustainable Energy and Economy Network; Kevin Kuritzky, The Student Health Integrity Project (SHIP); Jeb White, President, and C.E.O., Taxpayers Against Fraud; Dane von Breichenruchardt, President U.S. Bill of Rights Foundation; Linda Lewis, USDA Homeland Security Specialist (retired).

Mr. Speaker, I now yield the remaining time to the gentleman from Massachusetts (Mr. TIERNEY), a valued and distinguished member of the Intelligence Committee.

Mr. TIERNEY. Mr. Speaker, over history, and particularly since 1970, we have been able to find balance of getting the necessary intelligence collection and also having the protection of our liberties and our constitutional rights; through wars, in fact through the Cold War, which are much more severe existential threats than we see today, to a Cold War where we had nuclear powers that we thought were ready to attack us. We didn't know when and we didn't know to what degree. We never found it necessary to totally abdicate our constitutional rights and privileges. It is unnecessary for us to do that. It is shameful that some think that now is an opportunity for us to do that.

The legislation before us today allows us to, in timely ways, collect all of the intelligence we need. It allows us to do it before a court order in cases of emergency. It allows us to do it without delay. It allows us to have provisions for oversight. It allows us to do everything to protect this country and it protects our civil liberties.

We have a situation with phone companies now wanting immunity. They've always had immunity. The question is did they go for it. Did they have a court order or did they have the proper certification? Why won't the White House let all Members of Congress see that? It would answer the questions if they saw the documents.

All Members of Congress should see the Presidential order and discuss whether the breadth and scope was so breathtaking that they would rush to make sure that courts intervene to make sure we had the constitutional protections there and make sure that we saw the memos that were there for legal justification and whether or not they weren't farcical in some respects and make sure that we saw what went on between the companies and the administration.

If the companies think that they have reason to believe that, despite the fact that they didn't take advantage of their immunity provisions, they still have a claim of defense, we've provided a way for them to go to court so they can make that case. Going forward, they have immunity and a way to protect themselves in the past.

Let's get over the nonsense and pass this law.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Judiciary Committee and a member of the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, oftentimes what is said on this floor reveals the differences between the two parties or the difference between the two approaches. The gentleman who just spoke before me made an allegation about the breathtaking and overwhelming nature of the President's request for information. Frankly, I thought what was at stake at the time was the breathtaking and overwhelming threat that this Nation faced after 9/11. That's what the President was responding to. That's what the President utilized in his request of American companies that come to the aid of their country. And here we stand saying we cannot reward them except to give them lawsuits.

The gentleman from Texas (Mr. REYES) says if the companies are innocent, as if there is some question. I sat through all of those briefings. There is, in my judgment, not one iota of evidence that the companies acted inappropriately whatsoever. Not one iota of evidence sitting there after question after question after question; yet, on this floor, we raised the very question of those companies by saying if they are innocent. And what does Mr. REYES say? If they are innocent, then it will be decided the good old American way: Go to court.

Well, I'm a lawyer, but I don't think most Americans think the American way in every instance is to go to court. If you look at the legislation we have before us, it is rewarding the Good Samaritans with a lawsuit.

There is a fig leaf here, yes. Now the majority side says, You know, there is a problem that we have to address with respect to telecommunications companies. That's progress, because when we were arguing on the floor with your previous provisions, you didn't even admit that. Now you do it, and now you say we are going to take care of it by the State's secrets doctrine and by going to a secret court proceeding.

It is a fig leaf to allow Members to vote for a bill you know is never going to become law. It is not effective. How do I know? Twenty-five attorneys general of the United States say it doesn't work. They say support the provision that's contained in the Senate bill. Democrats and Republicans alike from Texas, from North Carolina, from Oklahoma, from Florida, from Alabama, Arkansas, Alaska, Colorado, Georgia, Idaho, Indiana, Kansas, Maryland, Michigan, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota, Virginia, West Virginia, Washington, Utah, South Carolina, and Pennsylvania.

No, Mr. Speaker, the President is not wrong. No, Mr. Speaker, he is not doing this to protect himself. He's doing it as these attorneys general of the United States recognize to allow us to go forward in protecting the American people.

Don't harm these telecommunications companies with friendly fire.

Mr. CONYERS. Mr. Speaker, it's my privilege to yield the balance of our time to the majority leader, STENY HOYER, whose legal expertise has held him in good stead over the months that we've worked on the Foreign Intelligence Surveillance Act.

Mr. HOYER. Mr. Speaker, this is indeed an important day for our country, for the House of Representatives, and for the American people. An important day because we focus on the protection that we owe to our people and to our country, not only from terrorists but from those who would undermine the Constitution of the United States.

Let me just briefly put in context where we are today some 7 years and 2 months after the start of this administration. From 2001 to 2006, the President of the United States did not veto a single bill. Why did he not veto a single bill? Because the Congress would not send him a bill that he did not want sent to him. It was a complacent, complicit Congress. And as a result of that complacency of the representatives of the American people, the administration came to believe that it could do anything it wanted without oversight or accountability.

And because of that, when we were put at risk by 9/11, the administration's response, perhaps led by the Vice President, was that we do not need to follow the law. There was a law in place. It's still in place. It still provides for the protection of the American people. It's called the Foreign Surveillance Intelligence Act. But as too often has been the case in this administration, they chose not to follow the law. They chose, instead, to follow their own predilections. And that's why we are here today.

In addition to that, we were in a condition where technology had changed. The administration was absolutely correct on that point. And both the Intelligence Committee in the Senate and the Intelligence Committee in the House knew they had to respond to that. As a matter of fact, Mr. HOEKSTRA and Ms. HARMAN, as the chairman and ranking member, and Mr. Goss prior to that, knew that we had to move towards that. That is now a result of the legislation we see before us.

My good friend and distinguished colleague, the former attorney general of the State of California who's been in this body for some years. He was here,

then he went back to California. He read from the letter of the attorneys general. One of them was Maryland. I talked to him yesterday.

Sometimes people put letters in front of us that are not accurate and we don't check all of the facts. I presume that the other attorneys general that were presented with this letter are in the same position.

Let me read from this letter: ''Senate Intelligence Committee Chairman John D. Rockefeller authored S. 2248 to solve a critical problem that arose when the Protect America Act was allowed to lapse on February 16, 2008.'' Hopefully, everybody in this body knows that information is inaccurate. Senator ROCKEFELLER started to draft his legislation, and the Senate Intelligence Committee, long before February of 2008, the House Intelligence Committee and the House Judiciary Committee and Senate Judiciary Committee, long before that ever happened. That information is inaccurate. I don't hold the attorneys general personally responsible for that inaccuracy. But I will tell you, my own attorney general, a signatory on this letter, had been misinformed. That's unfortunate.

I presume by the association, the overwhelming majority of these attorneys general are Republicans, but I don't think it was a partisan letter, per se, but it is shocking to me that an attorney general of a State in this country would say, ''whatever action is necessary to keep our citizens safe.'' There have been those down through history who, when we have been at risk, have said whatever action we take is justified, and the Constitution has suffered in that process.

We have a responsibility to do both, not just one. The attorneys general in their letter also said this: ''Intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries.'' That is categorically false. I do not believe that any one of the attorneys general that signed this letter believed it to be false, but it is wrong. They are misinformed.

We have an opportunity today to move this process forward to protect America and protect our Constitution. Senator ROCKEFELLER, the chairman of the Senate Foreign Intelligence Committee, a committee from the Senate, passed a bipartisan bill. And I am so interested to hear all of the Members on the Republican side talk about how a Senate, bipartisan-passed bill ought to pass this House.

My, my, my. If Congressman DeLay were here now, he would turn over in his seat. His premise was the Senate doggone well ought to pass House bills and not ask any questions. That was his position. He had no intent to pass, no matter how bipartisan a Senate bill was, Tom DeLay had no use for talking to Senate Republicans about what he ought to pass.

And by the way, if the President said pass it, if it was the Patients' Bill of Rights that he didn't want and it passed the Senate and the House, it didn't pass out of the conference committee because the President didn't want it. And by the way, on the prescription drug bill that a large number of your caucus was against, you passed anyway. It took you 3 hours to vote it, but you passed it. And so many of your Members came kicking and screaming to the final result and lament that vote this very day, and all of you on that side of the aisle know it. Not all of you, but a large number.

Our responsibility is not to take a Senate bill or a House bill at face value. It is to exercise our best judgment to serve the American people as best we can.

□ 1345

I will close with this: Senator ROCKEFELLER, the chairman of the committee, strong proponent of the bipartisan bill, said this on March 11, 2008, just a few days ago:

''Today's House proposal reflects progress in bringing the two bills together, and it is a step in the right direction.'' He concluded his statement by saying this: ''As soon as the House sends us this new bill, we will once again roll up our sleeves and get back to work on a final compromise that the House, the Senate, and the White House can support.''

Ladies and gentlemen of this House, that's what the Founding Fathers had in mind when they created the House of Representatives and the United States Senate and they gave to the President of the United States a role in the legislative process. We have an opportunity today to serve the protection of our country, the interception of communications dangerous to our people, and to uphold our oath to preserve and protect the Constitution of the United States. Let us take that opportunity.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 3773. This bill reestablishes the role of the Court into foreign surveillance if and when a U.S. person becomes a target of such surveillance. H.R. 3773 also authorizes the FISA court to review the ''minimization'' procedures used by intelligence agencies regarding the use of material that has been inadvertently intercepted. Moreover, this bill authorizes the FISA court to also review the ''targeting'' procedures that involve U.S. persons. Finally, the bill creates a commission to review the President's previous warrantless surveillance program and to report to Congress. It is important to note that H.R. 3773 contains no retroactive immunity for the telephone companies for their past accommodation to intercept the communications of U.S. persons without a court order.

After the terrorist attack on September 11, 2001, our security agencies worked to improve their intelligence operations to ensure that such a plot could never again be executed on U.S. soil. However, this Administration, rather than assessing the need to make adjustments to surveillance authorities, embarked upon an unauthorized secret program authorized by nothing more than Executive fiat and clearly outside of the Foreign Intelligence Surveillance Act, FISA. The telecommunication industry was directed to comply with demands of the Administration with or without the requisite authority. Some telecommunications companies complied some did not.

Despite repeated requests from Democratic Members of Congress for the Administration to assess the limitations of the existing FISA law and to request necessary changes, the Administration refused to do so. Only after James Risen in 2006 exposed the fact that the Administration had been engaged in a massive domestic spying operation did the Administration begin to address the need to reconcile the program with some semblance of statutory authority. To that end, last summer the Administration identified a change in technology that warranted a change to the law. The change in the telecommunications industry has placed nodes and other technological backbones on U.S. soil regardless of the flow of information. Consequently, many foreign-to-foreign communications pass through the U.S. without involving U.S. persons. This technological ''touch down'' under existing law would require a court order and needed to be changed.

From that request for a technical change, the Administration, with the assistance of the Republicans in Congress, launched an initiative to virtually remove court orders for the surveillance of American persons. Moreover, the Administration launched an additional initiative to provide blanket retroactive immunity for all the phone companies and ISPs that intercepted communications in the absence of a legal authorization. This immunity was demanded without the disclosure of the acts that would be subject to such immunization. Currently, there are almost 40 lawsuits pending that have challenged the legality of the President's unauthorized surveillance program.

All of these past cynical efforts to engage in an illicit surveillance program have now transformed into a campaign to engage in a widespread cover-up of past illegalities. The Republicans and the President cloak their surreptitious activity in a cloak of national security. However, the American people know better. We all want to stop terrorism. We all agree that foreign-to-foreign communications should be intercepted without needing a court order. We all agree that merely because such a communication is transported through a device that sits on U.S. soil, it should not impose any impediment to the surveillance of these communications. Where we disagree is in the need to carry on an illegal program, to defy any accountability and then come to Congress to seek legislation that is purely designed to conceal wrongdoing.

The bill before us today accomplishes the following:

Provides for surveillance of terrorist and other targets overseas who may be communicating with Americans.

Requires the FISA court to approve targeting and minimization procedures—to ensure that Americans are not targeted and that their inadvertently intercepted communications are not disseminated. These procedures must be approved prior to surveillance beginning—except in an emergency, in which case the government may begin surveillance immediately, and the procedures must be approved by the court within 30 days. (This may be extended if the court determines it needs more time to decide the matter.)

Provides prospective liability protection for telecommunications companies that provide lawful assistance to the government.

Requires a court order based on probable cause to conduct surveillance targeted at Americans, whether inside the United States or abroad.

Requires an Inspector General report on the President's warrantless surveillance program.

Prohibits ''reverse targeting'' of Americans.

Explicitly establishes FISA Exclusivity—that FISA is the exclusive way to conduct foreign intelligence surveillance inside the U.S. Any other means requires an express statutory authorization.

Sunsets these authorities on December 31, 2009 (same as the PATRIOT Act sunset).

Moreover, this bill is as important for what it does not contain, i.e. retroactive immunity. This bill does provide telecom companies a way to present their defenses in secure proceedings in district court without the Administration using ''state secrets'' to block those defenses. Finally, this bill also establishes a bipartisan, National Commission—with subpoena power—to investigate and report to the American people on the Administration's warrantless surveillance activities, and to recommend procedures and protections for the future.

We all want to prevent the acts of terrorism. However, some of us believe that we can protect our Nation without throwing away all of the rules that have been designed to protect the Constitutional rights of Americans. The scare tactics that have been used by this Administration to further cloak their illegal programs are reprehensible. What is more is that these tactics are not even marginally credible.

The President's national security programs by and large have been a failure, his misadventure into Iraq on a quest for nonexistent weapons of mass destruction have led us on a path of a substantial loss of life, resources and moral standing in the world. Moreover, it has diverted our attention from those who did attack us on 9/11, Al-Qaeda and its Taliban allies who are regrouping and strengthening, according to declassified U.S. intelligence estimates, along the Afghanistan-Pakistan border. In addition, the President's authorization to use torture on U.S. soil, as well as outsourcing it to foreign countries, by way of rendition, has compromised the security of our troops and diplomatic corps around the world. These practices have done much more to compromise our national security than to protect it. For these reasons, the President is not in a position to invoke national security on any grounds and certainly not to justify a warrantless domestic spying program and retroactive immunity for those who were complicit in this activity.

Mr. BLUMENAUER. Mr. Speaker, over the past few months, we've had a lot of back and forth on this issue. For those who have been at the table, I want to express my appreciation for your hard work and the quality of your debate. I am proud of the fortitude displayed by the Speaker and the Intelligence Committee during this process: There will be no blanket immunity for telecom companies, there will be a two-year sunset, and there will be a commission to thoroughly investigate this administration's shameful wiretapping program.

For the past seven years I have been highly critical of Republican wiretapping legislation. I have voted against past efforts to expand the ability of this administration to intrude in the lives and privacy of innocent citizens. Most recently, I supported the expiration of the Protect America Act because I am confident that the dedicated members of the intelligence community do not need to violate the rights of Americans in order to protect them.

The bill before us will not solve every potential abuse of FISA, but it does provide stronger legal protections for Americans and introduces a measure of oversight. As this issue continues to play out into the future, it is my hope that our next steps will include even stronger protections for innocent Americans, clearer legal standards for FISA to judge surveillance procedures, and explicit requirements for the destruction of unnecessary data.

Ms. MATSUI. Mr. Speaker, liberty and security are not mutually exclusive. Quite the opposite; they go hand in hand.

The FISA Amendments Act recognizes this reality. This legislation is a balanced compromise that protects our country and ensures that our basic American freedoms remain intact.

Our great country is founded on civil liberties, and secured by our intelligence community.

Much of what keeps us safe is our commitment to upholding the values of freedom and liberty.

All the security in the world is meaningless if we fail to protect the values that make our country worth defending in the first place.

If we surrender the basic principles that make us who we are, we will forever change what it means to be American.

Mr. Speaker, I know what can happen when we abandon our core American values. I was born in an internment camp, and my own family suffered the consequences when our country succumbed to the rhetoric of fear.

That was a dark time in our Nation's history—one we cannot afford to repeat.

That is why the legislation before us today is so important.

It protects the liberties that we cherish, liberties that are the birthright of every American citizen.

At the same time, it recognizes the need for the surveillance of our enemies.

It gives our intelligence agencies the tools necessary to keep us safe, and provides strong legal clarity for the intelligence community.

The compromise solution we have negotiated also allows telecommunications companies to defend themselves in a court of law.

It takes Congress out of the equation and puts legal decisions back where they belong: in the court system.

I am confident that this process will result in a fair solution to the civil cases that have been brought against these companies.

That is why this balanced legislation deserves the support of every Member of this House.

This bill will keep us safe, and it will keep us free.

I urge passage of the FISA Amendments Act of 2008,

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my cautious support for this House amendment to the Senate-approved version of H.R. 3773, the FISA Amendments Act of 2008. I extend my gratitude for the hard work that Chairmen CONYERS and REYES have put into this legislation, as well as Speaker PELOSI and Majority Leader HOYER for their efforts to negotiate with the Senate to work out the differences between the different approaches to update the Foreign Intelligence Surveillance Act [FISA] of 1978.

We will never forget the awful terrorist attacks of September 11, 2001, on our country. And we must keep in mind there are still those who wish to do us harm as we authorize essential surveillance authorities balanced by the civil liberty protections ensured by our Constitution. It is disappointing that the Bush Administration and our Republican colleagues have refused to participate in negotiations to date, but I am hopeful that with this new bill approved by the House, we can quickly work out our honest differences to provide our intelligence and law enforcement agencies with the tools required to monitor potential agents with terrorist intentions against the United States.

This bill is a step in the right direction, but I have serious reservations with certain provisions that I urge Congress to promptly resolve in the coming weeks. I strongly believe in the merits of the Senate-approved FISA legislation drafted by Chairman ROCKEFELLER and Ranking Member BOND, and I support a final bill that includes the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; clarify no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; provide enhanced oversight by Congress of surveillance laws and procedures; compel compliance by private sector partners; review by FISA Court of minimization procedures; and targeted immunity for carriers that allegedly participated in anti-terrorism surveillance programs.

As a District Attorney for 12 years, I understand the importance of cooperation with private-sector partners in law enforcement matters. Without their cooperation in times of emergency, the community I was sworn to protect would be less safe and secure. The National Sheriffs' Association, the International Association of Chiefs of Police, the Fraternal Order of Police and the National Troopers Coalition have all expressed their support for the targeted immunity that the Rockefeller-Bond FISA bill would provide. Key members of the 9/11 Commission have also voiced their support for the Rockefeller-Bond FISA bill. 9/11 Commission Co-Chair and former Congressman Lee Hamilton wrote that: ''To the extent that companies helped the government, they were acting out of a sense of patriotic duty and in the belief that their actions were legal. Dragging them through litigation would set a bad precedent. It would deter companies and private citizens from helping in future emergencies. . . .'' 9/11 Commissioner and former Senator Bob Kerrey affirmed that sentiment when he stated: ''We wrote in the 9/11 Commission report that 'unity of purpose and unity of effort are the way that we will defeat this enemy and make America safer for our children and our grandchildren.' We cannot hope to achieve such unity of effort if on the one hand we call upon private industry to aid us in this fight, and on the other allow them to be sued for their good-faith efforts to help.''

I agree with the 21 state attorneys general who wrote in a December 11, 2007, letter to Senate leadership: ''The provisions of [Rockefeller-Bond] are consistent with existing, longstanding law and policy. Congress has long

provided legal immunity for carriers when, in reliance on government assurances of legality or otherwise in good faith, they cooperate with law enforcement and intelligence agencies . . . provisions of S. 2248 would . . . establish a thoughtful, multi-step process involving independent review by the Attorney General and the courts that, only when completed, would lead to dismissal of the claims.''

Congress must continue the hard work of negotiating a suitable compromise that equips our intelligence agents with the tools they need to protect our country, while ensuring that our civil liberties—which make us the greatest nation in the world—remain protected.

Mr. DINGELL. Mr. Speaker, I voted against the original Patriot Act, I voted against the reauthorization of the Patriot Act in 2005, I voted against the President's Protect America Act that was signed into law last August, and I remain prepared to vote against any legislation that does not adequately protect our constitutionally guaranteed civil rights. I have some concerns about this legislation. I don't believe it is perfect. However, I am prepared to vote in support of it today as a sign that we in the House are prepared to negotiate a bipartisan solution that will end the deadlock on this issue.

I note that the President has already rejected this overture, and once again insisted that he will veto any bill that does not grant blanket amnesty to the telecommunications companies that are alleged to have assisted the Bush Administration in conducting illegal warrantless wiretap programs. It is unfortunate that the President has taken this position, but I can assure him that there are those of us who will not be moved by his intransigence.

I have repeatedly asked the Bush Administration to provide me with a briefing about the warrantless wiretap programs that took place without Congressional authorization so I could determine for myself whether amnesty is justified, and these requests have been repeatedly denied. After seven years of lies and obfuscation, I refuse to take the President at his word that amnesty for telecommunications companies is in the best interest of the American people, and I refuse to vote for amnesty until I am given the opportunity to review the evidence supporting it.

Mr. NADLER. Mr. Speaker, I rise in strong support of H.R. 3773, the FISA Amendments Act. This carefully crafted legislation gives our intelligence agencies all the tools they need to protect our country, while protecting our fundamental civil liberties.

Mr. Speaker, let us be clear about what this legislation does not do. It does not require individual warrants for the targeting of foreign terrorists located outside the United States. For three decades, that has been the law, and it will still be the law under this bill. There is no dispute about this.

The bill starts with the recognition that the intelligence community needs to surveil all members of a terrorist group—once that group is identified. Any suggestion that it requires individualized warrants to intercept communications of terrorists overseas is wrong.

The bill maintains the traditional requirement of a warrant when our intelligence agencies seek to conduct surveillance on Americans. And because some foreign surveillance may record conversations with Americans, the bill requires that, when the Government proposes to undertake surveillance of a foreign group or entity, it must first apply to the FISA court, except that, in an emergency, the surveillance can begin immediately, and the court can consider the surveillance procedures later.

In both this bill and the Senate bill, the Government has to inform the court of the procedures it will use to ensure that it is targeting only foreigners overseas and how it will ''minimize'' domestic information it might inadvertently pick up. The only real difference is that the Senate bill lets them listen first, then go to the court within 5 days. This bill requires that they go to the FISA Court first. But in an emergency, we give them 7 days to listen before they go to the court. So will someone please tell me how this minor difference between the bills somehow gives rights to terrorists?

There is one thing that this bill does not do, and this great body must not do—provide blanket, retroactive immunity to the telecommunication companies that assisted in the President's warrantless wiretapping program. Such a move would fly in the face of our notions of justice.

Mr. Speaker, in the last few weeks, we have heard countless assertions from our colleagues on the other side that are false and misleading. They claim that we allowed the Protect America Act to expire—when it was the Republicans who blocked attempts to extend that legislation temporarily. And they continue to claim that retroactive immunity for the telecom companies is necessary for the security of the country. But they have failed to provide any evidence for that claim.

The telecom companies aided the Administration's surveillance program. Some people—American citizens—believe their constitutional rights were violated, and brought suit against the government and the telecom companies. There are two narratives here. One is that the telecom companies patriotically aided the Administration in protecting Americans from terrorists. The other is that the telecom companies conspired with a lawless Administration to violate the Constitutional rights of Americans. Which of these narratives is correct is for a court to decide.

It is not the role of Congress to decide legal cases between private parties. That is why we have courts. If the claims are not meritorious, the courts will throw them out. But if the claims do have merit, we have no right to dismiss them without even reviewing the evidence.

We are told that the telecom companies should not be subject to lawsuits for doing their duty. But whether they were doing their duty, or abusing the rights of Americans, is precisely the issue. And that is a legal issue for the courts to decide.

In any event, the existing law, in a wise balance of national security and constitutional rights that this bill does not change, already provides absolute immunity to the telecom companies if their help was requested, and if they were given a statement by the Attorney General, or various other government officials, stating that the requested help did not require a warrant or court order and would not break the law. They have immunity whether those statements were true or not. They can rely absolutely on the government's assertions.

So why do they think they need retroactive immunity? Because of the Administration's sweeping assertion of the ''state secrets'' doctrine, which has prevented the companies from claiming their immunity.

Title II of this bill will allow the telecoms to show the courts, in a secure setting, if they were obeying the law or if they weren't. It will allow the telecom companies to assert their immunity in court, and to present the relevant documents and evidence to the court in a secret session that protects any ''state secrets.'' The courts can then judge whether the telecom company obeyed the law—in which case it has complete immunity—or whether it did not. And, I remind you, that ''following the law'' means simply obtaining a statement from the government that the company's help is needed, and that the requested help does not require a court order or violate the law. A company that assisted in spying on its customers without getting that simple assurance does not deserve immunity.

Mr. Speaker, this bill gives our intelligence agencies what they say they need. But it also demands that their extraordinary powers be used properly, and that they follow our laws and our Constitution. This bill will help limit this Administration's disregard for the rule of law. It is a carefully crafted measure, and deserves the support of every member in this body.

Mr. UDALL of New Mexico. Mr. Speaker, for the past several months, Congress has debated one of the most important issues that we face: the struggle to protect America while preserving the guaranteed liberties that make America great. During this vital discussion, some argued that Congress should stop deliberating and pass a reckless proposal that would unnecessarily sacrifice our constitutional rights. I disagreed. The legislation we discuss today, which was the product of deep deliberation and compromise, will keep America both safe and free. It is a credit to this House and to the American people.

Today's legislation contains a number of carefully crafted provisions intended to protect the civil liberties of Americans at home and abroad while ensuring that the intelligence community can do its job. The wisest decision the House made in this bill was to grant telecommunications companies an opportunity to defend themselves in a confidential FISA court trial. This is in stark contrast to the administration's attempt to provide retroactive immunity for telecommunications companies that may have violated the law. The Bush administration claims that the telecommunications companies have evidence that would exonerate them but cannot be revealed in court because of confidentiality concerns. Our bill ensures that the American people will get their day in court and the companies will have the chance to defend their actions. This compromise is fair to the companies and to those whose rights they may have violated.

I believe we can protect our Nation while upholding the values that make America a beacon of hope to people around the world. America is strong because we are a nation of freedom and a nation of laws. By refusing to grant blanket immunity to those who violated Americans' rights, the House reaffirms the rule of law and the importance of liberty. The Senate should follow our lead.

Mr. KUCINICH. Mr. Speaker, I rise today in opposition to the FISA Amendments Act of 2008.

This legislation is a commendable improvement over the irresponsible Protect America

Act passed by this body in August. I am thankful that this new bill does not include retroactive immunity for telecommunication companies. However, the bill still falls short of ensuring the protection of the fourth amendment rights of U.S. citizens.

Blanket warrants, institutionalized by the Protect America Act, will continue with the enactment of the FISA Amendments Act. There is a legitimate concern that surveillance of persons abroad can potentially infringe on the fourth amendment rights of U.S. citizens.

These blanket wiretaps make it impossible to know whose calls are being intercepted by the National Security Agency, which increase the likelihood that the civil liberties of innocent U.S. citizens will be violated.

Specifically, in Section 101(702)(i) appears to include a review process of ''Certifications and Procedures'' but these procedures are of a broad nature, make no connection to specific individuals, provide for no showing of wrongdoing and contain no explanation of how collection procedures will actually work. Consequently, the bill fails to uphold standard fourth amendment judicial involvement.

Section 101 (702)(g)(3) states that ''a certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.''

Our county's fourth amendment provides that targets of search and seizure should be stated with particularity. The particularity requirement limits the scope of the search by assuring U.S. citizens whose property is subject to a search is, according to the Congressional Research Service, ''being searched of the lawful authority of the executing officer and of the limits of his power to search. It follows, therefore, that the warrant itself must describe with particularity the items to be seized, or that such itemization must appear in documents incorporated by reference in the warrant and actually shown to the person whose property is to be searched.''

Under current law, reviews conducted by the FISA court do not receive names of targets or organizations which already places some limitation on particularity. But this bill appears to allow the Government to go even further by applying for very broad, year-long authority to issue directives to companies to comply with Government searches as they see fit. This broad authority is reminiscent of the current administration's secret spying program.

Furthermore, Section 101(702)(g)(2)(v) states that a requirement of certification for the targeting of certain persons outside of the United States is that ''a significant purpose of the acquisition is to obtain foreign intelligence information.'' FISA warrants already have a lower threshold of ''probable cause'' than criminal ''probable cause'' because the targets are assumed to be terrorist. The language in this section of the bill eliminates the need to find any wrongdoing whatsoever. Because, in the words of the Congressional Research Service, ''[t]he concept of ''probable cause'' is central to the meaning of the warrant clause'' of the fourth amendment, there are grave concerns about the erosion of our civil liberties.

In sum total, allowing the administration to run a surveillance program of such a broad and undefined nature qualifies as ''unreasonable'' under the fourth amendment. Although the purpose of the bill is to target foreigners abroad, by picking up calls coming into and out of the U.S., the program is not targeted at individual terrorists and individualized court orders are not required. The bill ensures that all targeted international communications are not covered by the fourth amendment even if a U.S. citizen is involved. The rights guaranteed by the fourth amendment dictate that the Government must have cause to spy on U.S. citizens. But the language in this bill ensures that the Government can spy on U.S. citizens who participate in international communications if there is no cause. If we permit our constitutional rights to be watered down out of fear, we have given up our democracy. Congress must stand firm and defend the Constitution.

Mr. BUTTERFIELD. Mr. Speaker, I rise today to speak on the FISA Amendments Act. The most controversial element of this legislation is the absence of retroactive immunity for telecommunications companies. As we continue this debate, I urge my colleagues to consider the unique circumstances telecommunications companies faced after the events of 9/11. I believe that their cooperation with the government was undertaken in good faith and with an objectively reasonable belief that such assistance was lawful. I applaud this legislation, but urge careful consideration of the issue of retroactive immunity.

Mr. UDALL of Colorado. Mr. Speaker, I support this measure for two reasons.

First, I will support it because, as I have consistently said, I do think the basic law in this area—the Foreign Intelligence Surveillance Act, or FISA—needs to be updated to respond to changes in technology, which was the purpose of the current, temporary law.

That is why, last August, I voted for a bill (H.R. 3356) to provide such an update—a bill that was supported by a majority of the House, but did not pass because it was considered under a procedure that required a two-thirds vote for passage, which did not occur because of the opposition of the Bush Administration, which was supported by all but 3 of our Republican colleagues. That is also why I voted for another bill to update FISA—H.R. 3773, the ''Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective'' (or RESTORE) Act—which the House passed on November 15th of last year.

Second, I will support it because I think it is distinctly better than the version the Senate passed—as an amendment to the House-passed RESTORE Act—on February 12th.

It does include some good features of the Senate version, including provisions that for the first time will provide statutory requirement that surveillance of the communications of Americans overseas will be done pursuant to appropriate orders of the courts.

But it differs from the Senate version in some important ways, particularly in the way it addresses the current lawsuits brought against several telecommunications companies by parties who claim that the companies acted wrongly by assisting with a surveillance program involving the massive interception of purely domestic communications.

Those lawsuits have been consolidated and are pending in one court, but evidently have made little progress because of the Administration's argument, still awaiting court resolution, that the suits are barred because they involve state secrets. My understanding is that the defendant companies have argued that government's invocation of the state-secrets privilege has had the result of preventing them from defending themselves, although at least one company has stated in regulatory filings that the cases against it are without merit.

President Bush has insisted that Congress throw these cases out of court by giving the companies retroactive immunity for whatever they might have done in connection with the surveillance program, even though the Administration and the companies themselves insist that those actions were lawful and that the plaintiffs' complaints against the companies have no merit.

Regrettably, last month the Senate decided to comply with the President's demand on this point, and their version of this legislation would provide that retroactive immunity.

I do not think that was the right decision. I agree with the Rocky Mountain News, which in a February 15th editorial said ''Letting this litigation proceed would not, as Bush [has] said . . . punish companies that want to 'help America.' Businesses that want to help America need to be mindful of the Constitution—and so should the government.''

That is why I think the approach taken in the measure before us is better. Unlike the Senate version, it would not short-circuit the court by preventing the cases from proceeding. Instead, it would allow the defendant companies to defend themselves by freeing them from the ''state secret'' barrier erected by the Bush Administration.

Under the measure before us, the defendants will be able to demonstrate to the court the evidence they say supports their arguments in a way that assures the continued security of that evidence and that avoids the public disclosure the Administration says would be adverse to the national interest. This is a process that has worked well in criminal cases, and while I am certainly not an expert on the matter, I think it can work when applied to these civil cases.

Mr. Speaker, I think it is a matter of basic fairness to allow the companies now being sued, and those that may be sued in the future, to fully defend themselves and to try to show the court why, as the defendants in the current cases claim, they are already immune under existing law.

That is what this measure does—and, in fact, it does more.

Unlike the Senate version, it will protect the companies from lawsuits for compliance with valid authorizations under the temporary surveillance law (the ''Protect America Act'') passed last August for the period between the expiration of that law (but not the underlying authorizations) and the enactment of more lasting FISA reform legislation.

I strongly approve of that aspect of the legislation because while I did not support its original enactment, I do regret the fact that the temporary law was allowed to lapse.

I thought it should have remained in effect while we in Congress work to replace it with a longer-lasting statute. That was why earlier this year, I twice voted to extend it—first, by passage of a 15-day extension (H.R. 5104) and then by voting for a bill (H.R. 5349) that would have provided a further 21-day extension.

Regrettably, that second extension did not occur. Its failure was because of the opposition of President Bush and the resulting fact

that all our Republican colleagues here in the House, who voted against the extension and thus allowed the "Protect America Act" to lapse—a fact that has been conveniently ignored by many of those who have sponsored television commercials or otherwise complained about that lapse.

In any event, today we have the opportunity to make progress toward the goal of updating the FISA law in a way that will enable our intelligence agencies to obtain information needed to protect the American people while safeguarding our rights under the Constitution. That is what this measure does, and that is why I will vote for it.

For the information of our colleague, I am attaching the February 15th editorial of the Rocky Mountain News that I mentioned earlier.

[From the Rocky Mountain News—Friday, Feb. 15, 2008]

NO IMMUNITY—SENATE VEERS OFF TRACK IN ITS SURVEILLANCE BILL

The Bush administration is in a tizzy because Congress will take its Presidents Day recess and allow the temporary ''terrorist surveillance'' act passed six months ago to expire at midnight Saturday.

Earlier this week, President Bush actually suggested that al-Qaida operatives are watching the calendar, poised to plot new attacks freely with Congress absent—and U.S. intelligence officials will be largely powerless to stop them.

Don't insult the American public, Mr. President. You'll still have the ability to wiretap suspected terrorists—and the warrantless surveillance powers in the bill are valid until August.

Bush is riled because the House is leaving town without adopting immunity provisions in the Senate surveillance bill. The Senate version granted immunity from lawsuits—unwisely, in our view—to telecommunications firms that cooperated with the warrantless wiretaps on overseas calls.

If immunity is in the final legislation—and Bush has said he'd veto any bill that doesn't include it—it would kill the 40-plus lawsuits that have been filed against telecoms in federal court. The litigation challenges the legality of the program and the actions of telecoms that cooperated with the government.

If the lawsuits don't move forward, we may never learn if some telecoms compromised the privacy of innocent Americans. A grant of immunity could also set a dangerous precedent for other businesses when federal agents or local cops who don't have a court order demand private or confidential information about their customers.

(Colorado Sens. Wayne Allard and Ken Salazar both voted to pass the Senate legislation and to oppose an amendment that would have stripped the immunity provisions from the bill.)

Look, we think the government should have greater leeway—and constitutionally, does have greater leeway—to monitor international communications with al-Qaida than it does to intercept domestic phone calls or e-mails.

But we've largely had to take the administration's word that the wiretap program didn't go beyond the narrow confines under which it would be legal. Moreover, any program that lets the government snoop without a judge's approval deserves outside scrutiny to prevent abuses.

In this instance, the lawsuits may reveal whether the wiretaps were targeted or were more like fishing expeditions. We may also learn how effectively the telecoms separated international communications from domestic calls or e-mails.

The government initially tried (and failed) to quash these cases, claiming the program was so top secret that even admitting that private telecoms participated would compromise national security. Federal courts wouldn't buy that line. So AT&T and other telecoms started claiming they were victims—Washington had persuaded them that the program was legal and they had little choice but to assist in the fight against al-Qaida.

Those claims may be true, but they seem to run counter to the experience of Joe Nacchio, the former Qwest CEO who was convicted on insider trading charges last year. Two years ago it was revealed that Nacchio refused to comply with appeals from the government to participate in the warrantless wiretap program; he balked at turning over information about his customers obtained under what Qwest considered suspect legal circumstances.

Court documents released in October revealed that Nacchio first met with national security officials in February 2001—six months before the 9/11 attacks. ''Nacchio's account,'' The Washington Post reported, ''suggests that the Bush administration was seeking to enlist telecommunications firms in programs without court oversight before the terrorist attacks on New York and the Pentagon.''

Letting this litigation proceed would not, as Bush said Wednesday, punish companies that want to ''help America.'' Businesses that want to help America need to be mindful of the Constitution—and so should the government.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 3773, the FISA Amendments Act of 2008. This bill will help protect our Nation's security from terrorist threats while also protecting the civil rights and freedoms of our citizens.

On November 15, 2007, I voted in favor of the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective (RESTORE) Act that passed the United States House of Representatives by a vote of 227 to 189. The FISA Amendments Act includes and enhances the provisions from the RESTORE Act that form a strong framework for how our intelligence agencies operate. This bill requires the FISA court to approve targeting and minimization procedures to ensure that Americans are not targeted and their communications are not disseminated. These procedures would have to be approved prior to any surveillance, with the exception of emergency cases that would allow the government to begin surveillance immediately, provided that they obtain approval from the FISA court within 30 days. Under the FISA Amendments Act, this requirement would extend to American citizens at home and as well as those traveling abroad. To further enhance accountability, this legislation would create a Congressional commission that would conduct hearings and investigation into the President's recent warrantless wiretapping program. This bill grants new authorities for conducting surveillance and collecting intelligence against terrorist organizations, while preserving the requirement that the government obtain a FISA court order, based on probable cause, when targeting Americans.

While the FISA Amendments Act does not include retroactive immunity for telecommunications companies, it does ensure the ability of these companies to fully defend themselves if they are sued in a court of law. This bill provides these telecommunications companies a way to present their defenses in secure proceedings and gives them access to any documents relating to their case that the government could otherwise withhold as "state secrets."

We owe our intelligence agencies clear rules and guidelines in order to perform their duties to the fullest, just as we owe it to every American to protect their rights and freedoms. I support the passage of H.R. 3773, The FISA Amendments Act of 2008, and I urge my colleagues to join me.

Mr. SMITH of Texas. Mr. Speaker, I submit the following for the RECORD.

FISA FIX FOR LAWYERS

National Security: Wiretap law is supposed to protect the U.S. by discovering and foiling terrorist operations. Congressional Democrats seem to think its purpose is to line the pockets of their trial lawyer supporters.

House Democrats want to enact a terrorist surveillance law that puts lawyers' fees before the safety of Americans. It's a bill so skewed that its passage on a vote scheduled for Thursday was questionable even to Democrats in the majority.

At issue is the help given by telecom companies such as AT&T and Verizon in monitoring the telephone and Internet communications of suspected terrorists with contacts within the U.S.

Those heroic firms have saved hundreds, if not thousands, of innocent lives with their cooperation in helping to obtain information that allowed law enforcement to prevent post-9/11 attacks.

Congressional Democrats steadfastly refuse to protect those firms from lawsuits backed by the American Civil Liberties Union. Their message to those patriotic companies seems to be:

You helped President Bush succeed at something we wanted to destroy him over, so now that we control Congress we're going to give you your well-deserved comeuppance.

The ACLU issued a statement expressing delight over the House Democrats' new bill and was also pleased that the Democrats would let the authorization to track terrorists expire in only two years—as if there is any realistic chance that the global war on terror could be behind us by then.

A permanent Foreign Intelligence Surveillance Act could always be revisited or repealed by Congress, yet Speaker Nancy Pelosi's Democrats insist on a FISA sunset provision.

The group said it is ''also heartened by the role retained by the FISA court in overseeing the program,'' an allusion to the fact that under the Democrats' bill, any and all domestic surveillance for anti-terrorism purposes would have to first get the approval of the special FISA courts—a state of affairs that the president has emphatically stated places the nation at risk.

Moreover, it is a state of affairs under which the country is vulnerable today, because the Democratic Congress let FISA expire nearly a month ago.

The Senate's FISA revision provides retroactive protection from lawsuits to the telecom firms. If nothing is done, they could conceivably be liable for hundreds of millions of dollars—which would be some thanks for helping to protect Americans from al-Qaida.

House Democrats instead would give only ''prospective liability protection for telecom companies that assist with lawful surveillance'', according to a statement from House Majority Leader Steny Hoyer.

One of the bill's proposed procedures apparently would be for the firms to tell the judge state secrets as part of their defense

while the ACLU lawyers and other plaintiff attorneys are out of the room.

But the ACLU's strategy in trying to destroy our government's ability to monitor terrorist communications has been to take their cases to federal courts in different regions—in effect, judge shopping.

Because the House Democrats' FISA bill would, as the ACLU puts it, keep ''the courthouse door open,'' chances are that they would be able to find judges only too happy to make the telecom firms pay multimillion-dollar awards. The only just solution is for Congress to grant those firms full retroactive immunity.

As Vice President Dick Cheney recently told the Heritage Foundation, ''those who assist the government in tracking terrorists should not be punished with lawsuits . . . it's not even proper to confirm whether any given company provided assistance.'' He added: ''In some situations, there is no alternative to seeking assistance from the private sector.''

The Center for Responsive Politics reports that trial lawyers contributed some $85 million to Democratic candidates in the 2006 election cycle. Obviously, Democrats believe letting those legal parasites feed off patriotic companies who have saved countless American lives is what is expected of them in return.

Mr. STARK. Madam Speaker, I rise today to support the House's changes to the Foreign Intelligence Surveillance Act, FISA, Amendments Act. After 8 long years of watching Republicans kowtow to the President's tyrannical policies, I am only too happy to stand by a bill that will hold his administration accountable to some of their past actions and prevent future administrations from abusing our civil liberties.

Our government was designed to be of the people, by the people, and for the people. But under President Bush, it has been a government of the executive branch, by the executive branch, and for the executive branch. The Administration's so-called ''security measures''—tapping phones, obtaining personal records, and spying without warrants—have undermined basic freedoms and diminished trust in government.

It will take a great deal of time to clean up the mess left by this administration. We can take an important step forward today by giving telecommunications companies their day in court and establishing strict restrictions to prevent the government from spying whenever and on whomever it pleases. By voting for this bill, we make it clear that we won't let the President make a quick escape from Washington without bringing his transgressions to light. Rather than hide behind the threat of terrorism to justify illegal activities, as past Congresses have done, we will defend the constitutional rights of our constituents.

The Bush administration has tried its hardest to convince us that our country's most basic tenets are unattainable. It believes that in order to protect life, we must sacrifice liberty and the pursuit of happiness. That line of thought is wrong, President Bush is wrong, and I encourage my colleagues to support this bill and show that they are above the executive branch's scare tactics.

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

Pursuant to House Resolution 1041, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 197, answered ''present'' 1, not voting 20, as follows:

[Roll No. 145]

YEAS—213

Abercrombie	Grijalva	Obey
Ackerman	Gutierrez	Olver
Allen	Hall (NY)	Ortiz
Altmire	Hare	Pallone
Andrews	Harman	Pascrell
Arcuri	Hastings (FL)	Pastor
Baca	Herseth Sandlin	Payne
Baird	Higgins	Pelosi
Baldwin	Hill	Perlmutter
Barrow	Hinojosa	Peterson (MN)
Bean	Hirono	Pomeroy
Becerra	Hodes	Price (NC)
Berkley	Holt	Rahall
Berman	Honda	Reyes
Berry	Hoyer	Richardson
Bishop (GA)	Inslee	Rodriguez
Bishop (NY)	Israel	Ross
Blumenauer	Jackson (IL)	Rothman
Boswell	Jackson-Lee (TX)	Roybal-Allard
Boucher	Jefferson	Ruppersberger
Boyd (FL)	Johnson (GA)	Ryan (OH)
Boyda (KS)	Johnson, E. B.	Salazar
Brady (PA)	Jones (OH)	Sánchez, Linda T.
Braley (IA)	Kagen	Sanchez, Loretta
Brown, Corrine	Kanjorski	Sarbanes
Butterfield	Kaptur	Schakowsky
Capps	Kennedy	Schiff
Cardoza	Kildee	Schwartz
Carnahan	Kilpatrick	Scott (GA)
Carson	Kind	Scott (VA)
Castor	Klein (FL)	Serrano
Chandler	Langevin	Sestak
Clarke	Larsen (WA)	Shea-Porter
Clay	Larson (CT)	Sherman
Cleaver	Lee	Sires
Clyburn	Levin	Skelton
Cohen	Lewis (GA)	Slaughter
Conyers	Lipinski	Smith (WA)
Costa	Loebsack	Snyder
Costello	Lofgren, Zoe	Solis
Courtney	Lowey	Space
Crowley	Lynch	Spratt
Cuellar	Mahoney (FL)	Stark
Cummings	Maloney (NY)	Stupak
Davis (AL)	Markey	Sutton
Davis (CA)	Marshall	Tanner
Davis (IL)	Matheson	Tauscher
DeFazio	Matsui	Taylor
DeGette	McCarthy (NY)	Thompson (CA)
Delahunt	McCollum (MN)	Thompson (MS)
DeLauro	McGovern	Tierney
Dicks	McIntyre	Towns
Dingell	McNerney	Tsongas
Doggett	McNulty	Udall (CO)
Donnelly	Meek (FL)	Udall (NM)
Doyle	Meeks (NY)	Van Hollen
Edwards	Melancon	Velázquez
Ellison	Michaud	Visclosky
Ellsworth	Miller (NC)	Walz (MN)
Emanuel	Miller, George	Wasserman Schultz
Engel	Mitchell	Waters
Eshoo	Mollohan	Watson
Etheridge	Moore (KS)	Watt
Farr	Moore (WI)	Waxman
Fattah	Moran (VA)	Weiner
Foster	Murphy (CT)	Wexler
Frank (MA)	Murphy, Patrick	Wilson (OH)
Giffords	Murtha	Wu
Gillibrand	Nadler	Wynn
Gonzalez	Napolitano	Yarmuth
Gordon	Neal (MA)	
Green, Al		

NAYS—197

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

ANSWERED ''PRESENT''—1

Davis, Lincoln

NOT VOTING—20

Boustany	Hunter	Rangel
Brown-Waite, Ginny	LaHood	Rush
Cramer	Musgrave	Tancredo
Everett	Nunes	Walsh (NY)
Green, Gene	Oberstar	Weller
Hooley	Peterson (PA)	Woolsey
	Pickering	Young (AK)

□ 1408

Messrs. KINGSTON, EHLERS, and McDERMOTT changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 202, nays

148, answered ''present'' 1, not voting 79, as follows:

[Roll No. 146]

YEAS—202

Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dingell
Doggett
Donnelly
Doyle
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Giffords
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Price (NC)
Rahall
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Sutton
Tanner
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—148

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gilchrest
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Pence
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Wamp
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—79

Abercrombie
Ackerman
Becerra
Blumenauer
Boehner
Boustany
Boyd (FL)
Braley (IA)
Brown-Waite, Ginny
Buyer
Coble
Conyers
Costello
Cramer
Crenshaw
Davis (AL)
Delahunt
Dicks
Drake
Edwards
Everett
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gingrey
Goode
Green, Gene
Harman
Hayes
Hirono
Holden
Holt
Hooley
Hunter
Johnson, E. B.
Kagen
Keller
Kennedy
Kind
LaHood
Larson (CT)
Lewis (KY)
Marchant
Matsui
Miller (FL)
Murtha
Musgrave
Neal (MA)
Nunes
Oberstar
Pascrell
Pearce
Peterson (PA)
Pickering
Pitts
Pomeroy
Rangel
Ros-Lehtinen
Rush
Ryan (OH)
Saxton
Schmidt
Sessions
Shays
Simpson
Slaughter
Stark
Stupak
Tancredo
Tauscher
Terry
Walsh (NY)
Weldon (FL)
Weller
Whitfield (KY)
Woolsey
Young (AK)
Young (FL)

□ 1425

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. MILLER of Florida. Mr. Speaker, I missed rollcall vote No. 146 on March 14, 2008.

If present, I would have voted: Rollcall vote No. 146, Approval of the Journal, ''nay.''

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall Nos. 145 and 146, had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, March 14, 2008, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: Rollcall 143—''nay''; rollcall 144—''nay''; rollcall 145—''nay'', rollcall 146—''nay''.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 2, 2008

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 2, 2008.

The SPEAKER pro tempore (Mr. WILSON of Ohio). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MARCH 31, 2008

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

WASHINGTON, DC,
March 14, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 31, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

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

There was no objection.

REAPPOINTMENT AS MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b–3, amended by section 2 of the House Page Board Revision Act of 2007, and the order of the House of January 4, 2007, the Chair announces the Speaker's and minority leader's joint reappointment of the following individuals to the House of Representatives Page Board for a term of 1 year, effective March 20, 2008:

Ms. Lynn Silversmith Klein of Maryland.

Mr. Adam Jones of Michigan.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3547.

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

There was no objection.

CONGRATULATIONS TO THE COUGARS OF MOUNT NOTRE DAME AND THE WINTON WOODS HIGH SCHOOL VARSITY ENSEMBLE

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

Mr. CHABOT. Mr. Speaker, I come to the floor today to recognize two great high schools in my congressional district.

The ladies of Mount Notre Dame, once again, with their usual style, grace, and determination won the Ohio Division I basketball championship. This win puts them in the history books, as it makes them the first Ohio team ever to win three consecutive State titles.

With time running out and the game tied, freshman guard Kathryn Reynolds scored at the buzzer, clinching the championship for the Cougars 69–67. Coach Dante Harlan, top scorers Tia McBride, Ashley Fowler and the rest of the team are to be congratulated for their achievement. Well done, Cougars.

I also want to recognize the 32 students in the Winton Woods High School Varsity Ensemble who were selected to participate in the Choral Salute at the 2008 Olympic Games in China. For more than a year, these gifted students have been preparing in rehearsals and planning fund-raisers to pay for the trip to Shanghai and Beijing, China.

They are to be commended for showcasing their talent and also for the time and hard work they have dedicated to this journey. I am proud Winton Woods will be representing Ohio's First District this year in the Olympics.

SEEING IS BELIEVING WITH YOUTUBE.COM

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

Mr. PENCE. Mr. Speaker, YouTube is an amazing thing. As the fifth anniversary of the war in Iraq will be commemorated across the country in recent days, the statistics tell the tale.

Because of the military surge and Sunni cooperation, we are making significant progress towards stability and freedom in Iraq. Violence is down more than 60 percent last year. But as the saying goes, ''seeing is believing.'' And thanks to this miracle that is called youtube.com, Americans can join me for a walk down the streets of al Anbar province in Haditha, Iraq.

On March 2, with a military security detail, our bipartisan delegation walked the streets of this war-torn city and I posted 15 minutes of unedited interviews with local Iraqis on youtube.com.

The fight is far from over, but we are making significant progress in Iraq. I hope many of my colleagues and many Americans will go to youtube.com, type in ''Mike Pence,'' and take a look for themselves at what Sunni cooperation and the American military have wrought in Iraq.

□ 1430

PROTECTING THE SECOND AMENDMENT AND HUNTING RIGHTS ON FEDERAL LANDS ACT

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

Mr. BROUN of Georgia. Mr. Speaker, today I am introducing the Protecting the Second Amendment and Hunting Rights on Federal Lands Act of 2008. This legislation will protect the Second Amendment rights of American citizens and promote hunting activities on Federal lands.

Under current Federal law, land under control of the National Park Service and the U.S. Fish and Wildlife Service has been subject to a blanket gun ban, regardless of State law. So I was pleased with the Bush administration's recent announcement that the prohibition of firearms on National Park Service lands, in place since 1983, will soon end.

Currently the laws of 47 States recognize the rights of law-abiding adults to carry firearms for personal protection. The existence of different laws regarding the transportation and possession of firearms has presented a trap for law-abiding gun owners.

It is my hope that these new regulations, when finalized, will provide greater uniformity across our Nation's Federal laws and put an end to the patchwork of regulations that govern the different lands managed by the different Federal agencies. Under this proposal, Federal parks and wildlife refuges will now mirror State firearms laws.

In addition, my legislation would also require that hunting activities be considered as a land use in all management plans for all Federal land to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed.

I ask my colleagues to join me in supporting the Protecting the Second Amendment and Hunting Rights on Federal Lands Act of 2008.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DARFUR: RETURNING TO HELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, 3 months after the United Nations took over peacekeeping and joined forces with African Union peacekeepers, the situation in Darfur has entered a new and deadly phase of conflict. There has been an upsurge of violence in western Darfur, and the Sudanese government launched an offensive at the beginning of February. A number of villages have been bombed by government planes, and there have been ground attacks by the Sudanese army and its allies, the Janjaweed militias. According to the United Nations, more than 100 people have been killed and thousands more left homeless.

A March 12 article in the UK Independent describes recent events in Darfur as ''a return to hell,'' with another ''scorched earth policy'' being unleashed by the Sudanese government, reminiscent of the worst waves of government-backed violence 5 years ago, actions that led the United States to declare what was happening in Darfur as genocide.

Darfur is home to the world's largest humanitarian operation, but the World Food Program reports that 45 of its trucks have been hijacked already this year. WFP now transports about half as much food into Darfur as it normally would.

Tensions also run high between neighboring Chad and Sudan, and eastern Chad is receiving a new influx of refugees from Darfur at a time when Chad itself is facing instability and displacement.

The new commander of the U.N.-African Union peacekeeping force said it would not be fully deployed until the end of this year, possibly not until the beginning of 2009. The peacekeeping mission, which is supposed to deploy 26,000 peacekeepers, currently has only about 9,000 soldiers on the ground.

The Sudanese government, President Al-Bashir, is defying the world. The government is blocking new deployments of U.N. peacekeepers at every turn, vetoing non-African troops, blocking supplies, and refusing to provide land for bases.

But the international community is also to blame for the obstacles confronting the peacekeeping mission. Nations have failed to make good on their pledges of support, from soldiers to equipment to funds. The mission requires 18 troop-carrying helicopters and six armored attack helicopters. So far, they have none. U.N. officials say they could have responded to last month's attack if they had the right equipment.

Mr. Speaker, why haven't the United States and our Western European allies provided these helicopters to the U.N.-AU peacekeeping mission? Why aren't we working collectively and with Russia and China to make sure this force has the helicopters, equipment, manpower and funding necessary to protect the people in Darfur and the refugees? Why hasn't the U.N. Security Council called an emergency session and targeted new sanctions at Sudan's highest

officials, including President Bashir? Why isn't the international community working together to make sure peacekeeping missions are fully equipped and deployed to eastern Chad and the Central African Republic? Why haven't we lived up to our word to stop the genocide in Darfur?

Mr. Speaker, words are not enough. It is action that is needed. And while we remain silent, while we refrain from taking action and fulfilling our promises, women and children are raped. Homes are being looted. Villages are being burned to the ground. People are dying of hunger and exposure.

Darfur is returning to hell.

KEEPING OUR PROMISES TO THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, first I want to commend David Walker for his years of service as U.S. Comptroller General, heading up the Government Accountability Office. Mr. Walker is a highly respected CPA from Atlanta and for the last few years has been trying to be a Paul Revere about the horrible financial condition of the Federal Government. He has appeared before many Congressional committees and on television and has traveled around the country trying to sound the alarm about our $9 trillion national debt, and, even worse, our $53 trillion in unfunded future pension liabilities.

Two days ago in the Washington Times he was quoted from testimony he gave about Iraqi oil revenues. ''The Iraqis have a budget surplus,'' Mr. Walker said. ''We have a huge budget deficit. One of the questions is who should be paying.''

Stewart Bowen, Inspector General for Iraq reconstruction, said increased production, along with the highest oil prices in history, ''coalesce into an enormous windfall for the Iraqi government.'' Mr. Bowen said Iraqi oil revenue is now around $60 billion, and probably headed higher.

Most estimates are that we have been spending approximately $12 billion a month on the war in Iraq, a really astounding figure if you stop to think about it. However, even worse, the request for this fiscal year is $189 billion, or $15.75 billion a month. This comes out to $500 million a day.

There is certainly nothing fiscally conservative about the war in Iraq. William F. Buckley, Jr., was an inspiring figure to almost every conservative Republican. In the current issue of the New Republic, John Judis begins an article about Mr. Buckley in this way: ''In the last years of his life, William F. Buckley, Jr., who died on February 27 at the age of 82, broke with many of his fellow conservatives by pronouncing the Iraq war a failure. He even expressed doubt about as to whether George W. Bush is really a conservative, and he asked the same about neoconservatives.''

Mr. Buckley wrote in 2004 that if he had known in 2002 what he then knew, he would have opposed the war in Iraq.

More significantly, in June of 2005, he wrote, ''A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride.'' Mr. Buckley continued, ''It can't reasonably be disputed that if in the year ahead the situation in Iraq continues as bad as it has done in the past year, we will have suffered more than another 500 soldiers killed. Where there had been skepticism about our venture, there will then be contempt.''

The major difference is that instead of just 500 more soldiers killed, we have had more than 2,000 killed since Mr. Buckley wrote that. Earlier in 2005 he had written that the time had come to get out.

There is nothing traditionally conservative about the war in Iraq. It is huge deficit spending. It is massive foreign aid. It is placing really the entire burden of enforcing U.N. resolutions on our taxpayers and our military, when conservatives have traditionally been the biggest critics of the U.N. This war has gone against every traditional conservative position.

In addition, our Constitution does not give us the authority to govern Iraq, which is what in reality we have been doing. All this against an enemy whose military budget was only a little over two-tenths of one percent of ours, most of which was used by Saddam Hussein to build castles and protect himself and his family. Iraq was no threat to us whatsoever.

As the conservative columnist Charley Reese wrote, ''The war in Iraq was against a country that was not attacking us, did not have the means to attack us, and had never expressed any intention of attacking us. And for whatever real reason we attacked Iraq, it was not to save America from any danger, imminent or otherwise.''

Similarly, nationally-syndicated columnist Georgie Ann Guyer wrote a few months after the war started, ''Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by minorities in their name, will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empires across the globe.''

Finally, Mr. Speaker, we have to choose. Do we keep spending mind-boggling amounts of money in Iraq, or do we keep our promises to our own people? We cannot afford to do both.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1445

A CONSTITUTION THAT ALWAYS LIVES AND NEVER DIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud your leadership, and I am delighted to have the opportunity to address the day's and the week's events, because many times, as we discuss these matters on the floor of the House, many of our constituents and Americans sometimes wonder the order of our words.

This afternoon we did an important and major leap towards securing this Nation and providing it with the protection of civil liberties. Although in the course of the discussion there may have been accusations, the FISA bill, the amendments to the Senate bill, was the right approach and the right direction to take.

You know, we had an opportunity last evening for a secret session, and I was on the floor questioning the validity of such, because I always believe what we do in America should be in the eyes of America, although we recognize in this time of terrorism there is a necessity for classified documents or top secret documents, but there is never a time to close the door on America's knowledge.

I would not want this debate that many of you may have heard to be characterized as one of a coverup that we are doing something that does not provide the absolute safety and wise direction that America should take. I wanted to simply add to my statements that will be put into the RECORD the idea that this bill provides the opportunity to secure foreign-to-foreign surveillance, but it also avoids the targeting of Americans without the intervention of the court so that if you were, by chance, talking to a relative in a foreign land that might, without your knowledge, be targeted or through some way, might be connected, that would draw surveillance, you can be assured that as an American, unlike the occurrence with Martin Luther King and some Americans during the Vietnam War, that you have the intervention of a court established first in 1978 under President Carter.

We have streamlined that. The language called ''reverse targeting'' was an amendment that I submitted into the Judiciary Committee that would avoid targeting an American without the intervention of a court, not a court for 6 days or 6 weeks, but an automatic intervention that is given to you within hours.

We have a system where the Attorney General now must, along with the Director of Intelligence, put in guidelines to be able to oversee what happens when an American is targeted. I

can ask any American whether or not that is a reasonable approach. If they study the question, I think they would understand that no intelligence and no opportunity to secure or to capture a terrorist has been intervened with while we have been having these debates, because we had the security of the bill that has been in place, the Protect America Act, for over a year.

Authorities still exist, even through the recess that we will take, to provide the intelligence community with any tools that they will need. But it is a sad state of affairs in America if we allow the terrorists to terrorize us and to, in essence, tear up the Constitution.

That is what we did today. We protected the Constitution, and we ensured that those who are concerned, the telecommunications company, many of them, we know their names, are, in fact, protected.

One, we protect them going forward. Two, we give them a cure for the litigation that is going on today, because we don't prohibit the review of top secret documents in camera. The cases that are going on now, those telecommunications companies will be protected because they will have the ability to review the evidence so that they can convince the court that they were operating within the law.

Going forward, we will get a certified letter from the Attorney General or the Director of Intelligence to say we need information from you. We will tell them that they are not breaking the law. We will also tell them that they will be in compliance with all laws. Out of that they will get absolute immunity to provide our Central Intelligence Agency and others the necessary information that we would have.

I think it is important that debate, sometimes looking as if they are accusatory, and one side looking like they have the upper hand, suggesting that we are in crisis, leaving in a recess, that America is unprotected, needs to be clarified. America will be protected. We do have authority in place that could provide the Central Intelligence or other national intelligence agencies any information that they need.

God knows after 9/11 all of us are committed to the war on terror, but we are all recognizing that a Constitution survives no matter what condition America is in. The Constitution survived the Civil War. It survived World War I. It survived World War II, the Vietnam War. It survived the Korean War, the Gulf War and now the Iraq war.

I would ask America, can we not secure ourselves and keep the civil liberties of Americans and the Constitution intact? Today, in voting for this bill, I proudly supported both concepts. I am grateful to be an American, grateful that we have a Constitution that always lives and never dies.

God bless the soldiers in Iraq and Afghanistan and on the front lines. I look forward to visiting with those soldiers in the next couple of days in Iraq.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

(Mr. WELLER of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RESTRICT EARMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I just want to say a few things about earmarks this week.

Yesterday was not a banner day for Congress. In the House, we approved a budget that had no restrictions on the contemporary practice of earmarking.

In the Senate, they turned down an amendment which would have placed a moratorium on earmarks. It went down bad. It went down 71–29.

There will come a day, and I think it will come soon, when we get rid of the contemporary practice of earmarking.

Now, many in the other body and in this body have tried to defend earmarking by saying that this is a constitutional prerogative, and somehow suggesting and even, some have said, that the Founding Fathers would be rolling over in their graves if they knew we were contemplating a moratorium on earmarks, as if to equate all Federal spending or Congress' power of the purse with earmarking.

There is a place for earmarking. There is a place for Congress to say to an administration, you are not adequately addressing this area; therefore, we are going to go through the process of authorization, appropriation, and oversight and tell you how we want money spent.

But that's not the contemporary practice of earmarking. The contemporary practice of earmarking is all about hiding your spending, not going through the process of authorization, appropriation and oversight, but rather to circumvent it. That's what it's all about.

When you have a bill that comes to the floor, as we did last year and the year before and the year before, several years with up to 2,500 or 3,000 earmarks in them placed just hours before the bill comes to the floor, that is not the appropriate role of Congress; that is not power of the purse that should be exercised.

That's an attempt to hide spending and to spend in a way that will benefit you politically. That is simply wrong, and I would suggest that the contemporary practice of earmarking, everybody knows it when they see it.

The difference between the proper use of an earmark and an improper use is whether or not you are attempting to hide funding, attempting to have funding slip through the cracks that nobody sees, rather than saying that we are going to authorize, then we are going to appropriate, and then we are going to have oversight.

Another myth that is often put forward is that we have to earmark because that's how we maintain control or oversight on the administration when, in truth, the contemporary practice of earmarking means that we do far less oversight. You can look at it empirically. Over the past decade, decade and a half, as we have seen a ramp-up in the area of earmarking, we have actually seen far fewer oversight hearings in the Appropriations Committee. Believe me, when you have 26,000 earmark requests a year for the Appropriations Committee in the House to deal with, you don't have time or resources or the inclination to do the proper oversight on the rest of the budget.

By earmarking, we are basically giving up our power of the purse. We are giving up our prerogative just to be able to earmark what amounts to about 1 percent of the Federal budget. We are effectively giving up control of the rest of the Federal budget. When you hear people say that we have to keep earmarking the way we are doing in order to control the Federal bureaucracy, that simply doesn't square with reality.

The contemporary practice of earmarking, as we have seen it over the past several years under Republicans and under Democrats, has been a way to hide spending for individual Members' benefits. It has led to corruption, it has led to scandal and will continue to do so until we end it.

I would encourage Members of the House and say that we are going to get

there soon enough. People across the country know that this is the wrong thing to do.

Senator MCCAIN made the statement yesterday that there is only one town in America that doesn't understand that this is wrong, and that town is Washington, DC. Everywhere else across the country, people understand that this is a practice that has to stop.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

(Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

25TH ANNIVERSARY OF PRESIDENT RONALD REAGAN'S STRATEGIC DEFENSE INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, this month will mark the 25th anniversary since President Ronald Reagan gave that landmark speech at the zenith of the Cold War proposing what became known as the Strategic Defense Initiative to protect the United States of America and her allies and her vital interests from ballistic nuclear missile attack.

In that speech he unveiled a vision for the research, development, and ultimate deployment of a defensive nonnuclear-layered missile defense system that would give us the means to intercept and destroy incoming strategic nuclear missiles and render the threat of a nuclear attack from the Soviet Union impotent and obsolete. President Ronald Reagan's speech marked the end of a chapter in American history when the policies of appeasement and accommodation formed the basis of our foreign policy and the concept of mutually assured destruction was the only viable solution to the Soviet threat.

The apathy that caused democracies to neglect their defense in the 1930s had resulted in the tragedy of World War II. President Reagan reminded the world that it must not allow a similar apathy or neglect to cause that dismal chapter in history to repeat itself.

Speaking with that gentle but confident persuasiveness that would set him apart as the Great Communicator, Ronald Reagan rejected the specter of mutual retaliation and stood alone among Washington bureaucracy in the belief that our security is based on the ability to meet all threats and that peace must be preserved through strength. He knew that developing this revolutionary capability of ballistic missile defense would not be easy or a short-lived task. He said, ''It will take years, perhaps decades of efforts on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs; and as we proceed, we must remain constant in preserving the nuclear deterrent and maintaining a solid capability for flexible response.''

It seems that every revolutionary idea or stride toward greater human freedom is marked first by resistance and ridicule. President Reagan's daring SDI proposition was no exception. Indeed, American intelligentsia berated the idea that America should abandon its complacency and embrace a policy towards Communism as clear and simple and unapologetic as what Ronald Reagan stated in four words: ''We win, they lose.''

But hundreds of millions of people now live in freedom because of his clarity and his courage. Less than 9 years after Ronald Reagan gave his Evil Empire and Strategic Defense Initiative speeches, marking the beginning of what would become the United States' ballistic missile defense program, the entire world stood in stunned wonder and witnessed the dissolution of the once unshakeable Soviet Union.

Today, under the vigilant and dedicated leadership of the Missile Defense Agency and the United States Armed Forces, ballistic missile defense technology has gone beyond development and testing. It is now operationally deployed by the United States and our allies in different parts of the world.

Only weeks ago, on February 21, 2008, President Ronald Reagan's vision, once labeled Star Wars by his deriding critics, was vindicated before the world when a Standard Missile-3 rocket fired from the USS Lake Erie intercepted a disabled satellite tumbling from space toward Earth at over 17,000 miles per hour.

The pivotal significance of Ronald Reagan's almost prophetic vision no longer can be tested. More than ever it is vital for this Congress to continue to advance his vision of a layered ballistic missile defense system capable of defending land, air, sea, and space against rapidly evolving missile threats in a now-multipolar world.

President Reagan knew that if America was to remain a shining city upon a hill, it must remain secure. If it was to remain secure, it must remain strong. He also knew that the costs for maintaining that strength would be great.

But in his SDI speech of 25 years ago, President Reagan himself asked the most important and salient question about America's national security. He said: ''Isn't it worth every investment necessary to free the world from the threat of nuclear war?''

His question is as relevant today as it was then. May we of this generation honor the legacy of President Ronald Reagan, whose courage and commitment to protect the peace and national security of America not only hastened the demise of the Soviet Empire but transformed our strategic defense policy and gave us the means to ensure that America remains the beacon of hope, strength, and human freedom in the world for generations to come.

□ 1500

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

(Mr. FORTENBERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes.

(Mr. SALI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. CHABOT) is recognized for 5 minutes.

(Mr. CHABOT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I need to begin today with an apology first. I need to apologize to my very good friend and chairman of our subcommittee on Armed Services, GENE TAYLOR, and I need to apologize to Ron O'Rourke and Eric Labbs who are testifying in a very important subcommittee hearing that I was not able to attend between the two series of votes this morning because I had orthostatic hypotension and I could not maintain a standing hydrostatic column. What that means, Mr. Speaker, if I stood up too long I would faint because I was suffering through flu. So I want to apologize to Congressman TAYLOR and Ron O'Rourke and Eric Labbs and assure them that I was, indeed, sick. I was in the attending physician's office, and I want to thank the attending physician and his assistants there. They really do take good care of us.

I guess I ought to thank my parents, too, for the good genes they gave me because the recuperative powers of the human body are just amazing. Because of the great genes I got from my parents, I am really blessed to have more recuperative power than the average person, for which I am very thankful.

I wouldn't be here except, for me, this is a very important day. I think it is a very important day for the country and the world. You see, 2 months from today will be the 51st anniversary of what I think will be regarded very shortly as the most insightful speech given in the last century. This was a speech given by Hyman Rickover to a group of physicians in St. Paul, Minnesota.

I will have a quote or two from his speech in our little discussion today, and I encourage you to do a Google search for Hyman Rickover and energy and it will pop up, and I think you will agree it is the most prophetic, insightful speech you have read.

Mr. Speaker, I think this is probably the 40th time I have come here, because this is the third anniversary of the first time I came here, which was on March 14, exactly 3 years ago. Between then and now, I was very privileged to have the widow of Hyman Rickover join me. She sat in the gallery up there where I, for an hour, read from her husband's speech and commented on it because it was a very historic speech.

Well, this is a very special day for me today because I have a very good friend, Kjell Aleklett. He is from the Uppsala University in Sweden, and he is the president of ASPO, the Association for the Study of Peak Oil. They have been around for a long time, and if the world had been listening to them, we would not have $110 oil today. And I think you will agree with me as we go through the charts, that would be correct. He sits in the gallery, and thank you, sir, very much for joining us.

The first chart I have is a chart that I have used every one of the 40 times that I have been to the floor. I just wanted to start with this chart because apparently a lot of people have trouble understanding it. I just don't know what is hard to understand about this chart. This seems to me to be a very simple chart.

You need to go back to 1956 to kind of set this in context. In 1956 on the 8th day of March, just a few days ago was that anniversary, a speech was given that I think will be the most important speech given in the last century of Hyman Rickover. It was very insightful. I think the speech given to M. King Hubbert to those assembled oil engineers and oil company people in San Antonio, Texas, will be judged to be the most important speech given in the last century.

At that time, the United States was king of oil. We were producing, using, and exporting more oil than anybody in the world. In that climate, M. King Hubbert got up and told the assembled experts there that in just about 14 years, no matter what they did, the United States would reach its maximum production of oil. And after that, there was going to be less and less and less, no matter what they did.

Here is a chart which shows that, and I don't know what is so hard to understand about this chart. It has been out there for a very long time. The data has been out for a very long time. You could have constructed this chart very easily many years ago.

What M. King Hubbert predicted was that the lower 48 States, the rest of the United States plus Texas, and Texas was pretty big, that they would peak in 1970, and after that, no matter what we did, the production would fall off. Indeed it did. Now, we found a lot of oil in Alaska and we found a fair amount of oil in the Gulf of Mexico. Those fabled discoveries in the Gulf of Mexico hardly made a blip in the slide down the other side of Hubbert's peak. I have been to Alaska to the beginning of that 4-foot pipeline through which, for a number of years, 25 percent of our domestic production of oil flowed. And that made a little blip in the downward slide on the other side of Hubbert's peak, but it didn't reverse the slide except for momentarily.

Now, the reason I ask what is so hard to understand about this chart is that the same man who predicted this in 1979, I believe, predicted that the world would be peaking in oil production about now. I think the obvious question that any rational person would ask themselves is: If M. King Hubbert was right about the United States, which certainly has to be a microcosm of the world, why shouldn't he be right about the world? If, in fact, by 1980 it was very clear that he was right, that we have peaked in 1970, that was 28 years ago, shouldn't the United States and the world have been doing something about the inevitability that the world would probably follow this same kind of a pattern, that the world would reach its maximum production of oil, and no matter what they did after that, it would tail off.

Let me tell you what we did in our country to try to make M. King Hubbert a liar. That is not why they did it, but that is the effect of it. We have drilled more oil wells in our country than all of the rest of the world put together. In spite of having 530,000 producing oil wells, today we produce a bit more than half the oil that we produced in 1970, in spite of the fact that we have large amounts of oil from natural gas liquids, from oil from Alaska, and from oil from the Gulf of Mexico.

I have used this chart 40 times here, and what is so hard to understand about this chart?

In 1956, we were here, and he predicted in 1970 we would be here. And then he predicted, in spite of enhanced oil recovery, in spite of the best discovery techniques and modeling in the world, in spite of drilling more oil wells than the rest of the world put together, we are still producing in the lower 48 way less than half of the oil than we produced in 1970. What is so hard to understand about this?

And the same man who predicted that predicted that the world would be peaking in oil production about now. Well, you know, it is hard for me to understand why with this knowledge that the world wouldn't have said, gee, we really ought to be doing something because this oil is not going to last forever.

Mr. Speaker, it was probably 40 years ago, maybe it is because of the scientist in me, that I started asking myself that question. I looked around the world and there was rock and stones and trees and grass, and I said, you know, oil has to be finite. There has to be a finite amount, and how much is there. And when should I start being concerned about the amount of oil that is there. Is it a year, 10 years, 100 years? Maybe it is a thousand years. But at some point I knew we would be where we are today.

Again, Mr. Speaker, what is so hard to understand about this chart? And why has there been denial worldwide, just forget it, don't think about it, ignore it? Ignoring it won't make it go away.

The next chart is a statement by Condoleezza Rice, and this comment was mirrored in the President's State of the Union. ''We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word 'warping' diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.'' That was April 5, 2006, about 2 years ago. What have we done since then? This was a recognition of a real problem.

If you look at what this Congress has done in the last 2 years, what this administration has done in the last 2 years, what the world has done in the last 2 years, what have we done in response to this recognition by the Secretary of State that this is a huge problem?

Well, one country has been doing something. China has been doing something. China has been going all over the world, and you can see by the symbol here for China, they have been going all over the world. They wanted one in the United States. They almost bought Unocal. Remember the furor over that. I wasn't that disturbed because the reality is in today's world, it doesn't make any difference who owns the oil because almost all of the oil is owned by countries, most of them, but he who comes with the dollars gets the oil. So whether they own Unocal I didn't think made all that much difference, but symbolically it made a difference. And fortunately, they didn't buy it.

The next chart is a really interesting one. I guess if there were only two charts to look at, this would be one of them. And several charts from now I will point to the second one that I think is the most instructive. These are the two most instructive charts that I have seen.

This is what the world would look like if the size of the country were relative to how much oil reserves the country had. That is a different looking world, isn't it.

Here is our hemisphere over here, kind of an anemic hemisphere. Venezuela has way more than half of all of the oil in all of our hemisphere. But look at where most of the oil is. The land mass of Saudi Arabia would be 22 percent of the land mass of the world if the size of Saudi Arabia was relative to the amount of oil that it held.

Look at little Kuwait. You look at Iraq, way down to the east is what looks like it ought to be a province of Iraq, and that is what Saddam Hussein tried to do in the Gulf War. They have the second, third, or fourth depending on what you believe about the numbers they give us for their reserves. Iraq is huge. And Iran is big. The little United Arab Emirates, you almost have to have a magnifying glass to find them on the globe, but they have quite a bit of oil there.

Look at where we are over here. We have only 2 percent of the known reserves of oil, and we get most of our oil from Canada and Mexico. Notice that Canada and Mexico, each of them has even less oil than we have.

□ 1515

So how come we're getting oil from Canada and Mexico? Well, there aren't very many people in Canada so they can ship us surplus oil. And although there are a lot of people in Mexico, they're too poor, most of them, to use much oil, so they can ship oil to us.

But notice how Venezuela just dominates the map here in our hemisphere. Look at Russia there. They're really a huge country. They go through 11 time zones, they go nearly halfway around the world. They're not so big relative to oil as they are relative to actual land mass, but they're still a pretty big country. They're a major shipper. Russia has many fewer people than we, and they still are not using near as much oil per person as we, so they are in the happy circumstance of being able to be a major shipper of oil.

What I really want you to look at for a moment here is China and India. Together, they have, what, about as much oil as we, which is 2 percent of the known reserves. China has 1.3 billion people. India has, I guess, a bit more than a billion people now. So between them they have, what, about a third of the world's population and 2 percent of the world's oil.

And China's doing something about that by going about and buying reserves all over the world. Why would they do that? Since in today's world, it doesn't make any difference who owns the oil, he who comes with the dollars, buys the oil. It's impossible to get inside their head to know why they're doing this, but one might note that simultaneously with buying up all this oil, they're doing two things: one is, they're pleading for international cooperation.

I led a codel of nine Members to China a year ago this last Christmas/New Year's break. And we had a chance to spend several days with the Chinese talking about energy. And they began their discussion of energy by talking about post-oil. You know, it's hard for us in this country to think much beyond the next quarterly report if you're in business, or much beyond the next election if you're in Congress. But the Chinese are thinking generations and centuries ahead, and there will be a post-oil world. And they have a five point plan. It ought to be the world's five point plan.

The first point in this plan is conservation. With oil at $110 a barrel, we have run out of excess oil to invest in alternatives, and we've run out of time. And you could free up some oil and buy some time if you had a really aggressive, worldwide conservation effort.

Their second and third points were, get energy from alternatives, and as many of those as you can from your own country.

The fourth one is one that may surprise you, and that is, be kind to the environment while you do that because now they're the world's biggest polluter and they know that. But they have 1.3 billion people. They have 900,000 people in what they call rural areas, which, through the miracle of information technology, know how the rest of the world lives, and they are clamoring for the benefits of the industrialized society. And I think that China is concerned that if they're not able to provide those benefits, that their empire may unravel the way the Soviet Empire unraveled.

The fifth point in that five-point plan is a really significant one, international cooperation. They know that if only one country does it, that you really could have kind of a Jevons paradox, that is, the harder you work the worse it gets.

Let me give you an example from our country. I suppose that we, alone, I don't think that we have any alternative, Mr. Speaker, we use a fourth of the world's oil. We're a fourth of the world's economy. We are a role model. We're a leader, whether we like it or not, and people are watching us.

But suppose that we decided that what we were going to do was to have an aggressive conservation program. What that would do is to drop the price of oil and gas and coal because energy is fungible and those prices will move somewhat together. And then that would make oil even cheaper for the Chinese who are already aggressively competing with us economically and militarily. So it would make them easier to compete with us economically and militarily. So maybe from a national security perspective one might argue that, gee, let's pig it all up as soon as possible so there won't be any for the Chinese or anybody else. Of course that's a grossly irresponsible, irrational response.

But this points out Jevons paradox, that our unique local situation could in fact be made worse if we didn't seek the cooperation of the world, and if we unilaterally, and I don't think we have any choice, Mr. Speaker, because we are a world leader, and the world is headed for some really rough bumps if we don't do something. So I think that we've got to move and hope that the world will follow. But if the world didn't follow, it would simply make more oil available at cheaper prices to our adversaries, both economic and military adversaries. This is known as Jevons paradox; the harder you work the worse the problem gets.

Well, this is one thing that China is doing is pleading for international cooperation. But at the same time they do that, and I can't get inside their head to know why they're building, very aggressively building a blue water navy, but one might suspect that if you had all that oil around the world and you envisioned that a time might come when you would have to say, gee guys, I'm sorry, but we have 1.3 billion people and the oil is ours and we can no longer share it, the only way to make that happen is to have a blue water navy big enough to protect the sea lanes. At the moment we have the only blue water navy that's large enough to do that.

The next chart is one that inspired, oh, maybe nearly 3 years ago now, 30 of our prominent Americans. Jim Woolsey and McFarlane and Boyden Gray and 27 others, retired admirals and generals, sent a letter to the President saying, Mr. President, the fact that we have only 2 percent of the reserves of oil in the world and we use 25 percent of the world's oil, and we import almost two-thirds of what we use is really a totally unacceptable national security risk. We've really got to do something about that. That is true, of course. That is a totally unacceptable national security risk. And the President has mentioned that risk in his State of the Union messages. That recognition, in my view, has not been followed by appropriate actions on either the part of the administration or of the Congress.

A couple of other interesting numbers here. We really represent less than 5 percent of the world's population. We are one person in 22 in the world, and we use a fourth of the world's energy, and that statistic is not lost on the rest of the world. As oil becomes critically short, and the prices rise, they will be looking more and more at this relatively little land mass across the Atlantic and Pacific that's using a fourth of all of the world's energy.

This 8 percent is really interesting. We have only 2 percent of the world's reserves, and I mentioned that we had 530,000 functioning oil-producing oil wells, so we are pumping our oil down about four times faster than the average in the world.

This group of people, and they're a sizeable number of them and I commend them, who are really concerned about the price of oil and peak oil and

its availability and who has the oil and who uses the oil, these people are concerned about our national security. And their solution to that problem, of course, is to use less fossil fuels and move to other sources of energy, like nuclear and wind and solar. These are all electric, by the way, and liquid fuels are going to be the real challenge. And there it really is a challenge. There is no silver bullet. It's going to be a little of this and a little of that.

And at the end of the day, I was privileged to spend a week in South America with the chairman of our Agriculture Committee. And he believes at the end of the day that the world will be able to produce about a third as much liquid fuels as we are now using, and I will tell you that that's probably okay. I think that we could live very comfortably with a third of the liquid fuels that we now have with appropriate conservation and efficiency. So this is one group that has common cause with those of us who are concerned that the oil just isn't going to be there.

There's a second group that has a common cause that I wanted to mention because what I think these three groups ought to do is stop criticizing each other's premise and simply lock arms and march on because all three want to do exactly the same thing. They want to move away from fossil fuels to alternatives.

This third group are those that believe that our excessive use of fossil fuels and releasing the CO_2 that was bound there in these ancient subtropical seas a very long time ago that produced our oil and gas, and it wasn't seas, but the furnace and stuff that produce the coal. They are now releasing that CO_2, and this is a greenhouse gas and it's trapping the infrared radiations that come back from the Earth after the broad number of bandwidth that come in from the sun heats up the Earth and it radiates back just in the infrared, and these are called greenhouse gases because they do for our world what the glass in the greenhouse does for the greenhouse temperature or the glass in your car does for your car which may be 140 degrees on an 80-degree day this summer when you open the door.

Now, what the climate change global warming group wants to do is exactly the same thing. Their solution is the same solution as those who are concerned about national security and those who are concerned about the fact that it just isn't going to be there. They want to use less fossil fuels and move to renewables.

And the question I ask is, Mr. Speaker, why do we criticize each other's premise? Since we all have a similar path to achieving our goal, why don't we just lock arms and expend our energies addressing the challenge by moving away from fossil fuels to sustainable renewables?

The next chart, I wish this could go back the 8,000 years that Hyman Rickover referred to, but it goes back only about 400 years. But it wouldn't matter because if you extend it this way, it's going to be the same. The amount of energy used by mankind is going to be so small that it hardly shows above the baseline. This shows the revolution, the Industrial Revolution. The brown line is wood, the black line, appropriately, is coal, and the red is gas and oil. Wow, look what happened. When we found gas and oil and we learned how to use the incredible amounts and quality of energy and gas and oil, the use of energy just exploded. And with it, by the way, the world's population. If I had a population graph, it follows that same curve. It goes from a half a billion or so down here to roughly, what, 7 billion now, approaching 7 billion people in the world.

Notice what happened in about the 1970s there. And notice the amount of trouble we would have been in if that hadn't happened. We had the embargo-inspired oil price spike heights in the 1970s and there was a worldwide recession. And notice the dip in gas and oil consumption. And then when we recovered from that recession, the slope, and that will show up better on some future graphs where the abscissa is spread out, the slope is very much less than it is here.

The slope there, if we'd continued on that slope today, we would be above the chart there, wouldn't we? The statistics there were just stunning. Every decade the Earth used as much oil as had been used in all of previous history. What that meant, of course, was that had we continued on that path, and we'd used half of all the oil that we could ever recover, we would have had 10 years remaining.

Hyman Rickover, in his speech, and in just a moment I'll have a quote from that speech. I just want to note something here before we put his quote up. He recognized that there would be an age of oil. That age of oil started back here, what, in the late 1800s. They were about 100 years into the age of oil and gas and coal because you can move this back a little bit for fossil fuel energy, about 100 years into the fossil fuel era because oil and gas have so dominated that you could refer to it as the age of oil. And he noted that there would be an age of oil like there was a stone age.

Now, I know the cute remark is the stone age didn't end because they ran out of stone; and, therefore, the age of oil won't end because we ran out of oil. That gets a smile and an applause line. But I think if you believe that we can just go through business as usual and we're going to come out okay, that you probably also believe that you'll solve your personal economic problems by winning the lottery, because I think the odds of that happening are about the same.

□ 1530

Well, this is the first part of the age of oil. As you will see from M. King Hubbert's predictions, the other side of this should be a mirror and come down like this so we know pretty much how long the age of oil will be. We are about 150 years into this Golden Age, and in another 150, it will be gone.

Now, the quote from Hyman Rickover. This is his speech given the 14th day of May, 1957, to a group of physicians in St. Paul, Minnesota: There is nothing man can do to rebuild exhausted fossil fuel reserves that were created by solar energy 500 million years ago and took eons to grow to their present volume. In the face of the basic fact that fossil fuels are finite, the exact length of time these reserves will last is important in only one respect: the longer they last, the more time we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Fossil fuels resemble capital in the bank. I love this statement. It so correctly describes the collective attitude of the world. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living, or wanton drilling and consumption of oil might be substituted there, and care not one wit how his offspring will fare.

I have 10 kids, 16 grandkids, and 2 great-grandkids. We are going to bequeath them a horrendous debt, not with my votes if you will check the record, but they're going to get the debt anyway.

I tell those who would like me to vote to drill in ANWR and offshore that wouldn't it be nice if I left them a little oil. By the way, I will vote to drill there when I have a commitment that they're going to use all of the energy and the money that they get from pumping those reserves to develop alternatives.

The next chart, and this may be my last chart because the hydrostatic column that I mentioned I had difficulty maintaining is giving me some problems. This is the second one. There were two charts that were very insightful, and this is the second of those charts. This shows the discoveries, and notice that those discoveries occurred a while ago.

Here we are over here. Huge discoveries behind us, very few currently in spite of lots of money spent, lots of drilling and so forth.

This solid black curve is the same curve we saw before. This is the use of energy. A system was compressed and the ordinate expanded, and here's a very sharp curve. Here is the recovery with much more efficiency after that recession in the 1970s as the result of the Arab oil embargo.

Now, where will we go from here? Unless we find a lot more oil, we have these reserves that we can pump in the future. If we pump them very aggressively and bleed them down quickly, we may get more for the moment and less

for the future. And you can vary the slide down the other side of the world's Hubbert's peak there by some of the things you do with aggressive drilling and enhanced oil recovery. But remember, you cannot pump what you have not found.

I want to look at one more chart, and then I will have to yield back my time.

I have been saying for 3 years now that we were about to reach peak oil, and I started saying that back here 3 years ago. And at just about that time, the two big agencies in the world that track the use of oil have found that it's flat. One is the IEA, the International Energy Agency. This is a group that tracks what is happening in Iran, among other things. The other is the EIA, the Energy Information Administration, a part of the Department of Energy. Both of those have the production of oil flat for about the last 3 years. And while that's been flat, the price of oil has gone up, as it should with a flat production, and increased demand has gone up from $55 a barrel to $110 a barrel. You can see that spike here.

Mr. Speaker, I'm very sorry that the flu and its effect on my ability to maintain a hydrostatic column means that I am going to have to yield back my time and sit down.

But I want to reemphasize how important this subject is. There is a solution, by the way. That solution will require the total commitment of World War II, the technology focus of putting a man on the Moon, and the urgency of the Manhattan Project.

I'm excited about this. It's exhilarating. It's a huge challenge. There's no exhilaration like the exhilaration of overcoming a huge challenge.

Mr. Speaker, at this time, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for March 13 and the balance of the week on account of official business in district.

Mr. BOUSTANY (at the request of Mr. BOEHNER) for March 13 and the balance of the week on account of a funeral.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for March 13 after 1:30 p.m. and the balance of the week on account of personal reasons.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGOVERN) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. SALI, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, pursuant to House Concurrent Resolution 316, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p.m.), the House adjourned until Monday, March 31, 2008, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Steve Chabot, Ben Chandler, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. ''Hank'' Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. ''Randy'' Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. ''Buck'' McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita

Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. ''Bobby'' Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5720. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Blanca, Colorado) [MB Docket No. 07-165 RM-11371] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5721. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Susanville, California) [MB Docket No. 07-221 RM-11402] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5722. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Pension Protection Act Changes [Notice 2008-30] received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5723. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 4371.-Imposition of Tax 26 CFR: 4371 (Also: 4372, 4373, and 4374) (Rev. Rul. 2008-15) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5724. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Voluntary Compliance Initiative Covering Policies of Insurance and Reinsurance Issued by Foreign Insurers and Foreign Reinsurers. [Announcement 2008-18] received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5725. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Films Under Section 199 [TD 9384] (RIN: 1545-BG33) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5726. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Amendment of Matching Rule for Certain Gains on Member Stock [TD 9383] (RIN: 1545-BH21) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5727. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts [TD 9385] (RIN: 1545-BG65) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5577. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes (Rept. 110–550 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than April 11, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. SCHMIDT (for herself and Mr. OBERSTAR):

H.R. 5640. A bill to authorize the Secretary of Health and Human Services to provide services for birthparents who have placed a child for adoption, and for other purposes; to the Committee on Education and Labor.

By Mr. MCCOTTER (for himself and Mr. PAUL):

H.R. 5641. A bill to amend the Internal Revenue Code of 1986 to permit hardship loans from certain individual retirement plans; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. CANTOR, Mr. GOODLATTE, and Mr. FEENEY):

H.R. 5642. A bill to increase the numerical limitation with respect to H-1B nonimmigrants for fiscal years 2008 and 2009; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. BURTON of Indiana, Mr. CARNAHAN, Ms. GIFFORDS, Mr. DOYLE, Mr. DAVIS of Illinois, and Ms. BORDALLO):

H.R. 5643. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. SHUSTER, Mr. COSTA, Mr. SALAZAR, Mr. BACHUS, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Ms. FALLIN, Mr. GERLACH, Mr. GRAVES, Mr. LOBIONDO, Mr. MACK, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mr. PLATTS, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 5644. A bill to provide for competitive development and operation of high-speed rail corridor projects; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTA, Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. AL GREEN of Texas, Mr. MCDERMOTT, and Ms. CLARKE):

H.R. 5645. A bill to exclude assistance payments under certain post-foster care guardianship assistance programs from consideration as income for purposes of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. ENGLISH of Pennsylvania, Mr. HENSARLING, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. KING of Iowa, Ms. FALLIN, Mr. MILLER of Florida, Mr. DAVID DAVIS of Tennessee, Mrs. MUSGRAVE, Mr. GINGREY, Mr. GOODE, and Mr. GARRETT of New Jersey):

H.R. 5646. A bill to protect the second amendment rights of individuals to carry firearms and ammunition in units of the National Park System and the National Wildlife Refuge System and to require that hunting activities be a land use in all management plans for Federal land to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed; to the Committee on Natural Resources.

By Mr. EMANUEL:

H.R. 5647. A bill to provide public charter school options for those students that attend schools that are in need of improvement and have been identified for restructuring and those schools with a graduation rate of less than 60 percent, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and

Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mr. SALAZAR, Mr. SALI, and Mr. BACA):

H.R. 5648. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a Federal wildland fire emergency suppression fund to facilitate accountable fire suppression activities by the Secretary of Agriculture and the Secretary of the Interior to unanticipated large fire events, to encourage enhanced management efficiencies and cost controls of wildland fire suppression, and to reduce the risk of catastrophic wildfire to communities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 5649. A bill to establish the Home Owners' Loan Corporation to provide emergency home mortgage relief; to the Committee on Financial Services.

By Mr. MILLER of Florida:

H.R. 5650. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to limit the repair, restoration, reconstruction, or replacement of certain property and to discontinue large in-lieu contributions; to the Committee on Transportation and Infrastructure.

By Mr. MITCHELL:

H.R. 5651. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 5652. A bill to direct the United States Sentencing Commission to make certain changes in the Sentencing Guidelines as they affect certain human trafficking offenses; to the Committee on the Judiciary.

By Mr. PEARCE (for himself, Mr. UDALL of New Mexico, and Mrs. WILSON of New Mexico):

H.R. 5653. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus, and parts thereof, for use in the construction of an isotopic separation facility in southern New Mexico; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. ELLISON, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. COHEN, Mr. LEWIS of Georgia, Ms. WATSON, Mrs. CAPPS, Ms. BALDWIN, Ms. HARMAN, Mr. CLAY, Ms. CLARKE, Mr. RUPPERSBERGER, Mr. LARSON of Connecticut, Ms. DELAURO, and Mr. HASTINGS of Florida):

H.R. 5654. A bill to authorize a program to provide grants to youth-serving organizations that carry out child-parent visitation programs for children with incarcerated parents; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 5655. A bill to amend the Internal Revenue Code of 1986 to expand and improve the dependent care tax credit; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. BERMAN, and Ms. ROS-LEHTINEN):

H. Con. Res. 317. Concurrent resolution condemning the Burmese regime's undemocratic constitution and scheduled referendum; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Mr. SMITH of New Jersey, Ms. JACKSON-LEE of Texas, Mr. SHAYS, Mr. BLUMENAUER, and Mr. GRIJALVA):

H. Con. Res. 318. Concurrent resolution supporting the goals and ideals of the International Year of Sanitation; to the Committee on Foreign Affairs.

By Mr. WEXLER:

H. Con. Res. 319. Concurrent resolution recognizing March 19, 2008, as the fifth anniversary of the Iraq war and urging President George W. Bush to begin an immediate and safe redeployment of United States Armed Forces from Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. WOLF, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. CANTOR, Mr. FORBES, Mrs. DRAKE, and Mr. WITTMAN of Virginia):

H. Res. 1051. A resolution congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States; to the Committee on Education and Labor.

By Ms. BEAN (for herself, Mr. CHABOT, and Mr. BURTON of Indiana):

H. Res. 1052. A resolution recognizing the importance of the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself and Mr. POE):

H. Res. 1053. A resolution supporting the mission and goals of National Crime Victims' Rights week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States; to the Committee on the Judiciary.

By Mrs. DAVIS of California (for herself, Ms. FALLIN, Ms. LORETTA SANCHEZ of California, Ms. HARMAN, Mrs. CAPPS, Ms. NORTON, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Ms. WASSERMAN SCHULTZ, Ms. BORDALLO, Mrs. WILSON of New Mexico, Ms. GINNY BROWN-WAITE of Florida, Mrs. TAUSCHER, Mrs. MUSGRAVE, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Ms. SHEA-PORTER, Mr. SNYDER, Mr. LOBIONDO, Ms. TSONGAS, Mr. LOEBSACK, Ms. DELAURO, Ms. MATSUI, Ms. GIFFORDS, Ms. CASTOR, Mrs. DRAKE, and Mrs. MCMORRIS RODGERS):

H. Res. 1054. A resolution honoring the service and achievements of women in the Armed Forces and female veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Ms. SLAUGHTER, Mr. RANGEL, Mr. MEEKS of New York, Ms. SOLIS, and Mr. BUTTERFIELD):

H. Res. 1055. A resolution recognizing the enduring value of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as a cornerstone of global efforts to combat racial discrimination and uphold human rights, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY (for herself, Mr. MCCAUL of Texas, Mr. MATHESON, Mr. MCGOVERN, Ms. SOLIS, Mr. COURTNEY, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. LOEBSACK, Mr. MITCHELL, Mr. HOLT, Mr. WU, Mr. BLUMENAUER, Mr. HONDA, Mr. INSLEE, and Mr. LIPINSKI):

H. Res. 1056. A resolution expressing support for designation of April 28, 2008, as ''National Healthy Schools Day''; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. MARSHALL, Mr. BRADY of Texas, Mr. KING of Iowa, Mrs. CUBIN, Mr. GOODE, Mr. FEENEY, Mr. BROUN of Georgia, Mrs. DRAKE, Mr. KLINE of Minnesota, Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. KINGSTON, and Mr. WILSON of South Carolina):

H. Res. 1057. A resolution commemorating the 25th anniversary of President Ronald Reagan's Strategic Defense Initiative speech; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS:

H. Res. 1058. A resolution supporting the designation of Destination ImagiNation Week; to the Committee on Oversight and Government Reform.

By Mr. WALBERG (for himself and Mr. ROGERS of Michigan):

H. Res. 1059. A resolution congratulating the Adrian College Bulldogs men's hockey team for winning the Midwest Collegiate Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in Division III history; to the Committee on Education and Labor.

By Mr. WEINER:

H. Res. 1060. A resolution expressing condolences to the families of the eight people killed and nine people wounded in the library of the Mercaz Harav Yeshiva in Jerusalem's Kiryat Moshe quarter on March 6, 2008; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. MORAN of Virginia.

H.R. 406: Mr. BARRETT of South Carolina, Mr. BONNER, Mr. EVERETT, Mr. NUNES, Mr. SHADEGG, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. CROWLEY, Mr. JACKSON of Illinois, Mr. BUTTERFIELD, Ms. CLARKE, Ms. DEGETTE, Mr. DOYLE, Mr. EDWARDS, Mr. EMANUEL, Mr. HALL of New York, Mr. HOLDEN, Mr. HOYER, Ms. KAPTUR, Mr. KIND, Mr. Carson, Mrs. LOWEY, Mr. MCNERNEY, Mr. MURTHA, Mr. OBEY, Mr. SARBANES, Mr. SCHIFF, Mr. HULSHOF, Mr. DANIEL E. LUNGREN of California, and Mr. UPTON.

H.R. 503: Mr. WITTMAN of Virginia.

H.R. 530: Mr. CONYERS.

H.R. 552: Ms. DELAURO.
H.R. 579: Mr. WAMP and Mr. BOOZMAN.
H.R. 715: Mr. GENE GREEN of Texas and Mr. HOLDEN.
H.R. 917: Mr. PLATTS.
H.R. 948: Mr. TIERNEY.
H.R. 1050: Mr. FILNER and Mr. CARNAHAN.
H.R. 1188: Mr. HOLDEN, Mr. GENE GREEN of Texas, and Mr. GORDON.
H.R. 1197: Mr. FEENEY.
H.R. 1223: Mr. WAMP.
H.R. 1256: Mr. ROTHMAN, Mr. FRANK of Massachusetts, and Mr. VAN HOLLEN.
H.R. 1264: Mr. CAMPBELL of California.
H.R. 1282: Ms. CLARKE.
H.R. 1295: Mr. SALI and Mr. CAMP of Michigan.
H.R. 1343: Ms. MOORE of Wisconsin.
H.R. 1419: Mr. LATHAM and Mr. ALTMIRE.
H.R. 1430: Mr. MARSHALL.
H.R. 1461: Mr. TIERNEY.
H.R. 1537: Mr. CUMMINGS.
H.R. 1553: Ms. MCCOLLUM of Minnesota.
H.R. 1584: Mr. SESTAK, Mr. MARIO DIAZ-BALART of Florida, Mr. RAHALL, Mr. NADLER, Mr. RUSH, and Mrs. DRAKE.
H.R. 1609: Mr. FRELINGHUYSEN.
H.R. 1610: Mr. MACK, Ms. FOXX, Mrs. MYRICK, and Mr. SMITH of New Jersey.
H.R. 1621: Mr. JEFFERSON, and Mr. BISHOP of New York.
H.R. 1629: Mr. HOLDEN, Mr. BROWN of South Carolina, Mr. ROSS, Mr. MATHESON, Mr. MILLER of North Carolina, Mr. ARCURI, Mr. MCNULTY, Mr. KAGEN, and Mr. GERLACH.
H.R. 1755: Mr. HINCHEY.
H.R. 1843: Mr. KENNEDY and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1921: Mr. WATT.
H.R. 1992: Mr. WAXMAN and Mr. LANGEVIN.
H.R. 2046: Mr. BISHOP of New York.
H.R. 2132: Mr. BRALEY of Iowa.
H.R. 2331: Mr. WU, Ms. HERSETH SANDLIN and Mr. YOUNG of Alaska.
H.R. 2352: Mr. MORAN of Virginia.
H.R. 2370: Mr. BLUNT and Mr. HOLDEN.
H.R. 2371: Mr. HOLDEN, Mr. ALLEN, and Mr. CLAY.
H.R. 2652: Mr. TERRY.
H.R. 2734: Mr. BROWN of South Carolina and Mr. CANNON.
H.R. 2744: Mr. DELAHUNT and Mr. LOEBSACK.
H.R. 2805: Mr. GERLACH, Mr. SIRES, Mr. PASTOR, and Ms. SOLIS.
H.R. 2898: Mr. MCCOTTER.
H.R. 3010: Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mrs. LOWEY, Mr. SMITH of Washington, Mr. CHANDLER, and Mr. VAN HOLLEN.
H.R. 3089: Mr. LINDER.
H.R. 3094: Mr. DOGGETT.
H.R. 3186: Mr. GORDON.
H.R. 3289: Mr. COURTNEY, Mr. KILDEE, Mr. ALTMIRE, Mr. YARMUTH, and Ms. CLARKE.
H.R. 3347: Mr. TIERNEY.
H.R. 3363: Ms. BALDWIN and Mr. TIBERI.
H.R. 3430: Ms. LEE and Mr. SALAZAR.
H.R. 3453: Mr. ELLISON.
H.R. 3533: Mr. SHIMKUS and Mr. MACK.
H.R. 3609: Ms. DELAURO and Ms. MCCOLLUM of Minnesota.
H.R. 3654: Mr. LAMPSON.
H.R. 3658: Mr. BURTON of Indiana.
H.R. 3750: Mr. MILLER of North Carolina.
H.R. 3807: Mr. BAIRD.
H.R. 3817: Mrs. EMERSON.
H.R. 3834: Mr. MCNERNEY and Mr. LATHAM.
H.R. 3892: Mr. VAN HOLLEN.
H.R. 3934: Mr. TIBERI, Mr. PASTOR, and Mr. DAVIS of Kentucky.
H.R. 3995: Ms. MATSUI.
H.R. 4066: Mr. SHULER and Mr. GRIJALVA.
H.R. 4088: Mrs. WILSON of New Mexico.
H.R. 4206: Mr. BOUCHER.
H.R. 4236: Mr. OLVER, Mr. BOSWELL, and Mr. MURPHY of Connecticut.
H.R. 4266: Ms. ESHOO.
H.R. 4348: Mr. CANTOR.
H.R. 4416: Mr. JONES of North Carolina.
H.R. 4417: Mr. JONES of North Carolina.
H.R. 4418: Mr. JONES of North Carolina.
H.R. 4433: Mr. JONES of North Carolina.
H.R. 4434: Mr. JONES of North Carolina.
H.R. 4435: Mr. JONES of North Carolina.
H.R. 4436: Mr. JONES of North Carolina.
H.R. 4439: Mr. JONES of North Carolina.
H.R. 4440: Mr. JONES of North Carolina.
H.R. 4688: Ms. BORDALLO, Mr. PETERSON of Minnesota, Mr. ACKERMAN, Mr. HONDA, and Mr. ENGLISH of Pennsylvania.
H.R. 4879: Mrs. MUSGRAVE and Ms. GRANGER.
H.R. 4900: Mr. GRAVES, Mr. WITTMAN of Virginia, Mr. BURGESS, Ms. PRYCE of Ohio, Mr. HENSARLING, Mr. HOEKSTRA, Mr. MCHENRY, Mrs. WILSON of New Mexico, Mr. MELANCON, Mr. ALEXANDER, Mr. SAM JOHNSON of Texas, Mr. HAYES, Mr. JORDAN, and Mr. DINGELL.
H.R. 4930: Mr. LYNCH.
H.R. 5031: Mr. GARY G. MILLER of California.
H.R. 5157: Ms. KILPATRICK.
H.R. 5167: Mr. DAVIS of Illinois.
H.R. 5173: Mr. GENE GREEN of Texas.
H.R. 5176: Mr. WEXLER, Ms. CLARKE, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5180: Mr. JONES of North Carolina.
H.R. 5232: Mr. BARTON of Texas.
H.R. 5236: Mr. GOODE.
H.R. 5265: Mr. TOM DAVIS of Virginia, Mr. PRICE of North Carolina, Mr. SAM JOHNSON of Texas, Mr. SHAYS, and Mr. HALL of Texas.
H.R. 5268: Mr. TOWNS, and Mr. WILSON of Ohio.
H.R. 5315: Mr. HALL of New York, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, and Mr. HARE.
H.R. 5440: Mr. BILIRAKIS.
H.R. 5443: Mr. COURTNEY, Mr. SNYDER, and Mr. GONZALEZ.
H.R. 5450: Mr. YOUNG of Florida, Mr. SCHIFF, Mr. PRICE of Georgia, Mr. SHADEGG, Mr. SALI, Mr. BILBRAY, Mr. KING of Iowa, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mrs. BACHMANN, Mr. POE, Mr. GINGREY, Mr. ROGERS of Michigan, Mr. BURTON of Indiana, and Mr. YOUNG of Alaska.
H.R. 5465: Mr. CARNAHAN.
H.R. 5468: Mr. ENGLISH of Pennsylvania and Ms. CLARKE.
H.R. 5472: Mrs. CAPPS, Ms. RICHARDSON, Mr. SCOTT of Virginia, Ms. LEE, Mrs. MALONEY of New York, Mr. HARE, Mr. GONZALEZ, Mr. CLAY, Ms. MCCOLLUM of Minnesota, Mr. SHIMKUS, and Mr. RANGEL.
H.R. 5473: Mr. YARMUTH.
H.R. 5475: Mr. COSTA.
H.R. 5477: Mr. BERMAN, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. BECERRA, Ms. HARMAN, Mr. THOMPSON of California, Mrs. CAPPS, Ms. LEE, Ms. MATSUI, Mr. WAXMAN, Mr. FARR, Ms. WATSON, Mr. BACA, Ms. ESHOO, Mrs. TAUSCHER, Mr. MCKEON, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. COSTA, Mr. MCNERNEY, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. CAMPBELL of California, Mrs. DAVIS of California, Mr. CALVERT, Ms. WATERS, Mr. RADANOVICH, Mr. HERGER, Mr. ROYCE, Mr. ISSA, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. SHERMAN, and Mrs. BONO MACK.
H.R. 5515: Mr. GINGREY, Ms. FOXX, Mrs. CUBIN, Mr. MARCHANT, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. DOOLITTLE, and Mr. LUCAS.
H.R. 5519: Mr. MILLER of Florida and Mr. LIPINSKI.
H.R. 5534: Mr. SCHIFF and Mr. FRANK of Massachusetts.
H.R. 5549: Mr. WYNN.
H.R. 5560: Mrs. BONO MACK, Mr. MCNERNEY, Mr. CARNAHAN, Ms. BERKLEY, Mr. GRIJALVA, Mrs. NAPOLITANO, and Mr. HOLT.
H.R. 5580: Mr. SESTAK.
H.R. 5611: Ms. VELÁZQUEZ.
H.R. 5618: Mr. BROWN of South Carolina, Mr. ALLEN, and Mr. PALLONE.
H.J. Res. 1: Mr. HELLER and Mr. LATTA.
H.J. Res. 50: Mr. MACK, Mr. FEENEY, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mrs. TAUSCHER, and Mr. BOOZMAN.
H.J. Res. 55: Mrs. BOYDA of Kansas.
H. Con. Res. 22: Ms. KAPTUR.
H. Con. Res. 40: Mrs. BACHMANN.
H. Con. Res. 241: Mr. TANCREDO.
H. Con. Res. 295: Mr. BISHOP of Georgia and Mr. GONZALEZ.
H. Con. Res. 301: Mrs. BONO MACK.
H. Con. Res. 305: Mr. WU.
H. Con. Res. 315: Mr. CAMP of Michigan, Mr. WITTMAN of Virginia, and Mr. DOOLITTLE.
H. Res. 49: Mr. LEVIN.
H. Res. 76: Ms. MOORE of Wisconsin.
H. Res. 259: Mr. GARY G. MILLER of California.
H. Res. 356: Mrs. MUSGRAVE and Mr. CARDOZA.
H. Res. 424: Mr. WYNN, Mr. COHEN, Mr. PAYNE, Mr. BRALEY of Iowa, and Mr. GENE GREEN of Texas.
H. Res. 727: Mr. UDALL of Colorado.
H. Res. 821: Mr. GARY G. MILLER of California.
H. Res. 906: Mr. BROUN of Georgia, Mr. WELDON of Florida, Mr. MILLER of Florida, and Mr. TIAHRT.
H. Res. 959: Mr. MCGOVERN.
H. Res. 962: Mrs. JONES of Ohio.
H. Res. 984: Ms. JACKSON-LEE of Texas, Mr. FILNER, Ms. KILPATRICK, Mr. MATHESON, Mr. REYES, Mr. BOSWELL, Ms. KAPTUR, Ms. SHEA-PORTER, Mr. MELANCON, Mr. YARMUTH, Ms. RICHARDSON, and Mr. MOORE of Kansas.
H. Res. 990: Mr. GONZALEZ.
H. Res. 992: Mr. VAN HOLLEN, Mrs. TAUSCHER, and Mrs. DAVIS of California.
H. Res. 1003: Mr. CAMPBELL of California.
H. Res. 1005: Mr. WITTMAN of Virginia.
H. Res. 1011: Mr. TANCREDO and Mr. LYNCH.
H. Res. 1019: Mr. STARK and Mr. ELLISON.
H. Res. 1020: Ms. GIFFORDS, Mr. BISHOP of Georgia, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. FRANKS of Arizona, Mr. LOEBSACK, Mr. TOWNS, Mrs. SCHMIDT, Mr. FOSSELLA, Mr. MCKEON, Mr. ROGERS of Michigan, Mr. COURTNEY, Mr. COHEN, Mr. SNYDER, Mr. REYES, Mr. CONAWAY, Mr. LAMBORN, Mr. YOUNG of Florida, Ms. SHEA-PORTER, Mr. ISRAEL, Mr. SHAYS, Ms. GINNY BROWN-WAITE of Florida, Mr. SALI, Mr. MCINTYRE, Mr. ORTIZ, Mr. SPRATT, Mr. ETHERIDGE, Mr. BOYD of Florida, Mrs. DRAKE, Mr. SMITH of Washington, Mr. CAMP of Michigan, Mr. CROWLEY, Mr. ABERCROMBIE, Mrs. WILSON of New Mexico, Mr. HAYES, Ms. TSONGAS, and Mr. FRELINGHUYSEN.
H. Res. 1025: Mr. LUCAS.
H. Res. 1027: Mr. SALI and Mr. HENSARLING.
H. Res. 1042: Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 1043: Mr. RAHALL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3547: Ms. CORRINE BROWN of Florida.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 5, March 11, 2008, by Mrs. THELMA D. DRAKE on the bill H.R. 4088, was

signed by the following Members: Thelma D. Drake, Brian P. Bilbray, Lynn A. Westmoreland, Tom Davis, Bill Shuster, Jo Bonner, Peter J. Roskam, Mike Pence, Roy Blunt, Charles W. Dent, Mac Thornberry. Jeff Miller, Terry Everett. Thomas G. Tancredo, Heath Shuler, Ginny Brown-Waite, Steve Buyer, Eric Cantor, Michael C. Burgess, Virginia Foxx, Gus M. Bilirakis, Jeb Hensarling, Joe Wilson, Jean Schmidt, Jim Gerlach, David Davis, Paul C. Broun, Gene Taylor, Tim Walberg, John Campbell, Mike Ferguson, Dean Heller, Thaddeus G. McCotter, Ted Poe, Kevin Brady, Darrell E. Issa, Charles W. Boustany, Jr., Rodney Alexander, Michael R. Turner, Todd Russell Platts, Phil English, Tom Cole, Frank R. Wolf, Edward R. Royce, Mary Fallin, Randy Neugebauer, Marilyn N. Musgrave, Candice S. Miller, Mary Bono Mack, Connie Mack, Jim Jordan, John Abney Culberson, J. Randy Forbes, John Kline, Steve King, Bob Inglis, Joe Knollenberg, Jim Saxton, Peter Hoekstra, Brad Ellsworth, F. James Sensenbrenner, Jr., Ron Lewis, Jerry Weller, Kay Granger, Patrick T. McHenry, K. Michael Conaway, Walter B. Jones, Jo Ann Emerson, Michele Bachmann, J. Gresham Barrett, Ray LaHood, John Barrow, Lee Terry, Dana Rohrabacher, Harold Rogers, John J. Duncan, Jr., John B. Shadegg, Daniel E. Lungren, Nick Lampson, Joseph R. Pitts, Sue Wilkins Myrick, Barbara Cubin, Geoff Davis, Robin Hayes, Christopher H. Smith, Virgil H. Goode, Jr., Henry E. Brown, Jr., Mark Steven Kirk, Lamar Smith, Ken Calvert, Bob Goodlatte, Christopher Shays, Judy Biggert, Todd Tiahrt, Nathan Deal, Michael N. Castle, Robert E. Latta, Ric Keller, David G. Reichert, Kenny Marchant, Jim McCrery, Robert J. Wittman, John Boozman, John R. Carter, Donald A. Manzullo, Sam Graves, Ander Crenshaw, Doug Lamborn, Scott Garrett, Tom Feeney, Rodney P. Frelinghuysen, Cliff Stearns, Paul Ryan, Dave Weldon, Tim Murphy, Kenny C. Hulshof, Jack Kingston, Steven C. LaTourette, Marsha Blackburn, Mike McIntyre, Dan Burton, Duncan Hunter, Nancy E. Boyda. Michael T. McCaul, Greg Walden, Jerry Lewis, David Dreier, Trent Franks, Heather Wilson, Rick Renzi, Jeff Fortenberry, Phil Gingrey, Pete Sessions, John Sullivan, W. Todd Akin, Zach Wamp, Tom Price, John Linder, Adrian Smith, Kevin McCarthy, John L. Mica, John A. Boehner, Frank D. Lucas, Jerry Moran, Ed Whitfield, Adam H. Putnam, Howard Coble, Gary G. Miller, Roscoe G. Bartlett, Louie Gohmert, Dave Camp, C. W. Bill Young, Wayne T. Gilchrest, Elton Gallegly, Ralph M. Hall, John E. Peterson, Peter T. King, Thomas E. Petri. Sam Johnson, Steve Chabot, Howard P. ''Buck'' McKeon, John T. Doolittle. Stevan Pearce, Vern Buchanan, Wally Herger, Chris Cannon, Rob Bishop, John Shimkus, Mike Pence, Robert B. Aderholt, Michael K. Simpson, Ralph Regula, Jim Ramstad, Jon C. Porter. Dennis R. Rehberg, Tom Latham. Spencer Bachus, Joe Barton, Joe Donnelly, Christopher P. Carney. and Jeff Flake.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I was absent from the chamber today, Thursday, March 13, 2008, due to the travel schedule for my return to my district on account of official business. Had I been present for the three rollcall votes taken today in the Committee of the Whole House on the State of the Union on the amendments that were offered in the nature of a substitute to House Concurrent Resolution 312, the Concurrent Resolution on the Budget for Fiscal Year 2009, I would have voted as follows: ''aye'' on the amendment offered by Ms. KILPATRICK of Michigan and Mr. SCOTT of Virginia (rollcall vote 137); ''no'' on the amendment offered by Ms. LEE of California (rollcall vote 138); and ''no'' on the amendment offered by Mr. RYAN of Wisconsin (rollcall vote 140).

HONORING DAVID COURTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David Courter a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David Courter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008 VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. KUCINICH. Mr. Speaker, it is not often that I agree with the President and although I oppose overriding the President's veto of this bill, I still don't agree with him. I am opposed to the override because I am opposed to H.R. 2082, the Intelligence Authorization Act. However, I reject the President's reasons for vetoing this legislation.

I want to thank all of those who served in gathering intelligence to protect the American people. However, I voted against the veto override because I do not support the underlying bill. Through the emergence of several high-profile classified leaks to the media it has become apparent that our intelligence agencies need to be reformed.

From these media leaks, we became aware of the efforts to manipulate intelligence, to falsify a cause for war against Iraq. We became aware of the illegal NSA domestic wiretapping program without a court order. We became aware of the rumored CIA detention centers in Eastern Europe, and the CIA's extraordinary rendition program, used to transport suspects to other nations with less restrictive torture policies. It is regrettable that intelligence is often reshaped to fit doctrine instead of doctrine being reshaped in the face of the facts of intelligence.

The President's opposition to H.R. 2082 was focused on his objection to a provision in the bill that would have required adherence to the Army Field Manual (AFM) on Interrogations by all 16 U.S. intelligence agencies, including the CIA. This provision would specifically prohibit acts of torture and abuse. The President's veto of the bill demonstrates a disconcerting disregard for human rights.

I fully support banning the use of interrogation techniques that are not authorized by the Army Field Manual on Interrogation. This provision in the Intelligence Authorization shows a commitment by the United States and this body to end torture that is sponsored by the U.S. and restore the rule of law.

This body and the President have a responsibility to take action to end all U.S. sponsored torture, cruel, inhumane and degrading treatment. Our constitution, federal criminal statutes and Senate-ratified treaties compel us to meet this goal. Both the laws and values of America demand an end to the abhorrent practice of torture.

Requiring our intelligence agencies to abide by the proven interrogation methods of the Army Field Manual on Interrogation is a first step to restoring public confidence at home and abroad.

TRIBUTE TO RIVERSIDE CITIZEN OF THE YEAR ROBERT A. WOLF

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Robert A. Wolf is one of these individuals. On March 27, 2008 at the 108th Inaugural Dinner, the Riverside Chamber of Commerce will recognize Bob as the 2007 Citizen of the Year.

Bob is a principal in many firms active in the financing, development, building and sale of real estate both domestically and internationally, with banking and venture relationships in Western Europe and Japan.

Bob obtained a bachelors degree in business administration and concentrated his continuing education on the field of development. Areas of study and successful completion include real estate law and development, financing, marketing, syndication, business law, group investment and construction techniques. Bob has been successful in international financing, joint ventures and marketing programs. Bob has worked in all facets of development including superintendent, project manager, project engineer, sales manager, and broker before becoming a chief executive officer. This background has helped Bob to draw upon his experience when making any decision regarding a development or investment. He has also had ''hands-on'' experience in the approval processes at every level of government and is a recognized expert in the field of real estate development, infrastructure and financing. He is a nationally known and sought after speaker on these topics.

Bob has served as Vice Chairman of the City of Moreno Valley's Planning Commission, the County of Riverside Flood Control Commission for Zone Four, and Planning Commissioner for Riverside County. He has recently served as Undersecretary of the Business, Transportation and Housing Agency for California, and has served as Chairman of the California Transportation Commission.

Bob is the author of ''How to Become a Developer'', a step-by-step description of the development process and the people involved, which was written for people who wish to enter the profession. Published by Crittenden Books, the book received excellent reviews including one from the Los Angeles Times. Bob and his family reside in Riverside, California, where they continue to be active and respected members of the community.

Bob's tireless passion for community development has contributed immensely to the betterment of Riverside, California. Bob served his country honorably in Vietnam and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013:

Mr. VAN HOLLEN. Mr. Chairman, I rise in support of this budget blueprint for the priorities it sets and the fiscal sanity it restores to our Nation's Capitol.

Seven years after President Bush inherited a projected 10-year $5.6 trillion year budget surplus, the Congressional Budget Office now reports that the FY 08 budget deficit will be $396 billion and the FY 09 budget deficit will total $342 billion. These are the second and fourth largest budget deficits in U.S. history. Not coincidentally, the first and third largest budget deficits in U.S. history were also recorded during the Bush administration.

During the same period, our national debt has exploded by $3.9 trillion to well over $9 trillion—or more than $30,000 for every citizen in the United States. In fact, each taxpayer is now paying over $3000 every year just to pay the interest on their share of the national debt.

Astonishingly, this budget deterioration has coincided with dangerous disinvestment in our Nation's health, education, public safety, energy independence, veterans and basic scientific research—among other critically important priorities.

This budget document changes all that. It rejects the President's misguided cuts in health care for seniors and lower-income citizens. It increases our national investment in education and lifelong job training. It restores funding for State and local law enforcement. It prioritizes the development of next generation renewable energy and energy efficiency technologies. It spares veterans the President's proposed fee increases for health care they have rightfully earned. And it provides robust funding for the Democratic innovation agenda to enhance our Nation's position in the global marketplace.

Importantly, this budget accomplishes these objectives while providing middle class tax relief to millions of hard-working Americans by patching the Alternative Minimum Tax and extending the child tax credit, marriage penalty relief and the 10 percent income tax bracket. Consistent with the PAYGO rules adopted by this House, this document achieves these public policy goals with no new deficit spending. And it brings our budget into balance in 2012.

Mr. Chairman, this budget represents a properly prioritized, fiscally responsible blueprint for the Nation's future. I urge its adoption and encourage my colleagues' support.

HONORING THE MEMORY OF THE HONORABLE TOM LANTOS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BONNER. Madam Speaker, it is with great sadness that I rise today to honor the memory of the late Congressman Tom Lantos and his devotion to battling genocide and aiding its victims. We have not only lost a wonderful friend but an individual who, during his lifetime, made countless contributions toward the betterment of our Nation, and indeed, the world.

At the age of 16, Tom was taken by the Nazis as they stormed through Budapest in 1944. After two escapes from the Nazi work camps, he found refuge in a safe house and began working to help other Jews in hiding by gathering food and supplies.

Upon moving to the United States in 1947, Tom Lantos served in various capacities as an educator, consultant and political advisor to several Senators. In 1983, only 2 years after being elected to Congress, Congressman Lantos helped to found the Congressional Human Rights Caucus. During his final year of service to the House of Representatives, he served as the distinguished chairman of the Foreign Affairs Committee.

Chairman Lantos represented California's 12th Congressional District for 27 years in the House of Representatives and will be remembered as a champion of human rights.

We are privileged to have known and worked with such a passionate and loyal individual. Chairman Lantos will be greatly missed and always remembered. Madam Speaker, I ask my colleagues to join me in remembering a dedicated public servant.

He will be deeply missed by his family—his wife, Annette, their two daughters, Annette and Katrina, 17 grandchildren and two great-grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

A TRIBUTE TO MUCM WAYNE C. TAYLOR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to pay tribute to Wayne Taylor, Master Chief Musician of the United States Navy Band. Mr. Taylor is retiring on March 21, 2008, after a distinguished career as the lead singer for the U.S. Navy Band's premiere country-bluegrass group, Country Current.

Wayne joined the Navy for his first enlistment in 1974 and was assigned to the Aviation rating. He auditioned and was accepted into the Navy Music Program and received orders to the School of Music at Little Creek, Virginia. Upon graduating he reported for duty with the Seventh Fleet Band in Yokosuka, Japan, as lead vocalist and guitarist with the ''Orient Express'' Rock Band. He was stationed onboard the USS *Oklahoma City*. Throughout his 2 years in Japan, he traveled to many Asian countries on 13 different ships. Wayne was honorably discharged in 1978 as a Musician 3rd Class.

When Wayne decided to re-enlist in the Navy in 1987, he auditioned for Country Current and has spent the last 20 years and 7 months as their lead singer. Country Current has performed in 49 of the 50 states, for four U.S. Presidents, three times at the Grand Ole Opry, for the ''Nashville Now'' show, Good Morning America, the Today Show, Wheeling Jamboree and Richmond Barn Dance. As a member of the Country Current Duo, he has performed at 13 Army-Navy football games and for distinguished military and civilian officials around Washington. Taylor sang the National Anthem to over 100,000 patrons at the Charlotte 600 NASCAR Race in Charlotte, NC, and at Comisky Park for a Chicago White Sox baseball game.

Wayne and his wife, Marrie, have two children; Wayne Coleman Taylor, Jr. (former Marine) and Terra Lee Ann Taylor, a Hospital Corpsman presently stationed in Earle, NJ. I am sure Members of the House will join me in thanking Wayne Coleman for his service to our country and for sharing his love of music with people throughout the world.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

SPEECH OF

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013:

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong support of the Congressional Black Caucus Budget Substitute.

I thank the gentleman from Virginia (Mr. SCOTT), the gentlewoman from Michigan (Ms. KILPATRICK), and all our staff for their hard work on this effort. Our budget reflects the values and priorities of the American people.

The CBC Members represent some of the most conservative and most progressive people in this country. Some of us are from big cities; others come from tiny, little towns and farm lands. And every year we find a way to come together. Every year, we find a way to provide funds for the most important priorities of all our constituents.

If you care about health care; if you care about homelessness; if you care about education; then you will support this substitute. Our amendment includes an additional $20 billion investment in education. And we provide an additional $17 billion for health care.

In Georgia, the mortgage foreclosure crisis is devastating our communities. This budget includes an additional $8 billion to assist with housing and services for families, this disabled, senior citizens, and children. Unlike the President's budget proposal, we increase services and security for our constituents. And we find a way to pay for it.

Mr. Chairman, I urge all of my colleagues to really look at this legislation. Study our fact sheets; read the dear colleague letters. Then really think about your constituents, and think about how our budget will better all of their lives.

I urge all of my colleagues to vote ''yes'' on this amendment.

CONGRATULATING THE WORK OF MASTER DISTILLER JIMMY BEDFORD

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, today I rise to commend and congratulate the life's work of Master Distiller Jimmy Bedford, the craftsman behind the smooth and distinct Jack Daniels whiskey that flows out of Lynchburg, Tennessee, every year.

For years, Jimmy studied his trade under the tutelage of one-time Master Distiller Frank Bobo. When Frank retired, Jimmy took the reigns of the milling, yeasting, fermentation, distillation, and charcoal mellowing of the long lived Jack Daniels recipe. For 20 years, Jimmy has safeguarded this Tennessee tradition in Lynchburg's quiet hollow as the sixth Master Distiller in Jack Daniels history.

Throughout Jimmy's tenure at the distillery, Jack Daniels has seen its yearly sales rise from under one million to nearly ten million cases in just forty years, with shipments going out to 135 countries around the world every year; but, no matter where people are drinking their whiskey, whether overseas, along the coasts or right in the heart of Tennessee, they know now, as they have for twenty years, that every bottle of Jack Daniels whiskey comes to them with Jimmy Bedford's approval.

This year, Jimmy will retire to his farm just two miles up the road from the distillery he served for so long. While it is sad to see him go, we can trust that Jimmy will leave this icon of Tennessee and American culture in the hands of an able and dedicated successor. Jimmy retires this month with our blessing, but it is my sincere hope that before he steps down we might impress upon him our gratitude for his stalwart preservation of this lasting Tennessee tradition.

HONORING MAYOR STAN SCHAEFFER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to mourn the passing of a great community leader and a great friend.

Mayor Stan Schaeffer of Collinsville, Illinois, passed away March 7, 2008, at his home in Collinsville. Like so many of Stan's constituents, I knew him in many different capacities: not only did he serve our city as mayor for the last 9 years, he was also a city councilman, a teacher for over 40 years, and a coach of many sports teams.

Stan was dedicated to seeing our community and our region move forward. His tenure as mayor will be remembered as one during which Collinsville grew in population and grew economically through business development, but one during which our town remained the caring, close-knit community it has always been.

Many individuals forget that all the basic services we require—local government, police, fire, sanitation, local roads—come from local government. Collinsville faced many challenges during Stan's tenure. His optimistic outlook and his calm spirit is a path that future leaders should follow.

My thoughts and prayers are with his wife, Liz, his daughter Carrie, his stepdaughters Linda, Paula and Jami, his stepsons Timothy and Scott, his fifteen grandchildren, and all those who mourn this day for our friend Stan. He devoted his life to his family and his community, and he left a positive mark on both. He will be dearly missed by all of us who had the privilege to know him.

TEXAS STUDENTS' INTERVIEWS OF VETERANS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, last fall I invited high school students living in the Third Congressional District to join the Congressional Youth Advisory Council. The goal of the CYAC is to foster civic involvement and to encourage students to unleash their passions for America. Each meeting, they exceed my expectations and make me hopeful for the future.

The students who serve on the CYAC represent the best and the brightest in North Texas. Students are leaders, athletes, musicians, volunteers, and activists. They are the voice of their generation to Congress. They make a difference at each meeting and I'm proud of them.

For this year's community project, students interviewed a veteran and wrote essays. A summary of some of the submitted essays follows.

It is my hope that some day the Congressional Youth Advisory Council will be associated with excellence and one of our highest standards of civic pride for young people in North Texas. I commend the students for volunteering their time on the Congressional Youth Advisory Council. Without a doubt, every student will continue to play an important role in our community for decades to come, and that America and North Texas, will continue to benefit from their dedication, smarts, and service.

To the members of the 2007–2008 Congressional Youth Advisory Council. Thank you. I salute you; God bless you and God bless America.

My interview was conducted with Mr. Allen B. Clark. He served in the United States Army as a Military Intelligence Officer for the Fifth Special Forces. He was able to help many of the operations in Saigon and give life to a Special Forces unit started by him. Mr. Allen Clark gave me a perspective of one who risked his life and sacrificed himself for ideals that he believed in. Furthermore, he is the first person whom I have met that has ever faced such adversity and still succeeded in everything he has done. The adjustments he had to make in order to accommodate his prosthetic legs and his spiritual revolution attest to the integrity and strength of his character. Mr. Clark taught me that one who faces adversity never uses it as an excuse to fail, but rather as a motivation for succeeding. If one has a dream, then it is never out of reach even if the odds are against you. Standing firm for principle, guides one in life and gives him direction to make the choices that will allow him to be satisfied with life.—Nabeel Lockmanjee

For my veteran's interview, I interviewed my grandfather, Theodore Wade Falconer. My grandfather served in the Navy from September 1948 to September 1952 and worked up the ranks from Seaman Apprentice to 2nd Class Petty officer. Ted was born in Portland, Oregon on January 19, 1929, but grew up in Coos Bay, Oregon. He joined the Navy after high school for two reasons: one, he couldn't afford to go to college, and two, the Navy had an exceptional electrical technician program. After going through boot camp for 13 weeks, Ted was shipped off to Treasure Island, where he went to a Navy electrician training school. After 42 weeks of training, he was then shipped off to the Naval Communication Station on Guam, where he spent 16 months stationed there, while stating that it had been the best experience of his Navy career. After spending 16 months in a Pacific paradise, Ted was then shipped off to Hunter's Point in San Francisco to re-commission an old World War Two troop transport for active service in the Korean War. After six months of training, his commission was up and he was discharged from the Navy. His post military career was a successful one where he earned his masters degree and went to work for Texas Instruments for 33 years before retiring. After talking to my grandfather about his military experiences, I saw a living example of all the good virtues a person can posses; integrity, discipline, work ethic, and respect. My grandfather is a perfect example of these traits, focusing his actions based on these virtues. With this, I learned about not only his military experiences, but also how important it is to use these core values as he used them throughout his life. Anchors aweigh.—Joshua Womboldt

Veterans have done a service for our country with their selfless acts during the war, regardless of how large or small their sacrifice was. Charles Pearson made his life the best that he could, and was part of the crucial moment of the Japanese surrender in World War II. As 2nd Lieutenant in the Marine Corps, Mr. Pearson was sent to Okinawa and fought the Japanese on the island for a lengthy period of time. After being sent to Guam to rebuild his division, Mr. Pearson and his men who survived the previous assignment were sent to Japan, just north of Tokyo Bay. Their mission was to verify the Japanese's surrender. Mr. Pearson and his men prepared for a possible attack from the enemy, even though an attack would result in a complete destruction of their ship. Bravely entering the enemy's territory, they were relieved that the Japanese had indeed surrendered. After the peace treaty was signed in 1945, Mr. Pearson was finally sent to China to help improve the economy and send the remaining Japanese back to Japan. In 1946, Mr. Pearson returned home. Since the war, Mr. Pearson has fulfilled his dreams by living a quiet and peaceful life on his family farm in Frisco, Texas.—Rena Sheng

Russell Friese was born in Alto-Pass, Illinois in 1915. After hearing many achievements about brave young men risking their lives for freedom, Mr. Friese decided to enlist and leave with the next shipment of

troops for training. He was asked to serve in both the Navy and the Marines but turned down both offers and asked to be stationed in the Army because he knew that he could be more constructive there. He was stationed at Fort Mead in Maryland before going overseas. He received umbilical hernia surgery during boot camp. He was a Private at the time: and his unit was taken overseas. They infiltrated ''Hitler's hideout'' in Salzburg, Austria. During one of the unit's firing missions, Private Friese jumped out of a tank and rolled his right knee. Since then he's had many surgeries and to this day he walks with a cane. He received two battle stars and ended his military career as First Sergeant. He was recently named Grand Marshall in September of 2007 on Veterans Day. Friese is 93 years old and currently lives in Anna, Illinois. Russell's story showed me how determination and love for the U.S. can win freedom for others to take pleasure in. He has encouraged me to stand up for what I believe in and to fight for those beliefs with vigor and passion. Russell's story told of values and beliefs that are in the government and in every American's goal for the future. He showed how perseverance can help you strive to achieve anything with a good heart if you are willing to do so. Finally if we work together as a team, we can all accomplish numerous tasks, and win a war or two.—Alexis Webber

I interviewed Peter Perry, a former Sergeant in the United States Army, and now a U.S. world history teacher for McKinney High School. During Mr. Perry's service he learned that ''* * * I can do a lot more than I thought. It showed me many different kinds of people in the world than I had encountered previously. It gave me respect for the longer-term and career soldiers. Most important, it taught me how to take charge of my life, to organize, plan, overcome difficulties, and to persevere.'' Personally from this interview I gained experience learning how life will be for me within the next nine years. I am going to attend either the United States Naval Academy or the United States Air Force Academy next year and talking to veterans gives me a real outlook on what experiences I can look forward to in the future.— Sean W. Gent

Interviewing my grandfather was a life changing experience. Never before had I realized the importance of preserving our history of the United States armed forces. No matter how big or small an action, being a part of the military is something in which my grandfather is proud to say that he has been a part of. Growing up in a military family, my grandfather's transition into the army was not a foreign ideal. Having been familiar to the lifestyle of a solider, it was easy for my grandfather to adjust to the sometimes harsh living conditions. However, regardless of the struggles, being in the military was an award winning experience. ''The army has provided me with so many opportunities and advantages in which I am grateful for . . . it has also provided me with life learning lessons in which I will always carry with me . . . and continue to pass it on to my children . . . people often take for granted what the army does for them . . . being part of the U.S. armed forces is a big responsibility in protecting our country's freedom.''—Mellissa Stepczyk

I interviewed Commander Martin Nell of the Plano VFW, who served in Vietnam as part of the 1st Amphibian Tractor Battalion of the 3rd Marine Division. He had a diverse range of experiences during his time in Vietnam, and he went into detail about the things he encountered and the people he met—American and Vietnamese—and their impact on him. He was in many combat situations and grew up rapidly during his time in the service. His most poignant remark during our interview was that with regards to dying in battle, he accepted that fact, ''When it's your turn, it's your turn.'' Talking with him was like traveling back in time, and I learned a lot from him about the turbulent era in which Vietnam cast a large shadow over and the cruel ways in which many of the veterans were treated after their brave service in Vietnam. Finally, when comparing his military life to his civilian life, he told me that ''Everyday is a war. In Vietnam I fought for my country and nowadays I fight for my family.'' I will never forget that quote.—Nirjhor Rahman

Allen Clark has done a lot with his life. As the son of an Army father, he graduated from West Point in 1963 and went on to volunteer for action in the Vietnam War. While there, he set up a secret unit whose ultimate goal was espionage against Cambodia. During a mortar attack in 1967, Mr. Clark was severely wounded and lost both of his legs. Since then, he has suffered through depression and bouts with PTSD, but has always fought back and has become an extremely successful man. He has been awarded numerous medals, been very successful in business/politics, and is always busy with giving speeches in the DFW area. Interviewing a person who has traveled as far as him, both emotionally and physically, was an experience most do not get. I feel that I have learned a lot from Mr. Clark because he seems to have life figured out, and I'm very lucky to have met him and to be able to have spoken with him about his life's events and the way he reacted to them.—James MacGibbon

My name is Mark Macmanus, and I interviewed Major General Charles R. Bond of the United States Air Force. Second Lieutenant Bond found himself too old to get a commission, and that made getting into a fighter impossible. Until he heard about the American Volunteer Group in China, headed by Claire Chennault, he knew it was where he belonged. They had a fighter waiting for him. He quickly headed to China. Bond was thrilled to have his own P–40 Tomahawk. After World War II started, several battles and raids took place and his kills started to add up. It was May 4, 1942 where he gained fame among the now called Flying Tigers. During a bombing raid he quickly got off the ground ready to fight. He looked back to realize he was alone against 25 bombers. He took down 1 bomber, and then 3 Japanese Zeros shot him down. He had severe burns, but he continued to fight until July 4, 1942 when the AVG disbanded. For his valiant actions he received the British Distinguished Flying Cross. This story that was relayed to me was an experience that I will never forget. It showed me how many stories of soldiers there are, and how they are all heroes.—Mark Macmanus

Michael L. Coffman entered the Vietnam Conflict as an E1 Private, and returned as an E5 Specialist. He worked logistics in Europe during the war, and made sure that soldiers, military equipment, and supplies were where they needed to be at all times. When the time came that these men and supplies needed to be transported, he would make sure that the trains were at the right place and the right time, and that all the necessary clearances had been provided for the move. After this, he became a trainer to other trainers, instructing them on how to keep up with new army regulations, as they changed frequently. This experience taught me that not all soldiers that make a difference in the war do so with a gun. Had Mr. Coffman not been where he was, and doing what he did in the war, there would have been no soldiers to fight and no guns to use. This interview gave me a new perspective on the Vietnam Conflict as well. Not all of the soldiers were unhappy to be involved, nor did all soldiers consider it a negative experience. Some, like Mr. Coffman, gained valuable knowledge from their experience, and thoroughly enjoyed their time spent.—Jessica Huseman

I chose to interview David Ramsey, an Airborne Forward Air Controller in the Vietnam War. He received eight Air Medals, awarded for all the combat missions that he flew in. In addition to combat missions he flew various other types of missions such as escort missions. The hardest part for him while in Vietnam was having to be away from his family for all that time. The best part for him was that he enjoyed the high levels of patriotism that his fellow soldiers and officers had. From interviewing him I learned that there is more to being in the military than just shooting the enemy. There is teamwork involved and friendships made in the military, as well as fun to be had. I never knew that the military was like this; I always envisioned it as just shooting at enemies.—Kevin Zimmer

Veteran Dr. Randall Friese proudly served his country as a lieutenant commander in the U.S. Navy. Born in Baltimore, Maryland, Dr. Friese became interested in the military when he received a naval scholarship to complete his medical residency. As a battalion surgeon, Dr. Friese served in operations around the world, including Operation Southern Watch in 1998. One of Dr. Friese's most memorable experiences was the opportunity to travel. His assignments included a position at a naval hospital in Japan and stations in the Middle East, California, Dubai, and United Arab Emirates. Dr. Friese's service ended in July 2001, and since then, he has become an assistant professor at the University of Texas Southwestern Medical Center at Dallas. As a surgeon and researcher in trauma and critical care, Dr. Friese has published several papers. His research on disruptions in Intensive Care Unit patients' sleep was featured in the December 2007 issue of the Journal of Trauma: Injury, Infection and Critical Care. Grateful of the opportunity to serve his country, Dr. Friese would recommend his experience in the Navy to young Americans. After interviewing him, I gained a greater appreciation and understanding of the many sacrifices of our soldiers.—Amanda Lu

Many citizens have carried a passionate gratitude towards the United States government and have risked their lives in order to better our nation. Eugene N. Close is a proud, decorated veteran of the Vietnam War. He served as a team leader in Company C, 1st Battalion (Airmobile), 327th Infantry, in Thua Thien Province in Vietnam. The war caused much turmoil and many people disapproved of it and did not support it. What happened there to Mr. Close has marked him for life as it has too many other people. On April 21, 1970, Mr. Close's platoon came under a ''sudden small arms fire'' from four enemy soldiers. He was stuck by an enemy round but regardless of his wound, Sergeant Close continued to fire and saved the rest of his squad. It is this act of heroism that makes America what it is today, to sacrifice their lives for not only our freedom, but also for our pride, dignity and honor. After conversing with Mr. Close, I have learned the sacrifices people make for their country on a daily basis and how we must not take this for granted. Veterans Day now has a larger meaning to me and I admire the soldiers that are willing to risk their lives for us. The very least we can do is to give them our gratitude, hearts and minds for simply a day. Samaritans such as Eugene M. Close have risked and given far beyond anything we can wish to do ourselves.—Sibel Kayaalp

Charles B. Unger was born in Illinois to Robert Williams and Ida Mae Unger and grew

up with two brothers and a sister. At the age of 23, he was drafted into the Vietnam War. Although his family was uneasy about the draft, they supported him. First, he attended Fort Leonard Wood in Missouri for basic boot camp and training. The hardest thing about this time was that he was ripped away from his daily life, and thrown into a life of rules, schedules, and tough workouts. But he also trained with helicopters in Ft. Virginia, which led him to working at the helicopter bases while stationed in Vietnam. From January of 1970 to December of 1970, he worked 13 hour days, 7 days a week, taking soldiers out, flying them in, and doing aircraft maintenance.

While most of it was sheer boredom, there were also times with unexpected terror. There was always the threat that his base at Camp Evans could be attacked. Thankfully it wasn't, and he was able to return home 2 days before Christmas in 1970. He still carries the values and lessons he learned during the war and it has helped him to be successful in life. After telling his story, he concluded by saying that what we have in this country is valuable, and we better be willing to fight for it. Charles and many other men were able and willing to fight for our protection and I value the courage it took to do so. I can only hope that the future generations, no matter how anti-war they might be, will be willing to fight for our freedoms and protect this beautiful country.—Erin McGranahan

Antonio Molina served in the United States Navy during the Vietnam conflict in 1972. After growing up in southern California, he enlisted himself in the Navy at the age of seventeen as a seaman recruit (E–1) and left as a Commander (O–5E). He helped with the evacuation and dismemberment of military bases during the withdrawal of troops from the region. In addition, he helped to clean up many of the mines and other weapons left by troops as they were withdrawing. After leaving the service, he eventually joined a local reserve unit where he attended flight and officer school. He now works in Hollywood using his military and technical experience to create films and spends time stressing the importance of veterans' issues including the existence of posttraumatic stress disorder among the returning troops. This experience stressed the importance of realizing the impact combat situations have on the young minds of our men and women who are fighting in conflicts worldwide from Vietnam veterans to current Gulf War veterans. We owe it to them to help them readjust to life back in the United States just as we help them to adjust to life in conflict.—Laura Rector

In hearing a veteran's story, we become more appreciative of the freedoms soldiers fight to protect every day. I had the privilege of hearing the story of Specialist 4th Class Gary Herrin of the 101st Airborne, 326th Battalion of the United States Army. Herrin was born and raised in Amarillo, Texas and was drafted into the Army in 1968 to fight in Vietnam. He fought in the Battle of Hamburger Hill, placing C4 and grenades in the North Vietnamese bunkers as the infantry charged up the hill to clear the way for his battalion which followed behind. Specialist Herrin was also involved in numerous reconnaissance missions to scout out sites for potential firing bases. If a site was chosen, Herrin and his unit would clear the plot and construct bunkers. On one particular reconnaissance mission, Herrin was knocked off his feet by the concussion of a rocket-propelled grenade and he sustained a bullet wound in the leg as Viet Cong trackers opened fire on his unit. Ironically, Specialist Herrin believes to this day that had the RPG not knocked him off his feet, he would have been a standing target for the V.C. bullets and probably would have been killed. Specialist Herrin's story brought me to realize that there are people we encounter every day with a story of heroic service to tell. They are seemingly ordinary people that have done the extraordinary by sacrificing their time and possibly their lives to ensure that their fellow Americans and others around the world are safe and free. We owe these heroes a debt of gratitude and I hope that one day I too can serve my country in an honorable fashion as our soldiers do every day.—Patrick Ivey

HONORING THE 100TH ANNIVERSARY OF THE ELKINS/RANDOLPH COUNTY YMCA

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor the 100th anniversary of the Elkins-Randolph County YMCA located in West Virginia's Second Congressional District.

For the past century, the Elkins YMCA has played an integral role in the history of the community and its people. The YMCA building was originally built with $25,000 donated by Mrs. Hallie Davis Elkins, the wife of a prominent West Virginia capitalist, Stephen B. Elkins. During the outbreak of World War I and World War II, local troops were reviewed for mobilization in front of the YMCA. The Y building was also used as a training facility for the National Guard between World War I and World War II.

Throughout its many renovations over the next 50 years, the original structure still stands in place to serve the youth, families, and senior citizens as the county's premier recreation and community center. The Elkins YMCA has the proud distinction of being one of three YMCA facilities to serve a city with a population under 10,000.

On March 22, 2008 friends and members of the Elkins-Randolph County YMCA will celebrate its 100th anniversary and name its newest addition, the Legg Family Youth Center.

I would like to recognize all of those who were a part of the Elkins-Randolph County YMCA 100 year history and wish the members and friends of the Elkins-Randolph County YMCA congratulations in celebrating its 100th anniversary.

RECOGNIZING MS. LAURA-LYNN VIEGAS DACANAY AS THE 2008 FINANCIAL SERVICES CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Ms. Laura-Lynn Viegas Dacanay on being named the U.S. Small Business Administration's 2008 Financial Services Champion of the Year for Guam.

Laura is a leader in the financial services industry of the region and is a committed member of our island community. She has a rewarding career in the banking profession dating back to the 1970s, when she began with an entry level position at Chase Manhattan Bank as a telephone switchboard and telex operator and cashier. In 1984, she became a loan officer and later was promoted to loan manager. In 1986, she joined the First Hawaiian Bank as an assistant branch manager.

In just over 10 years, Laura has been promoted from manager to assistant vice president, and today, to senior vice president of the Guam and Northern Marianas region. Under her leadership, First Hawaiian Bank has had outstanding performance ratings. She has increased residential funding to over $8 million, managed the acquisition of accounts and employees of Union Bank of California on Guam and Saipan, and paved the way for the opening of the Tamuning branch and off-site ATMs.

Laura is active in our community and she is the current chairwoman of the Guam Chamber of Commerce. In addition, she chairs the Family Selection Committee of Habitat for Humanity. She serves as an advisor to the Guam Visitors' Bureau 5-Year Strategic Plan Task Force, Strategic Economic Development Council in Saipan, the USO Advisory Council, and Andersen Civilian Advisory Council. She is also a member of the Guam Hotel and Restaurant Association and Guam Board of Realtors Association.

Laura's expert knowledge of banking and finance has resulted in business success for her banks and quality financial services for our community. I commend her commitment to serving our people, and I congratulate her as the U.S. Small Business Administration's 2008 Financial Services Champion of the Year for Guam.

INTRODUCTION OF EMERGENCY WILDLAND FIRE RESPONSE ACT OF 2008

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GOODLATTE. Madam Speaker, I rise today to introduce the Emergency Wildland Fire Response Act of 2008. This bipartisan bill, introduced by Chairman PETERSON and I, along with five other original sponsors, is a fiscally responsible solution to the USDA Forest Service and Department of the Interior Wildfire budget dilemma.

The Emergency Wildland Fire Response Act of 2008 creates a new fund to pay for firefighting while setting strong standards for containing costs and holding the agencies accountable.

There's no question that firefighting costs will continue to rise in the future, given the current overly-dense condition of our forests and the fact that more people are moving into these heavily forested areas. Last year, over 9 million acres across the country went up in smoke, costing the Forest Service and the Department of the Interior over $1.5 billion to suppress.

This does not mean that Congress should simply give the agencies a blank check to cover these rising costs. This bill sets up a funding structure to balance the need for more funding with the need for accountability.

As firefighting costs are increasing, the Forest Service and Department of the Interior's

budgets are not. This means that non-fire accounts are cut as more money is shifted to fight fires. Last year, wildfire expenses amounted to 48 percent of the total Forest Service budget. In the 1990's wildfire constituted only 13 percent.

Since 2000, Forest Service resources for managing recreation, wildlife, and timber in our national forests have been cut by roughly 23 percent. Programs that assist the Nation's 10 million family forest owners with forest management are facing a 58-percent cut this year alone because of the rising firefighting costs. These drastic funding reductions mean that it's nearly impossible for the agencies to fulfill their missions.

In addition to addressing the rising firefighting costs, the Emergency Wildland Fire Response Act provides new tools for reducing fire risks and getting ahead of the game to reduce costs over the long term. First, the bill provides the Forest Service with permanent authority to contract with States to reduce wildfire risks across boundary lines. This authority, commonly called ''good neighbor'' authority, has been tested successfully in Colorado and Utah for the past several years, accomplishing much-needed hazardous fuels reduction work in severely fire-prone areas. This work is done in compliance with all environmental laws. Since wildfires don't stop at boundary lines, this tool is about making sure the Federal land management agencies are good neighbors to their State and private partners.

The bill also encourages local communities to step up to the plate and reduce wildfire risks. Under this authority, the Secretary would give priority in Federal funding to communities that have taken proactive steps to make their homes and communities fire-ready.

I look forward to working with my colleagues on both sides of the aisle to move this important legislation forward.

WOMEN IN THE TEXAS PETROCHEMICAL INDUSTRY: PAT AVERY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. POE. Madam Speaker, today I am proud to pay tribute to a personal friend, Ms. Pat Avery, Administrative Manager of Total Petrochemicals. Patricia Avery came into this world a double minority—black and female, but that didn't stop her from pursuing her dream of making it in an industry dominated by white males.

Born and raised in Atlanta, Georgia, she was surrounded by people who looked like her. When she graduated from high school, and stepped off of the plane in Iowa, to attend college at Drake University, that all changed. She was among the first women to live on the fourth floor of the university's Goodwin-Kirk Hall, previously an all male dorm. Ms. Avery graduated from Drake University, with an undergraduate degree in biology and a graduate degree in public administration.

After graduating from college, Ms. Avery joined Church's Fried Chicken, Inc., as a Personnel Assistant and later Regional Personnel Manager. She noted, ''You may not start out where you want to be in your career, but take advantage of every opportunity and make the best of it.'' Five years later, she took the helm of corporate personnel management at Bleyle of America, Inc., a German company that manufactures international women's better sportswear. Pat then joined Mobil as an employee relations representative in Houston and quickly began her march up the corporate ladder. She served as employee relations advisor at Mobil's plastic packaging division in New York. She became the first woman and first minority manager of employee relations at Mobil's chemical specialty division in Beaumont, the first woman and minority manager of employee relations at Mobil's Mining and Minerals Co. in Houston, and manager of Human Resources at Mobil's Polyethylene Plant in Beaumont.

Ms. Avery joined Total's Port Arthur Refinery in March of 1998, again as the first woman and minority on their management team. As the Administrative Manager, she manages the refinery's human resources department, as well as the accounting, security, training, labor relations, purchasing, warehouse, contracts, and public affairs activities. She admits, ''I have been the first female and the first African-American throughout my entire career in my industry and really in all of the industries I have worked in. Having been the first and the only in many jobs that I have had has been bittersweet. It was lonely, awkward, challenging, very scary, and extremely hard at times, but it was also invigorating, exciting, rewarding, and historic. I don't want to give the impression that it all happened in perfect order. That is far from the truth. Many times, I wanted to run back into the comfort of my own community where I felt safe, but I didn't. It's one of the most significant lessons I've learned: Nothing ventured, nothing gained.''

As busy as she is, Ms. Avery still finds time to serve the community. She is involved in numerous projects and serves as a Board Member with Communities in Schools; United Way of South County; Art Museum of Southeast Texas; the Texas Association of Business; Lamar Institute of Technology Foundation Board; Julie Rogers Gift of Life Board; and Inspire, Encourage, and Achieve Board. She is the Vice Chair of the Golden Triangle Business Roundtable, and also served as their Safety Committee Chairperson for 5 years.

Ms. Avery was appointed by Mayor Evelyn Lord to the Beaumont Board of Adjustments, and reappointed by Mayor Becky Ames. She currently co-chairs Golden Triangle Days in Austin for the Port Arthur Chamber of Commerce and will again be co-chair in 2009. She chaired the Texas Museum Blowout in 2007; is a member of the Port Arthur Rotary Club; and will be President of the 2009/2010 Season of the Symphony of Southeast Texas. In addition, Ms. Avery serves on my Service Academy Board. From 1999–2002, she served on the Port Arthur Chamber of Commerce Board. She was recognized as Business Advocate of the Year in 2002 by Lamar State College's Small Business Development Center, and is a graduate of the 2000 class of Leadership of Southeast Texas.

Madam Speaker, Pat Avery, a former high school track star and cheerleader, found her niche by helping people through employee relations and management. She is a pioneer in the male dominated petrochemical industry, and I am proud to celebrate her accomplishments.

A TRIBUTE TO THE GAMBLE HOUSE UPON ITS ONE-HUNDREDTH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor the Gamble House upon the occasion of its one-hundredth anniversary.

The Gamble House was designed by American Arts and Crafts architects Charles and Henry Greene. The Greene brothers have left an indelible impression on the design heritage of California houses, and their influence is most evident in their best-preserved work, the Gamble House in Pasadena, California.

The Greene brothers' distinctive style was deeply influenced by Japanese architecture and the English Arts and Crafts Movement, and is visible in the distinguished treatment of wood, stone, shingle, and brick. They designed all aspects of the house with assistance from notable European-trained craftsmen, John and Peter Hall, who elevated their exquisite designs to high levels of artistic excellence both throughout the house and in all the joinery, furniture, and decorative arts.

Construction on the Gamble House began in 1908. In January of 1909, the owners, David and Mary Gamble, moved in. The house was inhabited by the Gamble family for over fifty years, and remained their property until 1966, when the Gamble heirs, led by James N. Gamble, deeded the house to the City of Pasadena in a joint agreement with the University of Southern California's School of Architecture.

Boasting nearly 30,000 visitors annually, the Gamble House continues to play a leading role in educating the public about a unique part of Pasadena's heritage, as well as the history of the Arts and Crafts Movement. The Docent Council of the Gamble House, formed in 1967, encompasses a group of volunteers who aid with the cultural and educational components of the Gamble House. The Friends of the Gamble House, founded in 1972, is composed of individuals and organizations whose purpose is to financially support the house and its programs. Some of the programs include the Scholars in Residence Fellowships, the Junior Docent Program, and participation in the Museums of the Arroyo Day celebration.

In 1974 the Gamble House was named a California State Historic Landmark, and four years later the United States Department of the Interior designated the Gamble House a National Historic Landmark. The house has been preserved with the help of the James N. Gamble Preservation Fund.

I ask all members to join me in recognizing the Gamble House upon its one-hundredth anniversary, and to congratulate the staff and volunteers who keep the facility open for the public's education and enjoyment.

RECOGNIZING THE IMPORTANCE OF THE TOWSON UNIVERSITY ANNUAL GEOGRAPHIC INFORMATION SCIENCES (TUgis) CONFERENCE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SARBANES. Madam Speaker, on the occasion of its 21st annual TUgis Conference, I rise today to recognize Towson University for its excellence in geographic information sciences.

In 1984, Dr. John M. Morgan III, with tremendous vision, created a GIS lab at Towson University. He hosted the first statewide GIS conference in 1988. Since then, the Towson University Center for Geographic Information Sciences, CGIS, has grown to include approximately 35 full-time, degreed professionals dedicated to assisting government agencies, businesses, and non-profit organizations that use GIS to carry out their mission. As the program has grown in size, its reputation has also grown. CGIS has developed strong partnerships with several organizations throughout Maryland and has attracted first-rate students to Towson University who are interested in CGIS and its enormous potential.

The theme for TUgis 2008 is ''Democratizing GIS: New Tools for Meeting the Public Demand for Geospatial Information.'' As a member of Congress, I have been interested in better understanding the needs of those I represent. One way I have been able to gain this understanding is through geospatial information about my district. One of our interns, Matthew Sadecki, who will be graduating from Towson University with a master's in GIS, has been able to construct maps of the district displaying a wide range of information. These maps help me to visualize statistical information related to the geographical layout of Maryland's Third Congressional District and better address the needs of those who live there.

Madam Speaker, I want to again thank Dr. Morgan and Towson University for all they have done to advance GIS to its current form and wish them great success with all they have yet to achieve.

IN TRIBUTE TO EARL McPHAIL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GALLEGLY. Madam Speaker, I rise to pay tribute to Ventura County, California, Agricultural Commissioner Earl McPhail, who has the distinction of being the longest serving Agricultural Commissioner in the history of the State of California.

Now, after 29 years of regulating Ventura County's agricultural industry, Earl has decided to retire. He leaves a large set of shoes to fill.

In 2006, the value of agricultural products produced by Ventura County's 2,300 farms and ranches was more than $1.5 billion. That's an increase of more than $282 million from the previous year. The county's top three crops in 2006 were strawberries, nursery stock, and lemons.

Earl and the 40 people who work for him enforce state and local regulations on pesticides, worker safety, and other agricultural issues, as well as inspecting flowers and produce for pests before they're shipped to other parts of the state and nation and internationally. It's a huge job with a tremendous economic impact for Ventura County, but Earl has always done it with a calmness that belies his tough resolve in protecting the industry and the industry's consumers.

Earl is a native Southern Californian who graduated with a degree in agricultural biology from the California State Polytechnic University, Pomona, and is a graduate of the California Agricultural Leadership Program. He serves as president of the California Agricultural Commissioners/Sealers Association and is a member of the Ventura County Farm Bureau. He is a past member of the Ventura County Environmental Review Report Committee, Agricultural and Rural Affairs Committee for National Association of Counties, the Ventura County Management Association Board of Directors, and the Santa Paula Future Farmers of America Advisory Committee.

He is equally active outside the agricultural arena. He is an elder for the Santa Paula First Christian Church and chairman of its Board of Directors. Earl serves as a coach for the Saint Bonaventure High School Baseball League, and is a past member of the Boy Scouts of America, Troop 304, Advisory Committee and the National Association of Republican County Officials.

In addition, Earl is past treasurer of the Santa Paula Little League, past president of the Santa Paula Rotary Club, past president of the Ventura County Fair, Board of Directors, and past chairman of the Ventura County 4H Sponsoring League.

Earl has earned his retirement and we thank him for three decades of professionalism and dedication to an industry and community that has grown tremendously during his tenure. I have no doubt he will continue to serve the community and be an elder statesman for the industry.

Madam Speaker, I know my colleagues will join me in wishing Earl and his wife, Willa, the best in the years ahead. Godspeed, my friend.

HONORING JOSHUA JAMES MURPHY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua James Murphy, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua James Murphy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATIONS TO FRATERNAL ORDER OF EAGLES AERIE #1758

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SHUSTER. Madam Speaker, it is my pleasure to extend congratulations to the members and leadership of the Fraternal Order of Eagles Aerie #1758 in Waynesboro on the occasion of their 100th anniversary.

One-hundred years ago, citizens of Waynesboro organized Aerie #1758 with a simple objective, to ''make human life more desirable by lessening its ills and promoting peace, prosperity, gladness, and hope.'' They have succeeded!

Over the last 100 years, the Eagles have been an integral part of the Waynesboro community—providing civic leadership, raising funds for children, the elderly, and medical research, and improving the borough in ways great and small. The Eagles have made Waynesboro an immeasurably better place to live, work, and raise families.

I would like to thank the Waynesboro Fraternal Order of Eagles for all they have done for Waynesboro, the state, and the country. Congratulations to the members and leadership of Aerie #1758 and to Eagles who have assembled from across the country to be in Waynesboro on this occasion. Best wishes to them for the next 100 years and beyond!

RECOGNIZING DR. JASON BIGGS FOR HIS ACHIEVEMENTS AND SERVICES TO OUR COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize the dedication and commitment of Dr. Jason Biggs to our community of Guam. Dr. Biggs' scholarly achievements and his commitment to youth outreach and educational programs are appreciated by educators and students on Guam. Today he serves as an assistant professor in the University of Guam's Marine Laboratory and is the first Chamorro to hold a tenure-track position within the Marine Lab. He is the son of Joel G. Biggs and Anita R. Cruz.

Dr. Biggs is a graduate of George Washington High School and the University of Guam (UOG), both located in the village of Mangilao, Guam. He obtained his bachelor's and master's degrees in biology from UOG. This academic foundation prepared him to pursue an advanced degree at the University of Utah, and in 2005 he successfully earned his doctor of philosophy in pharmacology and toxicology. Dr. Biggs brings his knowledge and love of learning to our university and our schools. He is a superb role model to our young people.

Dr. Biggs works to promote science and scientific careers to youth through outreach programs. He has authored a textbook designed to introduce concepts in chemistry, biology, and biodiversity to elementary school students to encourage learning through interactive experiments.

Dr. Biggs served in various professional capacities as he pursued his doctorate. He participated in important research as a Molluscan DNA-Barcoder and Specialist of Chemical Ecology of Conidae for the Museum of Natural History in Paris. This research project brought him to the South Pacific country of Vanuatu where he worked with 50 other marine scientists. Dr. Biggs also worked as a forensics consultant for the office of Forensic Science, New Jersey State Police and he now brings these forensic skills to assist in local police efforts.

On behalf of the people of Guam, I commend and congratulate Dr. Jason Biggs for his achievements and his service to our island community. I look forward to hearing of his future academic successes at the University of Guam and his future contributions to our island.

HONORING THE 20TH ANNIVERSARY OF THE NATIONAL COMMITTEE FOR THE PREVENTION OF ELDER ABUSE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. EMANUEL. Madam Speaker, I rise today to recognize the 20th anniversary of the National Committee for the Prevention of Elder Abuse for their dedication to protecting the safety, security and dignity of America's most vulnerable citizens.

The National Committee for the Prevention of Elder Abuse (NCPEA) is a multidisciplinary association of researchers, practitioners, educators, and advocates dedicated to protecting seniors. In 1988 Dr. Rosalie Wolf founded NCPEA and served as its President until her passing 2000. Under her guidance and the leadership of her successors, Randolph Thomas and Pam Teaster, NCPEA kept diligently pursued its mission to prevent abuse, neglect, and exploitation of older persons and adults with disabilities through research, advocacy, public and professional awareness, interdisciplinary exchange, and coalition building.

In 1989 NCPEA published the Journal of Elder Abuse and Neglect, what is now the Nation's leading source of information on research and practice in the field. NCPEA has devoted itself to, and impacted the national debate on elder abuse prevention in a manner that has proved to be both substantial and comprehensive. NCPEA has participated in forums to set national policy to various Institutions such as the National Institute of Medicine, the Department of Justice and the Health Resources and Services Administration. In addition, they have forged a strong international presence and including participation in the United Nations Year of the Older Person, leadership involvement with the United Kingdom Action on Elder Abuse, Latin American Committee for the Prevention of Elder Abuse as well as the International Network for the Prevention of Elder Abuse.

It has been my honor to work closely with NCPEA in the past 5 years. NCPEA was one of the five founding organizations of the bi-partisan Elder Justice Coalition, and as the sponsor of H.R. 1783, the Elder Justice Act, I am proud to have their support and grateful for NCPEA's consistent leadership in the work of the Coalition.

On March 28, 2008, NCPEA will celebrate their 20th anniversary with a celebration right here in our Nation's capital, and I am proud to recognize NCPEA's 20 years of dedication to the protection and safety of our aging population.

Madam Speaker, I congratulate NCPEA on their 20th year of hard work on behalf of our Nation's seniors, and I wish them continued success in the future.

HONORING TARAN RAY WINNIE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Taran Ray Winnie, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Taran has been very active with his troop, participating in many scout activities. Over the many years Taran has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Taran Ray Winnie for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

SPEECH OF

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013:

Mr. HALL of New York. Mr. Chairman, I reluctantly voted yesterday against the substitute budget offered by Ms. LEE of California. I express that reluctance because this substitute included a number of individual provisions that I am very proud to support.

I strongly applaud the fact that the substitute budget included full funding for vital education programs, including No Child Left Behind. I believe Congress must continue working toward the goal of eliminating unfunded mandates. For too long, President Bush and his Republicans supporters have forced local communities to bear the brunt of the cost of No Child Left Behind's mandates. This has caused undue stress on local government's budgets, and led to an unacceptable increase in local property taxes in the nineteenth district of New York and across the country.

I'm also proud to support the commitment this bill has for full, guaranteed funding for veterans' healthcare. The ongoing wars in Iraq and Afghanistan have created a new generation of veterans with new healthcare needs. We must make sure that the VA healthcare system will accommodate this new influx of patients, while continuing to provide high quality care for veterans from previous generations. As a member of the Committee on Veterans' Affairs, I am committed to the fact that the VA must honor the pact we make with our soldiers; if they fight to defend our Nation, our Nation will always make sure they have the care they need.

I was also pleased that the substitute budget included additional steps to provide more immediate help to those people struggling to deal with our troubled economy. I was proud to support the bipartisan economic stimulus package when it passed the House earlier this year, and while it was a good start, I believe we need more relief specifically targeted to working and middle class families who are feeling the worst right now. Relief for these people will only come from our commitment to increasing assistance for unemployment insurance, food stamps, Federal Medical Assistance Percentage payments to states, and housing assistance as is contained in the substitute budget.

Although I've highlighted these specific provisions, there are a number of other highly commendable parts of this amendment I would have been proud to support. The proposal includes much-needed provisions to crack down on corporate welfare and a commitment to expand health coverage to all Americans, which I wholeheartedly support. It also includes the repeal of the Bush tax cuts, which have helped to put us on the path to fiscal ruin while providing no relief for working families.

I strongly support these provisions, and would embrace the opportunity to vote for them. Unfortunately, after years of Republican rule, our Nation finds itself in the midst of a fiscal nightmare, and I believe the only way to restore some semblance of financial discipline is through the admirable budget that chairman SPRATT has put together. It is a difficult decision, but one I do not make lightly. I am also concerned that the substitute amendment failed to include much needed reform of the AMT. The AMT unnecessarily burdens over 30,000 families in my district and threatens to dip further into the middle class. Any budget that fails to deal with the AMT fails to deal with one of our most pressing national concerns.

The underlying budget resolution, which I did vote for, contains significant funding increases for many of the programs I have discussed. The resolution also balances the budget and provides vital AMT relief for taxpayers. In light of our difficult fiscal situation, I believe that the underlying budget represents a strong step forward, and I believe it was deserving of my support.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008. establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013:

Mr. DINGELL. Mr. Chairman, today I rise in support of H. Con. Res. 312, the House Budget Resolution for fiscal year 2009.

There are a number of reasons why the President's budget was considered ''dead on arrival'' by Members of this House. I can think of five off of the top of my head—(1) $200 billion in cut funding over 5 years from Medicare and Medicaid; (2) $570 million in cut funding from the Low Income Home Heating Assistance Program; (3) $800 million cut from the Federal-Aid Highways Administration; (4) $85 million from the Manufacturing Extension Partnership and 5) $59 million cut from the Migration and Refugee Assistance. The icing on the cake—the President proposed freezing spending for the Consumer Product Safety Commission and the National Institutes of Health.

If this is not a sign that this President is out of tune with the American people, then I would advise this President that he spend more time reading the mail that comes to his office and less time on his ranch in Crawford.

With today's budget resolution, the House is holding true to its commitment to the American people and the priorities of our families. Frankly, there is no excuse to continue to neglect the families that need help from their government.

Recently the Congressional Budget Office projected that under the current policies of this administration the budget deficit will reach $396 billion in 2008 and $342 billion in 2009. These are the second and fourth largest deficits ever. I would remind my colleagues that when this administration took office we were fortunate to have a projected $5.6 trillion 10-year surplus. For a President who continues to advocate for fiscal responsibility, it appears to me that he has not followed his own advice.

Currently, 80 cents of every dollar of new debt since 2001 is owed to foreign investors. This is not a trend that we will let continue. Unlike the Bush administration, the Democratic Budget will be balanced by 2012 and will remain in balance in 2013. Furthermore, we will reduce the deficits over the next 5 years while continuing to follow pay-as-you-go.

The Democratic Budget also holds true to its commitment to our veterans by increasing funding for 2009 by $3.6 billion above the current level. At the same time that the administration is demanding more and more from our troops, they have also shamefully proposed $18 billion over 5 years in new fees for veterans and military retirees. Our troops have served in Iraq and Afghanistan honorably and dutifully and they deserve to come home to quality health care and strong education benefits. This budget will allow the VA to treat 5.8 million patients in 2009, 333,275 of which are Iraq and Afghanistan war veterans.

On January 20, the Commission on the Guard and Reserve issued a report announcing that the military is not ready for a catastrophic attack on the country. More worrisome is the conclusion that the National Guard is ill-trained and ill-equipped to handle the job. The Democratic budget addresses this issue by focusing on improving military readiness and enhancing the pay and benefits for our troops in order to improve their quality of life.

In the last 7 years, this Administration has failed to support our first responder programs, firefighter assistance grants and the Community Oriented Policing Services. The Democratic budget proposes to reverse this trend by placing a high priority on restoring funding. It is imperative that while we are assisting those abroad with their security needs, that we are also supporting our own domestic security needs.

I am proud to say that this budget proposal will also follow through on our commitment to expand children's health insurance coverage by providing a $50 billion increase to the State Children's Health Insurance Program (SCHIP) so that we can provide healthcare to millions more children who otherwise would go uninsured. As we all witnessed last year, the President vetoed legislation expanding SCHIP on two occasions. In my home state of Michigan we have seen the number of uninsured increase to 10.7 percent of Michigan's population. Rather than making healthcare coverage less accessible, Congress must be doing everything it can to ensure that every individual who wants healthcare coverage has the means to get it.

The Democratic budget also rejects the proposed $500 billion in cuts to Medicare and Medicaid. There is no doubt that this President does not place the health of our families on the top of his priority list, however, his budget did ensure that his fat cat friends in the insurance industry would still receive the overpayments to private managed care plans. I am pleased to say that the House has proposed $1.9 trillion in mandatory spending programs, including Medicare, Medicaid and Social Security.

As we have seen college costs and tuitions skyrocket, this President has proposed freezing funding to the Department of Education. The President has again failed to provide funding for No Child Left Behind (NCLB), providing only $24.6 billion for 2009, making the cumulative shortfall for NCLB $85.6 billion. On top of this, the President has proposed cutting Teacher Quality State Grants by $100 million. At a time when we are asking our teachers and schools to meet rigorous standards of NCLB, how can we cut funding from a program designed to assist with professional development?

The Democratic budget rejects these cuts by providing $7.1 billion for education and job training above the President's proposal. If we want to turn our economy around we must have workers that are well-trained and equipped to compete in the global market. However, to do so we must address rising college costs. In the last year the average tuition and fees to attend a four-year in-state public college increased 6.6 percent to $6,185, and for a four-year private college families are facing a bill of $23,712. This budget resolution will help parents and students pay for college raising the maximum Pell grant and continuing Perkins Loans and Supplemental Opportunity Grants.

The Democratic budget provides funding that is crucial for job creation. As we have seen here at home, our economy is heading towards a recession. From 2001–2006 alone, Michigan lost 235,000 jobs, many of them high-paying manufacturing jobs. With the rising unemployment rate, it is clear that we need to invest in our workers and new industries that would promote job creation here at home.

This budget provides critical funding for the America COMPETES Act increasing funding for math and science education and research. The Manufacturing Extension Partnership, which was drastically cut under the President's budget, will receive continued funding which will help to retain 37,000 jobs. It also supports the trade adjustment assistance program, which would provide 130,000 workers with both income support and access to training.

In the past year we have witnessed the danger of our neglected infrastructure in the tragedy of the Minneapolis bridge collapse. Until the next surface transportation bill, we must ensure that our roads and bridges are receiving the funding and support needed to be safe and secure for our communities. We must also address the negative effects of the rising costs in fuel. Congestion on our roads has resulted in 26 gallons of wasted fuel per person, costing our constituents $78 billion annually.

Over the years we have heard time and again from the President that we must decrease our dependence on foreign oil, yet he has proposed cutting funding for our highway and transit programs, mass transit expansions and Amtrak by $2 billion below authorized levels. The Democrats will not stand for this and instead propose increasing the investment in transportation infrastructure by $41.2 billion for highway programs, $10.3 billion for transit, $1.3 billion for highway safety and $3.9 billion in airport improvement grants. This will save our constituents delays on the roads and in the airports and reduce pollution and fuel needs.

Just this week it was announced that Michigan is sixth in the nation for foreclosures; nationally almost 2.8 million homeowners are at risk of losing their homes to foreclosures. Last year the House passed legislation that would create an affordable housing fund, which is currently awaiting Senate consideration. This budget takes a step forward by providing needed funding for the $2.8 billion shortfall for the project-based rental assistance program at the Department of Housing and Urban Development and provides funding for tenant-based rental assistance.

The Democratic budget would also help those that are struggling with home heating costs by rejecting the President's cut to the Low-Income Home Energy Assistant Program. Since 2001, home heating costs have gone up by 80 percent. There is no reason our families should be choosing between groceries and heat during the tough winter months.

While the President can propose cutting funding, Congress will continue to provide funding for bipartisan programs such as our water and natural resources programs. This budget rejects the proposed $2.9 billion in cuts and instead invests in water infrastructure that

will promote and protect our clean and safe drinking water supplies.

The Democratic budget provides tax relief for the middle class families that need it most. The Democratic budget will continue the tax cuts for the middle class, while also preventing 20 million families from being subject to the alternative minimum tax.

Finally, earlier this year, I wrote a letter to Chairman SPRATT requesting that he keep in mind the plight of the millions of Iraqi refugees and internally displaced persons when preparing the budget priorities for this year. I am happy that he was able to include language in the Committee Report accompanying the budget document recognizing this humanitarian crisis.

Mr. Chairman, I am pleased to say that not only have we received the last budget proposal from this Administration, but it is also the last budget of empty promises. I look forward to passing the Democratic budget resolution proving Congress's commitment to our American families. More importantly, I look forward to working next year with my colleagues and the next Administration to develop a fiscally responsible budget that will finally put the needs of our country first.

IN REMEMBRANCE OF JUANITA SERRANO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Juanita Serrano, who dedicated her life to serving as a community organizer on behalf of Women's Rights and social justice.

Juanita Serrano was born in Cayey, Puerto Rico in 1930 and moved to Cleveland in the 1960's. A single mother of seven sons, she dedicated her life to advocating on behalf of women and the poor. Her commitment to the welfare of others manifested itself in various ways. She participated in many marches and demonstrations in Washington, D.C. and served as the President of the Cleveland chapter of the National Welfare Rights Organization. Juanita was also one of the founding Board members of the May Dugan Multi-Service Center and served on the steering committee which helped create the Thomas F. McCafferty Health Center in Cleveland.

A tireless advocate for women and the poor, Juanita also dedicated her time to improving the life of Cleveland's Spanish speaking community. She served as a board member of the Spanish American Committee and was instrumental in the founding of Cleveland's first Hispanic Catholic Church, San Juan Bautista. Recognized for her life of serving the community, she was the recipient of Cleveland State University's Cervantes Award and was honored as the Grand Marshall of Puerto Rican Friendly Day Parade in 1993. For years Juanita volunteered as a Eucharistic Minister for terminally ill patients at MetroHealth and in 1995, was awarded Volunteer of the Year by the Cleveland Mediation Center.

Madam Speaker and colleagues, please join me in celebrating the life of Juanita Serrano, who committed her life to serving her church, her community and her family.

WOMEN IN THE TEXAS PETROCHEMICAL INDUSTRY: KATHLEEN JACKSON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. POE. Madam Speaker, today I am proud to pay tribute to Kathleen Jackson, Public Affairs Manager of ExxonMobil Corporation, who is in the elite club of women in the male dominated petrochemical industry.

A graduate of North Carolina State University, Ms. Jackson holds a Bachelor of Science Degree in Chemical Engineering and Pulp and Paper Science & Technology. She attended college on a Pulp and Paper Foundation scholarship, and became their first woman graduate in 1975. She was a North Carolina Leadership Institute Fellow and recipient of the W.E. Cauldwell Fellowship for Chemical Engineering studies.

For more than 30 years, Ms. Jackson has held various positions at the ExxonMobil Beaumont, Texas Refinery in engineering, operations, and environmental departments—including Operations Supervisor of the refinery's natural gas liquids processing facility.

Kathleen has been responsible for the refinery's Capital Budget Planning Program, Environmental Audit Program, and Water Quality issues. She is currently responsible for managing Public Affairs and Community Relations for Exxon Mobil Corporation's Refining & Supply, Chemical, and Lubricants & Petroleum Specialties business in Beaumont, Texas. She is a Texas Registered Professional Engineer and past Chairman of the Southeast Texas Section of the American Institute of Chemical Engineers.

Kathleen serves on the Lower Neches Basin Water Quality Assessment Program; the Beaumont Chamber of Commerce's Education Committee; the Southeast Texas Workforce Development Board; and is the past Chairwoman of the Southeast Texas Industry Public Relations Association, chartered by the Southeast Texas Plant Managers Forum.

In 1994, Ms. Jackson received Mobil Oil Corporation's prestigious Chairman's Award and Team Venture Award. She is also a recipient of ExxonMobil Chemical's Responsible Care Award, and the American Institute of Chemical Engineer's Outstanding Presentation Award. Kathleen is active in numerous community activities including Lamar Institute of Technology's Foundation Board of Directors; Beaumont Independent School District's Educational Improvement Committee; Young Audiences of Southeast Texas Board of Directors; Junior League of Beaumont; Rotary Club of Beaumont; JASON Alliance of Southeast Texas' Board of Directors; and is past President of the American Cancer Society.

Kathleen was appointed to the Governor's Focus on Reading Task Force by former Texas Governor George W. Bush in 1997. She currently serves as an appointee of Texas Governor Rick Perry as President of the Board of Directors for the Lower Neches Valley Authority.

Madam Speaker, Kathleen Jackson is a pioneer in the male dominated petrochemical industry, and I am proud to celebrate her accomplishments.

TRIBUTE TO POCA VALLEY BANK

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor the Poca Valley Bank as it celebrates its 100th anniversary this year.

Poca Valley Bank's first branch opened in 1908 in Walton, West Virginia, situated along the Pocatalico River in Roane County. Since then, it has expanded its banking services to Clendenin, Elkview, and Sissonville in Kanawha County and Winfield and Poca in Putnam County and opened its latest branch location in Spencer located in Roane County in 2005.

Poca Valley Bank gets its namesake from the Pocatalico River that originates in Roane County. Many of the branch locations are located along the Pocatalico River that flows through Kanawha and Putnam Counties.

The bank has found its success in catering to West Virginia's rural communities with a strong foundation built upon personal attention and customer service. With its modest roots in serving small towns and its rural outlying communities, Poca Valley Bank has grown into one of West Virginia's larger banking institutions.

It is an honor to pay tribute to Poca Valley Bank, a financial institution that represents the best of America's small town banks. I wish congratulations to Poca Valley Bank as it celebrates one century of banking in the Mountain State.

CONGRATULATING GARY K. SUNG AS THE 2008 YOUNG ENTREPRENEUR CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Gary K. Sung on being named the U.S. Small Business Administration 2008 Small Business Young Entrepreneur Champion of the Year for Guam.

Gary Sung is the sole proprietor of Ideal Advertising. With his knowledge of technology and web development, combined with his determination and business sense, Gary transformed Ideal Advertising from a home-based business to a successful advertising agency with nine full-time employees.

Gary was also named Regional Young Entrepreneur Champion of the Year in 2007 from a pool of young business owners from California, Nevada, Arizona, and Hawaii.

I congratulate Gary K. Sung on his business success, and I join our island in celebrating his regional and national recognition as the U.S. Small Business Administration 2008 Small Business Young Entrepreneur Champion of the Year for Guam.

ESTABLISHING THE HOME OWNERS LOAN CORPORATION TO KEEP MILLIONS OF AMERICAN FAMILIES IN THEIR HOMES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KIRK. Madam Speaker, just this morning, The New York Times posted this headline: ''JPMorgan and Fed Bail Out Bear Stearns.'' The ''subprime loan problem'' is mushrooming. Unless we take action with temporary relief targeted to keep families in their homes, we risk creating a patchwork ''bailout plan'' that will grow beyond our ability to monitor and will be impossible to dismantle.

Despite today's headlines, the American residential mortgage market remains healthy overall. Homes worth $20 trillion secure just over $10 trillion in mortgages, and over 90 percent of mortgage loans payments are not in default or foreclosure. However, one sector, subprime loans, is in distress. Over 7 million homeowners closed subprime loans between 2003 and 2007. An estimated $1.3 trillion in subprime loans are outstanding, and half of these have adjustable rates. More than 20 percent have fallen past due. Over half of pending foreclosures are the result of failed subprime loans. The worst is not over. During 2008, the interest rates paid by 1.8 million subprime borrowers with $362 billion of adjustable rate mortgages will reset upward, sharply, and continue to rise every 6 months. Lenders have mortgage assets on their balance sheets they cannot sell at a fair price, and borrowers are wincing at the sharply higher reset interest rates they must face later this year.

In today's Washington Post, Alex Pollack, former president of the Chicago Federal Home Loan Banks and now a resident scholar at the American Enterprise Institute, reminds us of ''A 1930's Rescue Lesson''—the Home Owners Loan Corporation, better known as ''HOLC''. This Government corporation was given the authority to purchase troubled home loans from lenders at a discount for 3 years, then liquidate when its ''workout'' mission was complete. HOLC's participation in the troubled 1934 mortgage market assured liquidity, restored confidence, and rescued 800,000 families from the threat of foreclosure. In 1951, HOLC completed its task, returning its initial capital contribution to the Treasury, with a profit.

I am introducing legislation to re-establish the Home Owners Loan Corporation, capitalizing it with $25 billion that can be deployed immediately to purchase up to $300 billion in troubled home loans. The new corporation will have the mission of fulfilling HOLC goals established in 1933, in a way that: keeps borrowers in their homes, and foreclosures to a minimum; does not bail out careless lenders or speculative investors; limits the cost to taxpayers; is temporary.

Its board of directors would include representatives from the Treasury, the Government Accountability Office, the FDIC, HUD, and the Office of Federal Housing Enterprise Oversight.

HOLC21, like its predecessor, will limit its purchases to mortgages secured by primary residences. And, like its predecessor, it will liquidate when its job is complete. This temporary emergency program is meant to be a lifeline to subprime borrowers, preventing a downward spiral into recession. Its doors will not be opened to allow lenders to dump their assets on the Government without recognizing the cost of imprudent credit decisions. HOLC21 would purchase or guarantee mortgages on primary residences that are past due or in default, adjusted to a balance equal to 90 percent of a fair valuation of the collateral property as set by HOLC21. In markets that have seen property values drop, lenders will have the choice of recognizing their loss and selling a mortgage to HOLC21, or holding the loan and waiting for housing values to improve.

Alex Pollack describes HOLC as ''sensible temporary actions'' designed to ''bridge the bust'' and ''be withdrawn as private market functioning returns.'' The private market needs temporary Federal support. Let's make sure it is temporary, efficient, and targeted to homeowners.

HONORING SARAH SPORTSMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sarah Sportsman of Kansas City, Missouri. Sarah is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Sarah has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Sarah has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Sarah Sportsman her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

CONGRATULATING ROBERT EDINGTON FOR BEING NAMED MOBILIAN OF YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Mr. Robert Edington on the occasion of his being named Mobilian of the Year for 2007 by the Mobile Civitan Club. The Mobilian of the Year is the city's most prestigious civic honor, and Robert is most deserving of this award in recognition of over 50 years of dedicated service to the city of Mobile.

A native of Mobile, Robert Edington started his career in the Naval Reserves. He served as an Air Intelligence Officer for a Navy fighter squadron in the Korean War before retiring with the rank of commander.

Robert is an attorney and has served as a legal counselor in the Mobile area for more than half a century. He currently serves as the director of the Mobile Bar Association Volunteer Lawyers Program, a program that provides legal services to the underprivileged.

Robert served for 8 years in the Alabama House of Representatives and 4 years as a State senator representing Mobile County. During his service in the Alabama Legislature, he played a lead role in establishing the Alabama Historical Commission as well as other historic districts in the city of Mobile. One of his greatest contributions to the city of Mobile was his leadership in the creation of the USS Alabama Battleship Commission, which brought the World War II battleship to Mobile in the 1960s. In recognition of his legislative efforts, the National Trust for Historic Preservation in Washington, D.C. presented Robert their national award.

During his tenure in the Alabama Legislature, Robert was also instrumental in the creation of the University of South Alabama, the University of South Alabama College of Medicine as well as the development of Bishop State Community College in Mobile.

Robert served two terms as chair of the USS Alabama Battleship Commission, during which time he oversaw the $7 million restoration project following Hurricane Katrina. He served as former chair of CSS Alabama Association, an organization responsible for underwater archeological expeditions at the wreck site of the CSS Alabama off the coast of France. The artifacts recovered by these missions are now on display at the Mobile Museum of History. Robert also loaned his voice to a History Channel documentary, ''Raise the Alabama.''

Robert was the Consul of Guatemala at Mobile for 20 years, and in this capacity, he organized the first local trade mission to Central America. In recognition of his efforts, he was awarded the U.S. Department of Commerce Achievement Award. He also served on the National Advisory Board for the U.S. Small Business Administration for four years.

For 40 years, Robert has coordinated the U.S. Navy ships for Mobile's Mardi Gras festivities. He is an ardent supporter of Penelope House, a place of refuge for victims of domestic violence. Robert is a member of the Board of Directors of the Mobile Council of the Navy League, the Kiwanis Club of Mobile, and an active member of the National Democratic Party. He is an elder at Spring Hill Presbyterian Church and a charter member of Mobile United.

Madam Speaker, I would like to offer my personal congratulations to Mr. Robert Edington for being named the Mobilian of the Year for 2007 and in so doing, recognize him for his many outstanding professional and philanthropic accomplishments.

I ask my colleagues to join me in congratulating a dedicated professional and friend to many throughout south Alabama. I know Robert's family; his wife, Pat; his son, Sherard; his daughter, Virginia; and his many friends join me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of southwest Alabama and the entire State.

HONORING SERENA LAINE-LOBSINGER, SPELLING BEE CHAMPION IN FLORIDA

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor Ms. Serena Laine-Lobsinger, an accomplished 7th grader from my congressional district, who recently won the regional finals of the Scripps National Spelling Bee in Florida. Serena competed against 8 opponents for 36 rounds of tense competition, to win as the area's top speller. She will now travel to Washington, DC, to represent Palm Beach, Hendry, Glades, and Okeechobee counties at the Scripps National Spelling Bee, the largest and longest standing spelling bee in our country.

Serena is a bright and talented young woman and her hard work and dedication to her studies will surely help her succeed in any endeavor she pursues. I wish Serena the best of luck in the finals of the Scripps National Spelling Bee, and continued success in the future.

TRIBUTE TO MARLENE LEE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SHIMKUS. Madam Speaker, I rise today with a grateful heart to pay tribute to a selfless American, Marlene Lee of Boyds, Maryland.

In 2003, Marlene developed ''Operation Atlas'', a community outreach program for injured soldiers and their visiting families at Walter Reed Army Medical Center. It is through this program that I have been able to work with Marlene on a nearly monthly basis as she escorts soldiers and their families on tours of the Capitol.

Marlene is an incredibly giving person, both of her time and talents. Her son, Greg, has served two tours in Iraq, so she knows intimately the pains military families go through. Yet, she is always ready with a willing hand, a kind heart, and a new way to serve others. Named as one of the American Red Cross Volunteers of the Year in 2003, Marlene was recognized again in 2004 by the Walter Reed Army Medical Center. She is also on the board of directors of ''Operation Support Our Troops'' and the committee for Wheels for Warriors.

Through her time spent with wounded and recovering soldiers, Marlene recognized the need to reach out to children ''who know of, care about, or just plain love a wounded warrior.'' She went back to school, earning a master's of arts in thanatology, the study of death, dying, and bereavement, from Hood College.

With the motto of ''Children 'serve' and sacrifice, too'', Marlene has written two books for children on dealing with the loss of a loved one in the Armed Services: The Hero In My Pocket and That's My Hope. She donates a portion of the proceeds from book sales to selected organizations that assist military families.

I am honored by the time that I have been able to share in service with Marlene. She is a dedicated and humble person who goes out of her way to bless the lives of the men, women and the children in our military families and communities. May God continue to bless her and America.

INTRODUCTION OF RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF JAMES MADISON UNIVERSITY

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GOODLATE. Madam Speaker, I rise today to honor James Madison University on the occasion of its 100th anniversary.

James Madison University, surrounded by the beautiful Shenandoah Valley, has proved to be a catalyst for growth in western Virginia, building on the agricultural base of the region to create a center for higher education.

It has been a true pleasure to work with former president Dr. Ron Carrier and current president Dr. Linwood Rose as they have skillfully guided James Madison Uuniversity into the twenty-first century.

From its inception, James Madison University has been at the forefront of education. Originally a teachers college, today James Madison provides ground-breaking research in information technology, security and alternative fuel sources, and offers more than 100 degree programs for its more than 17,000 students.

Madam Speaker, James Madison University's alumni have impacted the Commonwealth of Virginia, the United States and the world. Madison graduates travel to the farthest corners of the earth to perform research and provide leadership in corporate boardrooms, State legislatures and even here on Capitol Hill.

I am pleased to introduce today, along with the entire Virginia delegation, a resolution recognizing the rich history and accomplishments of this remarkable institution on the occasion of its 100th anniversary. I urge all the Members of this body to join us in congratulating James Madison University on its 100th anniversary.

TRIBUTE TO TOM AND CHRISTINE BUTLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to recognize the accomplishments of Tom and Christie Butler of Lexington, Missouri. Together, the Butlers have contributed over 100 years of outstanding service to the Boy Scouts of America. Their contributions to the young people of Missouri have helped them learn leadership skills and self-confidence that will last a lifetime.

Tom has been involved with the Boy Scouts for the past 56 years and earned the rank of Eagle Scout in 1961. Christie earned the Gold Bar Award from the Girl Scouts of America and became the first female to serve as scoutmaster in the Big Muddy District of the Heart of America Boy Scout Council. Both serve their district by serving as a resource for Scoutmasters, providing training to fellow adult leaders, and attending meetings of different area troops.

The Butlers believe strongly in the values and lessons learned from scouting. Throughout the years, the Boy Scouts have remained one of America's finest organizations in helping young people learn both practical skills and life lessons. Thanks to the work and dedication of people like Tom and Christie Butler, many more young people will have the opportunity to be involved in Scouting.

As an Eagle Scout myself, I understand the impact leaders such as the Butlers have in guiding America's youth. I hope Members of the House will join me in honoring and thanking the Butlers for their work with the Boy Scouts.

CONGRATULATING BILL BOSS ON RECEIVING THE TENNESSEE TITANS 2007 COMMUNITY QUARTERBACK AWARD

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, this January, Bill Boss of Tullahoma, Tennessee, received the Tennessee Titans 2007 Community Quarterback Award, and I rise today to congratulate his service to our community, our state, and our country.

Nearly thirty years ago, Bill completed his service to our armed forces and retired as an officer of the United States Air Force. For Bill, his time as one of America's finest was only the beginning of a life dedicated to his community and the betterment of those around him.

After retiring from the Air Force, Bill began a career as a research engineer for the University of Tennessee Space Institute. It was there that Bill met with friends and colleagues to discuss how they could use their scientific expertise to give young students in Coffee County, Tennessee, and across the state an opportunity to discover the sciences for themselves. Only seven years later, Boss's diligence proved successful and helped open the Tullahoma Hands-On Science Center.

Today, 10,000 eager young learners visit the Hands-On Science Center every year as it continues to provide a forum that engages and enthralls the scientists of tomorrow. I commend Bill for his efforts, and proudly stand to congratulate him today for an award well earned in service to Coffee County students and all those aspiring scholars across the State of Tennessee.

CONGRATULATING THE INDIANA WRESTLING STATE CHAMPIONS AT MISHAWAKA HIGH SCHOOL

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. DONNELLY. Madam Speaker, I rise today to honor the victory of the Mishawaka

Cavemen in the Indiana High School Athletic Association state wrestling championship. The championship was a repeat challenge between two-time defending state champions Mater Dei and the Cavemen, who had suffered defeat the year before. It took all their strength and motivation to turn the tables, but at the end of this year's tournament it was the Cavemen who were celebrating victory.

It was the perfect finish to a season full of intense physical training and exhausting practices. On its way to the state title, Mishawaka—ranked third overall—completed their season with a record of 31–1 and knocked off both the first and second-ranked teams. While they have appeared in the state finals for nine consecutive seasons, this is the first championship for Mishawaka since 1991.

Mater Dei had an early lead in the contest, but junior Tim Forte rallied to win his match 1–0. This gave the Cavemen a score of 9–7—a lead which they were able to maintain throughout the rest of the competition. Seniors Dave Balentine and Randy Morin and sophomore Paul Beck were all victorious in their matches, bringing the score to 22–10. But it was a win by junior and three-time individual state champion Josh Harper that finalized Mishawaka's victory.

These exceptional members of the Mishawaka team were joined by Danny Abu-Shehab, DJ Ballenger, Brandon Barcus, Jon Bennett, Christian Bergin, Dustin Boyd, Andrew Brogdon, Gary Brooks, Andrew Childress, Darius Cooley, David Delarosa, Anthony Eddy, Marty Friedman, Adam Guerra, Matt Guerra, Neal Kostry, Christian Lentz, Anthony Lewis, Darius Marshall, Hunter Marvin, Brandon Merisch, Aaron Merisch, Richard Morin, Tyler Nally, Robert Norris, Caleb Norville, Trenton Reinoehl, Tyler Reinoehl, Steven Sandefer, Nick Schrader, Joey Smith, Tylor Smith, Brandon Straub, Quinci Sullivan, Mitch Sutherland, Travis Thomas, Justin Traver, Eric Uitdenhowen, Austin Vegh, Alex White and Taylor Wisler. These dedicated young men should be commended for their accomplishments.

None of this would have been possible, however, without the support of Mishawaka High School's administration and staff. Special recognition should be given to head coach Darrick Snyder, assistant coaches Fabian Chavez and Mike Lehman and Athletic Director Robert Shriner for the continued support and guidance they give to the team. Volunteers Brad Addison, Pat Day, Mike Faulkner, Scott Gann, Nick Nicodemus, Mike Strycker, Brandon Trtan, and Junior Varsity Coach Brian Woodworth gave freely of their time and energy to make this championship possible. The team was not alone in this accomplishment, as family, friends, fans, members of the Mishawaka community and Mishawaka High School principal Dr. George Marzotto have all tirelessly cheered the team on to victory throughout the season.

The Mishawaka Cavemen wrestling team has achieved a memorable ending to an extraordinary season. I offer my congratulations to the members of the team, the coaching staff, Mishawaka High School and the greater Mishawaka community on this season's accomplishments.

IN HONOR OF THE CLEVELAND FEDERAL EXECUTIVE BOARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Cleveland Federal Executive Board, and all federal employees of our community for their individual and collective dedication as public servants, focused on the public good.

The community of federal employees in Cleveland, Ohio, is comprised of more than 25,000 individuals who contribute their talent, trade and expertise daily within an array of roles, including park rangers, administrators, accountants, clerical employees, attorneys, engineers, military personnel, mail carriers, scientists, nurses and physicians.

The professional contributions extended daily by federal employees serve as a foundation of support, safety and security throughout our community. Every day, the environment is monitored; the mail is delivered; veterans receive medical care; our national park is preserved; immigrants are guided to citizenship; citizens are provided with benefits and programs; and the universe is studied and explored by the astronomers.

Madam Speaker and colleagues, please join me in honoring the members of the Cleveland Federal Executive Board and the thousands of federal employees who live and work within our Cleveland community. Their dedication to their work continues to preserve, protect and strengthen our entire community.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

SPEECH OF

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013:

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong support of the Progressive Caucus Budget Substitute.

This week, many of my constituents are visiting Washington, DC. They are here asking for more funding for important Federal programs.

I keep explaining to them, that I will do my best; we all will do our best. We will fight for them; we will fight with them.

But the problem is the war in Iraq. Every penny we spend on this war is another penny that will cost our children, our grandchildren, our great grandchildren. Every cent we spend on this war in an emergency supplemental is off-budget. But every dollar we invest in health care, unemployment insurance, housing, in child welfare is subject to devastating cuts. This administration believes that we have an endless pot of money for war, but no money for hard-working Americans.

Across the country people are struggling. They are struggling to keep up with their bills. Struggling to pay their mortgages, pay for college, pay for food, pay for gas. They come here and ask us to invest in their needs. They ask us to provide funding not for the war but for their communities.

Mr. Chairman, this budget amendment does just that. We provide nearly $132 billion more than the President to assist struggling Americans. This proposal responds to our constituents. It says we found a way to fund what is important to you.

I urge all of my colleagues to vote "yes" on this amendment.

THE 20TH ANNIVERSARY OF THE GAS ATTACK OF THE KURDS OF HALABJA

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to solemnly remember the 20th anniversary of a terrible crime committed against the Kurdish people, the gassing of the inhabitants of the city of Halabja on March 16, 1988. This attack on men, women, and children was a crime against humanity. On that day, Iraqi planes dropped chemical munitions, including mustard gas and nerve gas; the planes concentrated their attack on the city as well as the roads leading out of the town. More than 5,000 people were killed and another 10,000 were injured. Twenty years later, the survivors of this attack are still suffering from the effects of that horrendous onslaught.

As a staffer with the Senate Foreign Relations Committee at the time, I had the opportunity to travel to the region after this attack, in September 1988, and observed fIrst hand the effects of that terrible campaign against the Kurds. With my colleague, Peter Galbraith, I interviewed Kurdish survivors of other chemical attacks that followed. We had the sad but important task of documenting chemical attacks on 49 Kurdish villages. These attacks were part of a year-long brutal campaign that resulted in the deaths and disappearances of approximately 180,000 Iraqi Kurds.

Because of these brutal attacks against the Kurds, the Senate passed stiff economic sanctions against the Saddam Hussein regime at the time, but the Reagan Administration defeated this effort and failed to penalize this regime with any meaningful measures. That failure sent a terrible signal to Saddam Hussein, and he may have concluded that he could subsequently attack Kuwait with impunity. After the Persian Gulf war of 1991, the United States imposed a no-fly zone over the Kurdish region of Iraq, which helped the inhabitants of that area to begin to restore their shattered lives.

Today, the Iraqi Kurdistan region is one of the most stable and peaceful regions of Iraq, and its brave people are trying to concentrate on political and economic development. As we try to assist these people we should also be mindful of what they have lived through and the loved ones they have lost. We must never

forget the crime against the inhabitants of Halabja and other Kurdish towns and villages.

TRIBUTE TO PAUL F. GILL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Paul Gill is one of these individuals. On March 26, 2008, a celebration will be held in honor of Paul Gill's retirement—and of the next chapter in his life of public service as the Chief Operations Officer of Pittsburgh Public Schools.

Paul Gill is the Senior Vice President, Regional Operations, for American Dental Partners, a leading dental practice management services organization. He is responsible for supervising California operations, and building a strong dental network for the West Coast. Since 1993, Paul served as the Administrator for Riverside Dental Group.

Prior to coming to Riverside Dental Group, Paul served as Community Development Director for the City of Moreno Valley. In that capacity, he managed the city activities of Planning, Building, and Code Compliance.

Before his position with the City, Paul served more than 23 years in the United States Air Force, last serving as the Wing Commander at March Air Force Base, California. In the Air Force, Paul served in various commands throughout the country and overseas as a pilot, instructor pilot, evaluator pilot and at various levels of operational staff and command. He has flown approximately 4,000 hours, of which more than 800 were in combat.

Paul has a B.S. degree from Duquesne University, an M.S. from Syracuse University, as well as an M.A. from Creighton University. Among his community activities, he served as Chairman, March Joint Powers Authority Technical Advisory Committee, Director of the Silver Eagles, and the LeMay Foundation. Paul has also served as Chairman of Riverside County's Airport Land Use Commission, Chairman of the Silver Eagles, Director of Riverside County's Regional Hospital Foundation, the Monday Morning Group, and the Moreno Valley Action Committee. He and his wife Mary Anne have four grown children.

Paul's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Paul a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires from the Riverside Dental Group. I wish Paul and his wife all the best as they embark on a new adventure in Pittsburgh, Pennsylvania. They will be sorely missed.

RECOGNIZING MR. BENSON AU-YEUNG AS THE 2008 MINORITY SMALL BUSINESS CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Mr. Benson Au-Yeung on being named the U.S. Small Business Administration's 2008 Minority Small Business Champion of the Year for Guam.

Benson grew up on Guam and has contributed to our community throughout his life. He was born in Kowloon, Hong Kong where he studied the English language for 13 years. In 1976, his family relocated to Guam. He attended Cathedral Grade School, Bishop Baumgartner Junior High School, and graduated with honors from Father Duenas Memorial School. He then left for a short period to obtain a bachelor of science degree in computer science from the University of Hawaii at Manoa.

Benson returned to Guam in 1986 to devote his time to the family business, a successful local company geared toward the visitor industry. He combined their services with his experience in computer programming and started Soft Pacific, Inc which equips Guam and Saipan businesses with Japanese language computers.

In 1998, Benson expanded Soft Pacific, Inc. and acquired the 3M Graphics Division on Guam. Eventually this acquisition resulted in the development of Benz Sign Supplies, a successful sign supply company on Guam. Benz Sign Supplies provides a variety of signage products to the local market and has widened its clientele to include the overseas market, including the U.S. mainland and Canada.

After 10 years, Benson's small business continues to provide important products and services to our community. He is a an active member of the Guam Contractors Association, Guam Hotel and Restaurant Association, Chinese Chamber of Commerce of Guam, and the Guam Chinese Tennis Club. I congratulate him for his achievement as the U.S. Small Business Administration's 2008 Minority Small Business Champion of the Year for Guam.

IN HONOR OF DR. LAWRENCE S. SYKOFF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor Dr. Lawrence S. Sykoff's lasting contributions and dedication to education. After 15 years as Head of Ranney School, Dr. Sykoff has transformed Ranney into one of the premier independent schools in New Jersey.

Dr. Sykoff has been committed to the field of education for 35 years. Before accepting his position at Ranney, Dr. Sykoff served as Head of the Birch Wathen Lenox School in New York, and as a math teacher at the La Jolla Country Day School. He is nationally acclaimed for his studies in Middle School education and curriculum development, and his work on the education of pre- and early adolescent children has been used as a model in schools across the country.

At Ranney, Dr. Sykoff has successfully launched an impressive campaign to expand the school and enhance the education of its students by increasing enrollment, building new facilities, and broadening the scope of Ranney's technological capabilities. Under Dr. Sykoff's leadership, Ranney continues to maintain a strong relationship with its neighborhood and Monmouth County by supporting the Tinton Falls Police Youth Academy and the Tinton Falls City Council.

Currently Dr. Sykoff is very active in the community. He sits on the Board of Trustees of the American Cancer Society and the historic Count Basie Theatre in Red Bank, NJ. He is also a past member of the Board of the Monmouth County Family and Children's Service.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating Lawrence Sykoff. His efforts in advancing the quality of education and his commitment to excellence will continue to benefit and inspire my constituents and all NJ residents.

DESIGNATING APRIL 2008 AS 'NATIONAL FACIAL PROTECTION MONTH'

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. McCARTHY of New York. Madam Speaker,

Whereas 5 million teeth are knocked out each year during sports activities;

Whereas an athlete participating in contact sports has a 10% chance of sustaining a significant oral-facial injury each season;

Whereas studies indicate that approximately one third of all dental injuries and approximately 19% of head and face injuries are sports-related;

Whereas an athlete is 60 times more likely to sustain damage to the teeth when not wearing a protective mouth guard;

Whereas emerging evidence supports that youth athletes wearing full facial protection during baseball, softball, hockey, and lacrosse can significantly reduce their risk of oral-facial trauma;

Whereas the Task Force on Community Preventive Services found that there is insufficient evidence—due to a lack of available research data—to support intervention programs to encourage the use of helmets, facemasks, and mouth guards to reduce oral-facial trauma in contact sports;

Whereas the Task Force on Community Preventive Services has recommended additional research on the effectiveness of intervention programs to encourage the use of helmets, facemasks, and mouth guards;

Resolved, That the House of Representatives—

(1) designates April 2008 as 'National Facial Protection Month';

(2) declares it is critical—

(a) to raise awareness about the importance of using proper dental and facial protection during sporting activities;

(b) to conduct additional research to study the effectiveness of intervention programs to encourage use of helmets, facemasks, and mouth guards;

(3) calls on sports health care professionals, parents, and coaches—

(a) to educate athletes about the importance of protective equipment and encourage the use of all protective devices to ensure the athlete's safety;

(b) to recommend using protective equipment that meets the National Operating Committee on Standards for Athletic Equipment (NOCSAE) and that the equipment is clearly identified as being in compliance;

(c) to observe National Facial Protection Month with appropriate ceremonies and activities.

TRIBUTE TO CHARLES C. LANHAN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. CAPITO. Madam Speaker, I rise to honor the career and accomplishments of Charles C. Lanham of Point Pleasant, West Virginia.

For the past 50 years, he has been a leader of various civic and professional organizations addressing the needs of his community and small town banks. A graduate of Marshall University and former member of the Army National Guard, Charles began his banking career in Ripley, WV and later took a job as Vice President of Citizens National Bank in nearby Point Pleasant in 1963. He spent the next 40 years as a leader in local community banks and recently retired from his current post as Director Emeritus of the Ohio Valley Banc Corps.

Despite his prominent banking career, he is revered most for his public service. He has successfully brought results through his leadership and involvement with countless community organizations that address the needs of Mason County. His greatest contribution; however, is his work to bring attention to improving Route 35.

Charles and two of his colleagues, David Hofsetter and Jack Fruth formed the Route 35 Committee to address the dangerous stretch of highway in Mason and Putnam Counties in 1996. For the next ten years, Charles spent countless hours traveling from his home in Point Pleasant to our state capitol and the halls of Congress to advocate funding for this project.

His hard work finally paid off in 2003 when funding was first appropriated to begin the upgrade. The link of highway he so tirelessly worked to improve was named in his honor as the Fruth-Lanham Highway. In 2005, Charles answered another call to public service when he was named Senator of 4th Senatorial District where he could work to further his mission for Route 35.

Charles represents the true calling of public service. It is an honor to work with such a distinguished citizen who has contributed so much to our great state. I'm proud to call Charles Lanham a friend and a fellow West Virginian. I wish him all best in his retirement.

CONGRATULATING STAN McNABB OF TULLAHOMA, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, this year, 25,000 individuals from the automobile industry converged to honor the nominees for Time Magazine's ''Dealer of the Year'' Award. Today, I'm proud to congratulate Stan McNabb of Tullahoma, Tennessee, on his nomination for the 2008 Time Magazine Dealer of the Year. This prestigious honor is a tribute to his exceptional performance as an auto dealer and his steadfast commitment to community service, and I rise today to recognize Stan's dedication to his trade and to the people of Coffee County.

Robert Weaver, President of the Tennessee Automotive Association, nominated Stan to represent Tennessee as one of the 51 dealers who will compete as finalists for ''Dealer of the Year,'' an award that required a demonstration of successful auto-dealing as well as an ongoing dedication to community service.

Stan, who earned his degree from Middle Tennessee State University, sold cars as a young man at a Chevrolet dealership and quickly discovered that his passion for automobiles could develop into a career. Stan bought his first dealership in 1980, and now owns three businesses in middle Tennessee. In addition, Stan has used his success in business to contribute to the State. As a board member of ''Partners for Healing,'' an organization meant to provide help and support to the working uninsured in Coffee County, Tennessee, Stan exemplifies a charitable spirit that is a model for business owners across the State.

It is a privilege to congratulate Stan McNabb on his nomination for this award, and to recognize him for his success and service.

CONGRATULATING MR. RONNIE POIROUX ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Mr. Ronnie Poiroux on the occasion of his retirement after a 37-year public service career with the Alabama Department of Transportation (ALDOT).

After graduating with a bachelor's degree in civil engineering from the University of South Alabama, Ronnie joined ALDOT in 1971 as an engineering assistant. Six years later, he was named assistant division maintenance engineer, a position in which he supervised 32 employees. In this capacity, Ronnie was charged with bridge inspection and repair, resurfacing, paint striping, traffic signals, and truck weighing. Just months after this promotion, Ronnie was given the additional responsibilities of overseeing tunnels and lift span bridges, including the supervision of an additional 45 employees.

In 1982, Ronnie was promoted to maintenance engineer for the Ninth Division. ALDOT's Ninth Division encompasses a large portion of the First Congressional District, including Mobile, Baldwin, Escambia, and Conecuh counties. As maintenance engineer for the Ninth Division, Ronnie supervised and administered the railroad safety projects, division resurfacing projects and paved shoulder projects in southwest Alabama. Ronnie managed bridge inspections and helped establish priorities for bridge replacement projects. He also administered outdoor advertising as well as the interstate logo program.

Ronnie was promoted to division engineer for the Ninth Division in 1994, a position he held until his retirement 14 years later. As division engineer, Ronnie supervised numerous projects in southwest Alabama, including: $900 million in construction and maintenance projects; $200 million in preliminary engineering, right of way acquisition and utility relocations; the opening of I-165; completion of the I-165 connector and Bay Bridge relocation to Cochrane Africatown Bridge; completion of replacement bridges over Fish River and Dog River; hurricane evacuation routes and emergency evacuations of south Alabama; preliminary design and planning of proposed Mobile Bay bridge; redesign and construction of the new I-10 interchange in Irvington as well as the connector to Bayou La Batre; the widening of Highway 98; design and construction of Alabama 113 from I-65 to Flomaton; completion of additional lanes and widening projects including Alabama 287 and Alabama 59 in Baldwin County, U.S. 31 in Escambia County and Schillinger Road/Alabama 158 in Mobile County; creation of the award winning Gopher Tortoise Preserve in Mobile County; the installation of osprey nesting platforms in Mobile and Baldwin counties; and construction of Mobile's Traffic Management Center and installation of a fog detection system for the I-10 Bayway Bridge.

Madam Speaker, it is clear Ronnie Poiroux has left an indelible mark on southwest Alabama, and I ask my colleagues to join me in congratulating a dedicated professional and friend to many throughout Alabama. I know Ronnie's colleagues, his family, and his many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of southwest Alabama and the entire state.

HONORING AMY ZIEBER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Amy Zieber of Cameron, Missouri. Amy is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Amy has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Amy has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Amy Zieber her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

TRIBUTE TO MARGO WELS JESKE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. RAMSTAD. Madam Speaker, I rise to pay special tribute to Margo Wels Jeske, a great American who exemplifies all that is special about our Nation of hard-working, visionary business leaders. Margo has followed a path that all of us in this chamber should strive to emulate—she cares about people first.

Well before the age of computers, in 1966, when jet travel was still rare and gas was 35 cents per gallon, a young woman named Margo Wels from Nicollet, Minnesota, joined the North American Life and Casualty Company as a cashier in its New Ulm office.

Margo served North American Life and Casualty and its successor company, Allianz Life, for 42 outstanding years. She held a series of important positions, including Executive Assistant to the President and other key company officials. Margo retired in early February.

Today, we salute Margo Wels Jeske for her leadership and hard work in protecting people and families and helping our area keep and develop good jobs.

Madam Speaker, we all know from our experience in Congress the importance of people like Margo. They have tremendous institutional knowledge, mentor younger workers and help bring order to the lives of the people with whom they work.

Throughout her entire career at Allianz Life, Margo earned the deepest respect and affection of the thousands of people with whom she came in contact. Her humor, personal kindness and professionalism made her a crucial part of the company.

We live in a time when connections between people are not as strong as they were in the past. But when we examine the life of Margo, we recognize the real importance of those connections. We are worse off for the lack of the personal touch. To thrive, all institutions need committed people, and no one exemplifies this better than Margo Jeske.

Every season of life has its own unique pleasures and Margo has decided it is time to retire, travel and do other things that she enjoys.

Madam Speaker, I want to commend Margo for her successful career and extend my best wishes to her and Wayne and their son, Eric, for health and happiness in the years ahead. America salutes Margo and all our citizens like her who bring a caring and committed attitude to the job each and every day.

I hope that each of us in the U.S. Congress seek to serve our constituents with the same dedication shown by Margo Wels Jeske each and every day.

CONGRATULATING THIRD DISTRICT MIDDLE SCHOOL PATRIOTIC ESSAY CONTEST WINNERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, this year marked the first-ever Third District Middle School Patriotic Essay Contest. Students living in the Congressional ''District wrote a patriotic essay on a topic of their choice. Over 275 students submitted essays for this first time endeavor. I must give special credit to Murphy Middle School's award-winning teacher Donna Jenkins. Her students authored the most essays and contributed greatly to this inaugural contest.

Today I'm proud to share the essays from the three winners. From here on out they'll be preserved for antiquity in the CONGRESSIONAL RECORD. Someday, each winner will be able to share with children and grandchildren—''In middle school I wrote a patriotic essay and my work will always be recognized in the official CONGRESSIONAL RECORD.''

1st Place: Kayla Hudgins, 8th Grade—Age 13, Murphy Middle School, Teacher: Donna Jenkins, Lives in Wylie.

2nd Place: Sai Pranathi Baddipudi, 8th Grade—Age 13, Staley Middle School, Teacher: Tammy Brightwell, Lives in Frisco.

3rd Place: Rebecca Beverly Kow, 6th Grade—Age 12, Faubion Middle School, Teacher: Debbie Bennett, Lives in McKinney.

I want to thank the 275+ students who participated in the contest. The outstanding level of participation shows great promise for the future. To the winners, you're the voices of the future and I salute you. God bless you and God bless America.

1ST PLACE WINNER

(By Kayla Hudgins, Grade 8, Murphy Middle School)

Veterans mean the courage to believe in something bigger than your own prosperity and to risk the ultimate sacrifice of your life. These brave soldiers fought for something that deserves our complete gratitude: our freedom. Veterans have a powerful love for their countrymen. But still, we do not seem to fully grasp the importance of their mission.

When the veterans left to war, they never knew if they were coming back alive or not. And still they went, for they believed in the freedoms that the founders of this country did. They went so that their families and friends could remain Americans. Veterans fought, not only for their freedom, but for others' freedom as well. They fought for future generations and the present generation. They suppressed their fears to bring peace to all of mankind.

This love, for country and fellow citizens, is the epitome of selflessness. Veterans are role models of self-sacrifice and brotherly love. Their love for our country and its beliefs lead some of them to give their lives for the sake of others. The veterans do not know if their efforts to bring peace will be in vain. They do not expect thanks for their sacrifices, and that makes them all the more heroes in my eyes.

And though these brave soldiers risk everything, I am not sure people fully grasp the importance of the existence of veterans. The rights and freedoms these women and men fight for are abused and taken for granted. We seem to forget that, if not for them, our lives would most likely be run by a corrupt communist government. But people continue to march off to war, to protect a nation that may very well never even know they were here, to keep us from invading evils.

Veterans, to me, are the last remaining people who truly understand what it means to be an American. They are the remnant souls of the soldiers of the Revolution. They are everything America was built upon, and they fight to keep it alive. Veterans stand for life, liberty, and the pursuit of happiness. They do not exist to go to war but to protect thousands from its consequences. The world may never know their names or stories, but they are the only thing that has kept this nation where it is. What drives them, we may never fully understand, but I am thankful for their determination and neighborly love that has no bounds. Maybe one day, the world will fully comprehend how sorrowful and devastating everything would have been without them; hopefully for now they will be satisfied by the innocent smile on their child's face when they return. Veterans are more than heroes; veterans are America.

2ND PLACE WINNER

(By Sai Pranathi Baddipudi, Grade 8, Staley Middle School)

Herbert Hoover, our 31st president, once said, ''Older men declare war, but it is youth that must fight and die. And it is youth who must inherit the tribulation, the sorrow, and the triumphs that are the aftermath of war.'' Those words ring as clearly in my head as the liberty Bell rang for this very nation many years ago. Everything I treasure: my family, my friends, my life, wouldn't be the same if it hadn't been for the veterans who jeopardized their lives in the name of autonomy.

That ultimate sacrifice made by those courageous young men and women who fought not just for the well being of the world, or our nation, but for each and every person that resides in this country, are commemorated till this very day.

Like many other people living in the U.S.A., I too took freedom for granted. But my perspective on the matter changed one Veteran's Day when my class talked about the Vietnam War, the war in Iraq, and saw pictures of the shocking conditions these soldiers had to endure. We also read letters that were written by those soldiers, talking about the adversities they were facing, and how much they missed their families, of how eager they are to see their newborn baby boy or girl. Through their words, I realized the true value of freedom and how much people in this world were willing to give up for it; I was also able to build great respect for the heroes who put their lives at stake for our liberty.

Ever since, I cherish freedom as a gift. Every day that I am presented with a decision to make, I am thankful that I possess the choice to make that decision. Some of the choices that I have made, and that I will make in the near future will alter my life tremendously. But, I am obliged that I live in a country where it is a right granted to the people to make the decisions that will shape their own lives. I am forever in debt and thankful to those who risked their lives, and to those who lost someone dear to them just so that I could make the decisions that I now make freely on a daily basis.

This nation would not be near as great as it is now if it hadn't been for those noble young men and women who risked their lives for it. So, each day that I'm alive, I prize that gift of freedom, and in remembrance of the American heroes; our veterans, I offer my thanks and gratitude.

3RD PLACE WINNER

(By Rebecca Beverly Kow, Grade 6, Faubion Middle School)

''PATRIOT''

Patriot: a word that gets jumbled in the Vocabulary Vat of our brains. Most of us don't realize that it's the blood, sweat, and tears sacrificed by the person to make our lives easy.

March 10th

Dad has a new job. I wasn't paying attention at dinner, I was busy forking my peas

around, trying to make them disappear, I finally had forced one into my mouth, when Dad made the announcement. I almost choked. He's going to join the military. He'd deployed on April 30th. He said he's wanted to do this for a long time; he's always wanted to fight for our country, but I don't want him to leave. I hope I'm not being selfish, but I just don't think I can watch my daddy leave with no guarantee he'll be back.

April 29th

Tomorrow Dad leaves. Today was family day, I didn't find it fun. We just spent the day together, fretting about everything. Now I'm trying to sleep, but when I close my eyes, I see horrible images.

April 30th

Dad's Gone. I was kind of in a daze as we drove to the airport. Before he left I gave him my necklace; it has a little angel on it. He put it on and said he won't take it off until he comes home. I'm trying to write through tears, but it's hard because my vision's blurring. I don't know why it didn't hit me until right after Dad walked away, that I might not see him again.

August 4th

HE'S!! MISSING!! We got a phone call. They said he never came back. Mom promises he's fine, I try to believe her. It's okay, I tell myself, but tears keep coming.

September 13th

My birthday. A day to never forget. I opened the mailbox praying there would be something from Dad. And . . . there kinda was. It was a teeny-tiny envelope with my name on it. It looked like it was holding something, a secret waiting to be told, so big it was about to burst at the seams. I opened it and my necklace fell out. My mind turned to mush, he said he'd wear it until he was home, but why was it mailed, what if he was home . . . just in spirit. OH NO! Thoughts swirled around in my head like a blender, and I sat down on the curb and cried. Later, there was a knock on the door, I slowly opened it. On the other side was something unbelievable; Dad. There he was standing there, home. He had a cast on his leg and bandages everywhere, but he smiled as if he'd won the lottery. That's when he became my hero.

A patriot is a person that loves and defends their country. It means so much to me, these people, risking their lives for us. These people do things that I wouldn't have the courage to do, and I would like to say something to them; thank you.

IN HONOR OF THE 50TH ANNIVERSARY OF THE DODGERS IN LOS ANGELES

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BECERRA. Madam Speaker, it is with utmost pleasure and privilege that I rise today to congratulate the Dodgers for calling the City of Los Angeles its home for the last 50 years. I'm honored to be participating in the kick off event at the Los Angeles City Hall on March 28 for what will be a year-long ''Golden Anniversary'' celebration.

The Los Angeles Dodgers played their first home game on April 18, 1958, defeating the San Francisco Giants 6–5 before 78,672 fans at the Los Angeles Memorial Coliseum. Since arriving in Los Angeles 50 years ago, the Dodgers have had its share of baseball firsts, major league moments, shattered records and invaluable players—making baseball history and achieving golden moments over and over again.

The Dodgers led the geographic expansion of baseball to the west and managed to preserve the New York City cross-town rivalry by convincing the Giants to move to California as well. The historic and heated competition between the Dodgers and the Giants is more than a century old, and is the longest rivalry in baseball history. In 1959 the Dodgers, then playing their second season in Los Angeles, played the defending World Champion New York Yankees in an exhibition game in Roy Campanella's honor at the Los Angeles Memorial Coliseum. The attendance was 93,103—still the largest crowd ever to attend a Major League Baseball game. The Dodgers are set to make history again when they play the defending World Champion Boston Red Sox in an exhibition game on March 29, 2008, at the Coliseum. The game is expected to draw the largest baseball crowd since the Dodgers played that historic 1959 game at the same venue.

The Los Angeles Dodgers earned its reputation for success with five World Championships, nine National League pennants, 15 playoff appearances, eight Cy Young Award winners, four MVPs, an incredible 12 Rookie of the Year recipients (five of which were handed out in five consecutive years—an unmatched feat), and numerous other Major League Baseball honors. And in addition to these impressive records and awards are other ''golden moments'' that stand out in the minds of Dodgers fans.

The 1981 Opening Day starting pitcher was a 20-year-old rookie from Mexico. Fernando Valenzuela pitched a shutout that day and proceeded to win his first eight decisions with five shutouts. Later that year Fernando helped the Dodgers win its first World Series title since 1965. ''Fernandomania'' swept through the baseball world, a culture-crossing phenomenon that took Los Angeles and the world by storm when Valenzuela won both the National League Rookie of the Year and Cy Young awards, becoming the first player to win both in the same year.

And all true blue Dodgers fans can close their eyes and picture the footage of Kirk Gibson hobbling around the bases on both hurt legs, and pumping his fist as he rounds second base, during his pinch-hit home run in game one of the 1988 ''Fall Classic.'' The Dodgers would go on to win a World Series upset that year, and Gibson's ''golden moment,'' his single swing, is considered the ninth most memorable moment in Major League Baseball history.

In all likelihood only one or two fans even remember one of my personal favorite Dodgers ''golden moments,'' and I must admit it was not the bottom of the ninth inning, with two outs, and the bases loaded. But once upon a time, a certain local congressman was invited to throw the first pitch of a ball game—and it was a perfect strike! Such are the heart pounding thrills that the Dodgers deliver time and again.

Madam Speaker, after 50 years of time honored tradition in Los Angeles, the Dodgers truly are a community institution. An institution I'm proud calls Dodger Stadium in my 31 st Congressional District of California home. Whether you are ''thinking blue,'' ''bleeding Dodger blue'' or ''praying to the big Dodger in the sky,'' many Angelenos share an intense loyalty and kinship with their ''Boys in Blue.'' I look forward to many more decades of the Los Angeles Dodgers'' community involvement and history-making baseball accomplishments.

IN RECOGNITION OF MICHAEL McDOWELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Michael McDowell, former Minister of Justice and Attorney General of Ireland, as we welcome him to Cleveland, Ohio, on St. Patrick's Day, March 17, 2008.

For almost 30 years, Tim Collins and Thomas Scanlon have organized the St. Patrick's Day Party and Parade, a festive event that brings people together in the heart of Cleveland. On this exceptional day, Cleveland's streets are a sea of green, full with the lively sounds of traditional Irish music, laughter and the spirit of all those joining together to celebrate rich Irish culture.

Born in Dublin, Ireland in May 1951, Michael McDowell followed in the footsteps of his grandfather by dedicating his life to public service and leadership. Mr. McDowell has a decorated political history as a founding member of the Progressive Democrats Political Party, in which he served as President from 2002–2006. While leading the Progressive Democrats Party, he also held the distinguished post of Tanaiste. He was one of 14 Progressive Democrat Teachta Dàla's elected to Dáil Éireann in the 1987 general election, the first election after the party was founded. In this position, he represented Dublin's South East constituency from 1987–1989, 1992–1997 and 2002–2007. In 2002, he began his 5-year tenure as Ireland's Minister of Justice, Equality and Law Reform, and served as Attorney General from 1999 to 2002.

Madam Speaker and colleagues, please join me in honor and recognition of former Irish politician, Michael McDowell, for joining us as we celebrate St. Patrick's Day in Cleveland. Please also join me in recognition of Tim Collins and Thomas Scanlon for their efforts in organizing this marvelous St. Patrick's Day Party this year, as they have for almost 30-years.

HONORING CAROLINE WRIGHT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Caroline Wright of Blue Springs, Missouri. Caroline is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Caroline has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award,

Caroline has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Caroline Wright her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

RECOGNIZING 21 YEARS OF SERVICE BY STEVE MATHIS TO THE HOUSE OF REPRESENTATIVES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement in March of 2008, I rise to thank Mr. Steve Mathis for 21 years of outstanding service to the United States Government, working at the House recording studio here in the U.S. House of Representatives.

A native Californian, Steve graduated from San Diego State University in 1978. He then worked 5 years as a shift supervisor for KPBS–TV. Steve began his House career in the House recording studio's production department in 1980 when ''live'' House television coverage was only a year old. For the next 15 years, Steve was an indispensable member of the House's television floor coverage, recording studio, and radio production crew serving around the clock whenever House sessions required.

After a detour as a production operator at CNN for 6 years, Steve returned to the House in 2002, becoming a television director for both studio shows and House floor coverage. Highlights have included directing the 2008 State of the Union broadcast along with working on numerous other joint sessions with world leaders.

On behalf of the entire House community, I extend congratulations to Mr. Mathis for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish him and his wife Paula many wonderful years fulfilling his retirement dreams of visiting every Major League ballpark in the country and taking bicycle trips throughout the world.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

SPEECH OF

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013:

Mr. WILSON of South Carolina. Mr. Chairman, the Democrats proposed budget is tax and spend all over again.

Instead of preserving tax relief for Americans, the Democrat budget includes a $683 billion tax increase. This is $683 billion dollars the majority plans to take from everyday American, who are already feeling the pinch from rising gas prices, increasing food costs, and credit card debt. These horrendous tax increases are meant to pay for the tens of billions in wasteful, new Federal spending proposed in the Democrat budget.

And where is the entitlement reform that we so desperately need to ensure our children and grandchildren are not saddled with the price of our inaction? It is nowhere to be found in the Democrat budget.

For a majority leadership that sailed into power under the guise of change, it is terribly obvious that what this budget represents is merely more of the same—more of the same wasteful spending and tax increases to pay for it all. Washington does not have a revenue problem. It has a spending problem. The Democrat budget has got it backwards.

In conclusion, God bless our troops, and we will never forget September 11th.

THANK YOU TO THE KANSAS COYOTES

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise to share the conclusion of a dramatic story that began in the early days of World War II. This testimony underscores the heart and commitment of our Kansas Airmen. In 1944, the crew of a B–24 Liberator bomber was brought down by anti-aircraft fire in the Pacific near Palau. That crew was not found until March of this year. Sixty-four years after the crew of the U.S. Army Air Forces gave their lives for America—the Joint P–O–W/M–I–A Accounting Command recovered the men from their watery graves. Volunteer Kansas Air National Guardsmen from the 190th Air Refueling Wing returned them home to the United States. The fallen men will, finally, be able to rest in peace in the soil of the country they fought to protect. I'd like to give a profound ''thank you'' to the Kansas Coyotes for their role in helping to provide the long overdue closure for the families of the Babes in Arms crew. I commend you for your spirit and dedication to your fellow soldier.

INTRODUCTION OF THE POLITICAL INTELLIGENCE DISCLOSURE ACT

HON. LOUIS E. McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. SLAUGHTER. Madam Speaker, today, I am proud to join my friend and colleague, BRIAN BAIRD, in introducing the Political Intelligence Disclosure Act. By requiring political intelligence firms to make their activities known in the same way lobbying is reported, this bill will help to bring transparency to the growing world of political intelligence.

Political intelligence firms were first established in the 1970s and have been operating since then without regulation. This industry focuses not on influencing Congress, but on gathering information on forthcoming legislative action in order to give their clients an advantage over other investors. This information is then used to influence decisions on stocks, securities and commodities. Currently, firms conducting political intelligence are not required to disclose their clients or earnings. But the bill we are introducing today would change that and require the same disclosure from political intelligence firms as from lobbying firms.

With leading experts noting that political intelligence businesses have quadrupled in size since 2003, these businesses are now emerging as a key factor in the lobby industry, and should be regulated accordingly. Such an important and increasingly relevant business should certainly be required to make its activities known to the public.

Additionally, there have been reports that employees of political intelligence firms have been attending meetings related to legislation, essentially posing as lobbyists. By requiring disclosure of these firms, this bill will ensure that people attending meetings where legislation is discussed make their intentions known and their goals clear.

The Political Intelligence Disclosure Act will bring necessary accountability to this growing field, and I am proud to be an original cosponsor. We must make political intelligence firms accountable and transparent. This important bill will do just that. Madam Speaker, I urge my colleagues to cosponsor this bill today.

HONORING STEPHEN FEINSTEIN

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. WALZ of Minnesota. Madam Speaker, I rise in memory of Stephen Feinstein, the director of the Center for Holocaust and Genocide Studies and adjunct professor of history at the University of Minnesota, who died unexpectedly on March 4, 2008. He was 64.

Born in Philadelphia and educated at Villanova and New York Universities, Prof. Feinstein taught for 30 years at the University of Wisconsin at River Falls before joining the faculty at the University of Minnesota. From its founding in 1997, he built the Center for Holocaust and Genocide Studies into an internationally renowned educational, research, and outreach institution that was engaged with a broad range of human rights issues, including the Armenian Genocide, the treatment of Native Americans, and the humanitarian crises in East Africa. To end genocide, he once said, ''we must study it and understand how it works against what we call 'civilization'," if possible to develop an ''early warning system'' to prevent future genocides.

Feinstein was known around the world as an advocate for Holocaust survivors and genocide education, and in particular, for his expertise on artistic expression and genocide. In addition to his CHGS responsibilities and activities, he served as an art consultant and guest curator for numerous museums, universities and art galleries in Minnesota, Florida, New York and Washington, D.C.

''Above all else,'' said his colleague Eric Weitz, ''Stephen Feinstein was a great humanitarian, someone with a profound belief in the

value of research and education, a person who truly believed that if we had just one more lecture about Darfur, ran one more outreach session with teachers on the Armenian Genocide, taught one more course on the Holocaust and genocides, it really could make a difference and the world would be a better place for all of us.''

HONORING THE LIFE OF DR. CECIL C. CUTTING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. STARK. Madam Speaker, Dr. Cecil C. Cutting, the pioneering physician who served as the first Executive Director of The Permanente Medical Group (TPMG) died Sunday, March 2 at the age of 97. His death came one day after the physicians of TPMG came together to celebrate the 60th anniversary of the founding of the group, and to honor his contributions and the Medical Group's achievements.

Dr. Cutting was the first physician hired by Dr. Sidney R Garfield when Dr. Garfield joined forces with Henry J. Kaiser to provide prevention-oriented, prepaid care for the workers building the Grand Coulee Dam in 1938. When the U.S. entered World War II, and Henry Kaiser was awarded the contract to build Liberty ships in the shipyards in Oakland and Richmond, Drs. Garfield and Cutting moved the innovative health care program to Richmond, California. They provided medical care for Kaiser's 200,000 workers at wartime shipyards in Richmond, California; Vancouver, Washington; and Portland, Oregon, as well as at Kaiser's Steel Mill in Fontana, California. Based on the quality of care they were able to provide to the shipyard workers, Henry Kaiser's shipyards set records for the speed with which seaworthy Liberty ships were completed in support of the war effort. The program was so successful, and the care delivered of such high quality, that the unions representing the workers convinced Drs. Garfield and Cutting and Mr. Kaiser to open the program to the public when the war ended in 1945.

On February 21, 1948, Dr. Cutting, Dr. Garfield and five physician colleagues founded The Permanente Medical Group, and selected Dr. Cutting as the first Executive Director, a role he held for 20 years. Under his extraordinary leadership, and in the face of serious opposition from organized medicine at the county, state, and national levels, a firm foundation was laid that set TPMG on course to become the largest and most successful medical group in the country, and Kaiser Permanente the largest non-profit private health care program in America.

Dr. Cutting was born in 1910 in Campbell, California. He received his A.B. and MD degrees from Stanford University, and completed his residency at Stanford Lane Hospital and San Francisco County Hospital in surgery and orthopedics in 1938, just as Dr. Garfield began recruiting physicians to provide care for the workers at the Grand Coulee Dam site. Despite a warning from then Stanford Medical School Dean Loren Chandler, who felt that he ''could never permit Cecil to get mixed up in such an operation,'' and opposition from physician colleagues in the Bay Area who argued that prepaid group practice was ''unethical,'' Dr. Cutting was attracted by the idea of combining prepayment, prevention, and group practice, and envisioned an opportunity to redefine health care delivery based on those precepts. He joined Dr. Garfield at Grand Coulee, and formed a collegial and professional partnership that would span more than 40 years, and have a profound impact on care delivery in the United States. Together they built an ethical care delivery system founded on the precepts of integration, prepayment, prevention, and multispecialty group practice, and committed to quality care, stewardship of member resources, and community benefit.

Dr. Cutting ensured that the physicians of The Permanente Medical Group would be responsible for the organization of medical services, and would have the freedom and independence collectively to manage and take responsibility for both the quality and value of the care and service provided. He established robust investments in health education and health promotion, began a research program which led to the establishment of the Division of Research, and established the first medicine and surgery residency programs in Kaiser Permanente. Throughout his life, he was one of the country's leading advocates for the benefit to society, and to the profession, of prepaid group practice.

''We wanted to create a medical environment in which the doctors' work would be interesting and stimulating, where they would have reasonable income and security, and very importantly . . . fit into the accepted framework and code of ethics of American medicine, while at the same time develop an effective and efficient alternative to fee-for-service practice,'' he once said. Speaking at the White House Conference on Health in 1965 he challenged health care policy makers to shift the emphasis in public debate toward keeping people well: ''We ought to promote an enthusiasm for taking care of ourselves.''

That same year he addressed the American Association for the Advancement of Science (AAAS) and forecast the arrival of the electronic medical record, encouraging his peers not to feel threatened by computers. In the dawn of the computer age, he predicted that ''All [medical] histories and findings would be recorded by computers and made available to the physician,'' Dr. Cutting told AAAS. ''This mechanization must not be construed as an impersonalization of the relationships between the physician and his patient. The challenge is to do quite the opposite. By increasing the physician's knowledge of the patient . . . his time with the patient should be much more constructively utilized to know the patient as a person and to guide him through sickness.''

Above all else, Dr. Cutting is remembered for his loyalty to The Permanente Medical Group, and his commitment to the Kaiser Permanente Medical Care Program.

Dr. Robert Pearl, the Executive Director and CEO of TPMG, noted that ''the organizational DNA which Dr. Cutting helped to create 60 years ago can be seen today in our outstanding quality outcomes and our national leadership in disease prevention, cardiovascular care, genetic research, deployment of advanced IT systems and health care policy.'' In 2007 TPMG established the Cecil C. Cutting Leadership Award, to recognize outstanding physician leaders, and in recognition of Dr. Cutting's extraordinary contributions as Executive Director of The Permanente Medical Group, and the contributions he made to improving health care in the United States.

A TRIBUTE TO CORPORAL CHASE DINDO AND ALL OF LIMA COMPANY FOR HELPING TO SAVE THE LIFE OF A LITTLE IRAQI GIRL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to pay tribute to Corporal Chase Dindo of Mobile and his Alabama-based Marine Corps Reserve unit for helping save the life of a two-year old Iraqi girl, Amenah.

In December of last year, one of the Marines of the Montgomery-based unit, Lima Company of the 3rd Battalion, 23rd Marines discovered little Amenah was suffering from a rare life-threatening heart problem.

Lima Company stepped into action making arrangements with Children's Hospital in Nashville, Tennessee, for Amenah to have the life-saving surgery. The hospital and surgeons donated their facilities and surgical skills at no charge. The unit took Amenah and her mother to the Jordanian border where the two were flown to the United States.

Amenah's three-hour operation was a success, and she will spend six to eight weeks in the United States recovering before returning with her mother to their home in Haditha, Iraq.

I ask my colleagues to join me in recognizing Cpl. Chase Dindo and the entire Lima Company for their selfless actions to save the life of a little girl. I know I join their families and friends in extending our heartfelt thanks for their outstanding service to the United States of America—they are true American heroes.

HONORING KRISTY THOMPSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kristy Thompson of Cameron, Missouri. Kristy is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Kristy has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Kristy has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Kristy Thompson her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

CONGRATULATING CARL LAWRENCE ON HIS RETIREMENT FROM GILES COUNTY FARM BUREAU

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, a great friend of farmers in my district and across the Volunteer State retired from thirty years of dedicated service to the Farm Bureau this year. Carl Lawrence served the Giles County Farm Bureau with distinction in service to the hard working farmers of Tennessee, and I proudly rise today to commend him for a lifetime of work for our agriculture community.

After serving his country as a combat soldier in Vietnam, Carl returned to the state he honorably defended overseas and joined the Farm Bureau in Rutledge, Tennessee. There, he earned a reputation for dedicated management and quickly earned a promotion for his hard work and diligence. Carl's efforts helped swell the ranks at Giles County Farm Bureau, from 1,600 to nearly 5,000 members, and did a great deal to ensure that the local Farm Bureau did everything it could to aid farmers throughout the county.

For all he has done, I am proud to join the Farm Bureau of Giles County in wishing Carl Lawrence a happy retirement and recognize him for a career well spent in service to the farmers of Tennessee.

A PROCLAMATION HONORING THE LIFE OF HOWARD M. METZENBAUM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SPACE. Madam Speaker, Howard M. Metzenbaum leaves behind a legacy of commitment. His 19 years of service in the United States Senate demonstrates his commitment to the people of Ohio and to the legacy of democracy. He was not simply a legislator, but a statesman.

From a simple beginning to a self-made millionaire, Howard Metzenbaum knew the value of hard work and applied that knowledge to his political career. His character and determination drove him to succeed first in business and then in politics. He championed the working man and ensured government truly represented the people. His diligence ensured that the government was managed fairly and frugally. His determination saw through countless bills that have improved the lives of the public. It is through these traits that Howard Metzenbaum represented the best of a statesman and the best of Ohio.

Through his 90 years, Howard Metzenbaum lived a full life. His wife and four daughters remember a wonderful man and a loving father. I, along with the people of the 18th District of Ohio, also remember a true legislator and an effective statesman. It is in this spirit, that along with his friends, family and residents of the 18th Congressional District of Ohio, that we recognize in memorial, the wonderful contributions that Howard M. Metzenbaum has given to his State and his country.

TRIBUTE TO 50TH ANNUAL SWALLOWS' DAY PARADE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor an event that has been instrumental in shaping the community in southern California, the Swallows' Day Parade. The historic return of the swallows to San Juan Capistrano is celebrated each spring as the world focuses on this wonder of nature. This year, March 29, 2008, commemorates the 50th annual celebration of the Swallows' Day Parade in Orange County, California in the beautiful City of San Juan Capistrano.

Orange County's oldest city, historic San Juan Capistrano is home to the Mission San Juan Capistrano. The mission was founded more than 200 years ago in 1776 as the seventh of 21 California missions to serve as the center of the community, and stands today as a monument to the rich cultural history of southern California. The Mission San Juan Capistrano is believed to be the oldest church in California, and is one of only two standing chapels still in use where Father Junipero Serra is known to have celebrated mass.

The migration of the swallows of Capistrano has become a symbol for nature's changing of the seasons and welcoming of spring. The cliff swallows, upon their arrival begin building their nests under the eaves and ruins of the old stone mission and other buildings throughout the Capistrano Valley. The location has remained an ideal nesting place for the swallows because the area provides an abundance of insects on which they feed.

The species of cliff swallow, Petrochelidon pyrrhonota, a small, long-winged songbird, leaves Goya, Argentina at daylight around the 18th of February, arriving in Capistrano about the 19th of March. This 30-day journey covers nearly 7,500 miles, as the swallows continue through the Gulf of Mexico along Central America to the Yucatan Peninsula, turn west to the Pacific, fly over Baja California until they arrive in San Juan Capistrano and the agricultural valleys of southern California.

Each year on St. Joseph's Day, March 19th, the Fiesta de las Golondrinas celebrates the legendary return of the swallows to the Mission San Juan Capistrano. In 1936, the Fiesta de las Golondrinas was first celebrated when a popular radio host broadcasted from the mission to announce the return of the swallows. The Swallows' Day Parade during the Fiesta de las Golondrinas continues today as an integral part of the festivities, and is recognized as the largest nonmotorized parade in the country.

I take this opportunity to honor the historic city of San Juan Capistrano, as well as the tireless efforts of the San Juan Capistrano Fiesta Association and the overwhelming support of the community in southern Orange County, California. I ask you to join me in celebrating the return of the swallows to San Juan Capistrano and the rich cultural heritage of the 50th annual Swallows' Day Parade.

HONORING NURSES

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KIND. Madam Speaker, I rise today to call attention to the essential role nurses play in providing quality health care across the country. Every day people with a variety of needs are served by legions of caring, qualified, and professional nurses. They are integral to our Nation's health care delivery system.

Every one can remember an experience when someone they know needed health care and a nurse was the first person by their side providing care and comfort. We all know someone who works in the field of nursing and the commitment they make to their profession, despite extraordinary challenges everyday.

More than 100 representatives of the nursing field are present in our Nation's capitol this week to give a voice to their professional needs and experiences. Nurses care for our children and serve more of our constituents then we will ever meet. Nurses deserve our time, our attention, and our respect for their views.

An adequate supply of nurses is essential to ensuring that all people receive quality care and that our Nation's public health infrastructure has the professonals necessary to respond to all natural and manmade disasters. The Department of Health and Human Services projects that the current 10 percent vacancy rate in the registered nursing professions will grow to 36 percent by 2020, representing more then 1 million unfilled jobs.

Additional congressional leadership, ongoing support, and federal funding is necessary to ensure that the Nation has an adequate supply of nurses to care for the patients of today and tomorrow.

RESOLUTION HONORING THE SERVICE AND ACHIEVEMENTS OF WOMEN IN THE ARMED FORCES AND FEMALE VETERANS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution honoring the service and achievements of women in the Armed Forces and female veterans. Every time I visit military installations, both at home and abroad, I am constantly impressed by the tremendous job our service members are doing.

I am particularly impressed by our brave servicewomen, whom I seek out at every chance. Almost 350,000 American women are currently serving in our Armed Forces, following in the footsteps of women who have voluntarily served in every military conflict in United States history since the Revolutionary War.

During the Revolution, women served on the frontlines as nurses, waterbearers, and even saboteurs. For years, women had to disguise themselves as men in order to enlist in our military.

Although the Army and Navy Nurse Corps were established in the early 1900s, it was not until the Women's Armed Services Integration Act of 1948 that women were granted permanent status in the regular and Reserve Armed Forces.

Today, our servicewomen play an increasingly important role in America's military forces. Women are flying helicopters and fighter aircraft; they are saving lives as nurses and doctors; they are driving support vehicles and policing perimeters. We should never fail to remember the sacrifices our servicewomen and their families make to keep our families safe.

As Chair of the House Armed Services Subcommittee on Military Personnel and Co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I am privileged to honor the legacy of servicewomen in the past, the courage with which women serve today, and the enthusiasm inherent in the young women who dream of serving this great nation in the future.

Madam Speaker, thank you for the opportunity to introduce this resolution today.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. KILPATRICK. Madam Speaker, due to official business in the 13th Congressional District of Michigan, I was unable to attend several rollcall votes. Had I been present, on rollcall No. 111 I would have voted "nay"; on rollcall No. 112 I would have voted "nay"; on rollcall No. 113 I would have voted "nay"; on rollcall No. 114 I would have voted "nay"; on rollcall No. 115 I would have voted "aye"; on rollcall No. 116 I would have voted "aye"; on rollcall No. 117 I would have voted "aye"; on rollcall No. 118 I would have voted "aye"; on rollcall No. 119 I would have voted "aye"; on rollcall No. 120 I would have voted "nay"; on rollcall No. 121 I would have voted "aye"; on rollcall No. 122 I would have voted "nay"; and on rollcall No. 123 I would have voted "aye."

RECOGNIZING KIM ANDERSON YOUNG AS THE 2008 SMALL BUSINESS PERSON OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Ms. Kim Anderson Young on being named the U.S. Small Business Administration's 2008 Small Business Person of the Year for Guam.

As a young girl growing up in Alaska, Kim was inspired by her father who operated a helicopter service, Maritime Helicopters, in Homer, Alaska. She obtained her college degree from Alaska Business College in 1979 and developed a career in real estate in both Alaska and Hawaii. In 1987, the family business expanded and she embarked on a new adventure to lead the development of a new branch of Maritime Helicopters in Saipan called Blue Pacific Helicopters. Under Kim's leadership, Blue Pacific Helicopters grew from a one aircraft operation used to perform rescues, medivacs, and tours to two nine-passenger Piper Navajo Chieftains. This success led to Blue Pacific Helicopters' acquisition by Northwest Airlink.

Kim's business and real estate successes led her to enter the title insurance business. In 1991, she started Pacific American Title Insurance and Escrow Company with a business partner, and later formed a sole proprietorship venture in 1995. She started Security Title, Inc. as the president and her husband, Ronald M. Young, as corporate secretary and treasurer.

Today, Security Title, Inc. has expanded its services to service the communities of Guam, Saipan, Tinian, and Rota. It is also stands as the largest title company on Guam in terms of employees, transactions and revenues. Their growth over the past year is due to company leadership that reacts quickly to Guam's real estate surge and shows the great confidence that real estate agents and financial institutions have in their title insurance products.

Kim is the driving force behind Security Title's leadership role in community relations. They have consistently contributed a significant percentage of their profits each year to local non-profit and charitable organizations that support youth sports, schools, disaster relief, military families, the homeless, abused women and children, and elderly programs. Their good works have been appreciated by our community and they have set a high bar as an example of how much can be accomplished by a business that is socially responsible and that has a deep commitment to our community.

Kim Anderson Young's business success and contributions to our community are an inspiration to our island. I congratulate Kim today on her selection as the U.S. Small Business Administration's 2008 Small Business Person of the Year for Guam and I commend her on this notable achievement.

CONGRATULATING DOLORES ''LALING'' McDONALD PANGELINAN ON BEING NAMED THE 2008 HOME-BASED BUSINESS CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Dolores "Laling" McDonald Pangelinan on being named the United States Small Business Administration 2008 Home-Based Business Champion of the Year for Guam.

Mrs. Pangelinan began her business 1986 when she made the decision to retire from her full-time career to remain at home with her ailing son. As she still needed to supplement the family income while being her son's caregiver, Mrs. Pangelinan decided to put her baking and party planning knowledge to work from home. With a strong customer base of people familiar with her culinary talents, Mrs. Pangelinan was able to successfully launch "Special Events by Les Papillon."

Over 20 years later, Special Events by Les Papillon has become one of Guam's most successful home-based businesses. It has developed into a full-service party business offering cake decorating, floral arrangement, event planning, special functions organization, and prop background setting. Mrs. McDonald's home continues to serve as the headquarters, but is now equipped with multiple kitchens, extensive storage space, and a commercial van to service client needs.

Mrs. Pangelinan's success is well-deserved, and reminds us of the hard work ethic and family pride that our community holds so dearly. With this, I proudly congratulate Dolores "Laling" McDonald Pangelinan for her national recognition as United States Small Business Administration 2008 Home-Based Business Champion of the Year for Guam.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF JACOB STEIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. ACKERMAN. Madam Speaker, I rise today to seek Congressional recognition of the lifetime of achievements of Jacob Stein. During his distinguished career, Jacob, or Jack as his friends refer to him, has made a lasting impact on his community and our Nation. As a public, religious, civic and moral leader, his lifetime of achievement deserves both recognition and our appreciation.

In 1938, Jack Stein graduated from Columbia University and embarked on a successful career as a licensed real estate broker, a member of the Long Island Board of Realtors, and an active developer of residential and commercial properties. He also served on the board of directors of KeyCorp Bank for 25 years. However, the true hallmark of his life's work is his unswerving devotion to service, to his family, his community and to his country.

Jack has been an indispensable leader in local, national and international Jewish circles. A Holocaust survivor himself, Jack helped found the Holocaust Memorial and Tolerance Center of Nassau County. He is a director of the International Synagogue at John F. Kennedy International Airport, and is a member of the board of directors of the Dead Sea Scrolls Foundation. He also served as the president of Temple Israel of Great Neck from 1957–1960, president of the United Synagogue of Conservative Judaism from 1969–1973, chairman of the Conference of Presidents of Major American Jewish Organizations from 1971–1973, and helped author "Emet V'Emunah," the Jewish Theological Seminary's statement of principles of Conservative Judaism in 1988.

Jack has also made his presence felt in other religious communities. He presently sits on the board of the International Jewish Committee on Interreligious Consultations. In the 1980s, Jack worked closely with Rabbi Mordecai Waxman during his meetings with Pope John Paul II in Miami discussing Jewish Catholic relations. Jack was also involved in the communications with the Second Vatican Council that produced the 1965 "Nostra Aetate," the Declaration on the Relation of the Church with Non-Christian Religions. At the

age of 92, Jack remains active in the promotion of mutual understanding and appreciation between the Christian and Jewish communities and recognition of their shared roots.

Additionally, Jack made exceptional contributions to public service. He served as a Special Advisor in the White House under President Ronald Reagan, a member of the U.S. Delegation to the United Nations, and a delegate to the Human Rights Commission. Secretary of Defense Caspar Weinberger appointed him to the Defense Department's Policy Advisory Committee on Trade, on which he served for 7 years. Mr. Stein also was a member of the Presidential Task Force on International Private Enterprise in 1984, and he was appointed to a committee that oversaw the first elections in Namibia. As a long time friend, he remains in regular communications with President George H. W. Bush.

Remarkably, among all this activity, Jacob found time to dedicate to the academic world as well. He served as a member of the Stony Brook University Foundation, has given numerous lectures across the country and has authored many articles on religion and politics.

Perhaps most of all, Jack has always been a family man. He and his late wife Jean were married for 65 years and throughout all his public endeavors, they remained inseparable. Jack has had the pleasure of watching their three children grow and find success of their own, and has been blessed with six grandchildren and eight great grandchildren.

In 2007, he published a recording of his memoirs ''Days of Challenge: The Making of a Modern American Jewish Leader,'' detailing his interesting and exciting lifetime of service. Currently, Jack writes a column for several weekly newspapers, sits on the board of the American Jewish Historical Society, and is a member of the board of the Town of North Hempstead Business and Tourism Development Corporation.

Madam Speaker, Jacob Stein's immeasurable contributions to public and community service have truly helped make this world a better one in which to live. I ask that all of my colleagues now rise and join me to express the thanks of a grateful Nation to Jack Stein for his many years of dedicated service and for his countless achievements.

HONORING JESSICA TASETANO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jessica Tasetano of Liberty, Missouri. Jessica is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Jessica has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Jessica has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Jessica Tasetano her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is March 14, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,835 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

The phrase in the 14th amendment capsulizes our entire Constitution. It says: ''No state shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility, as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have been giving them.

But perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,835 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 14, 2008—12,835 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of the free and the home of the brave.

COMMENDING EFFORTS TO ESTABLISH TERRY'S HOUSE, A BURN AND TRAUMA SURVIVOR FAMILY HOME

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. COSTA. Madam Speaker, I rise today to commend the efforts of Mr. Tom Richards, The Community Medical Center Foundation, and their partners throughout the 20th District of California for joining together to launch a capital campaign to fulfill a dream—to establish and build a burn and trauma survivor family home on the campus of Community Regional Medical Center.

Community Regional Medical Center hosts the only Level 1 burn and trauma centers between Los Angeles and Sacramento, making it the primary receiving facility for patients in critical condition throughout the Valley and beyond. More than half of Community Regional's burn patients are children. Without any form of temporary housing available, parents traveling long distances for their children's care often face untenable expenses for lodging during their child's treatment. Thanks to the vision and dedication of Community Medical Center and the Richards family, there will soon be a reprieve for these families.

Inspired by his own family's struggle having a loved one miles away in intensive care, Tom Richards committed to help fill a healthcare void in the Central Valley by building a burn and trauma survivor family facility. This 17,000 square foot, twenty-unit facility will provide housing primarily for the immediate families of trauma patients, as well as a much needed family resource center, supplying information and tools for families caring for burn and trauma victims both during and after treatment.

The facility will be named Terry's House in recognition of Tom Richards' brother, Terry, who sustained serious trauma in a car accident at the age of five. For nearly five months, Richards' mother traveled 80 miles a day to be with her son during his recovery. Over 45 years later, Tom Richards hopes Terry's House will help prevent other families from having to endure the same hardship as his did.

By providing a home away from home for burn and trauma families, Terry's House will undoubtedly provide a much needed respite to ease the burden of care on families. I am proud to have such a worthy project in my district and encouraged by the commitment of those involved in bringing Terry's House to life.

RECOGNIZING MS. ANNMARIE T. MUÑA AS THE 2008 WOMEN IN BUSINESS CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Ms. AnnMarie T. Muña on being named the U.S. Small Business Administration's 2008 Women in Business Champion of the Year for Guam.

AnnMarie is dynamic businesswoman and an inspiration to Guam's small businesses. After working in the insurance industry for 13 years, she leveraged her expertise by forming her own company in 1994, AM Insurance (Access to Markets for Insurance/AMI). In business for nearly 15 years now, AM Insurance has become one of the leading brokers in the region with an extensive portfolio of government, commercial, and personal insurance accounts.

AnnMarie's community contributions have benefited many non-profit organizations including Soroptimist International of the Marianas, American Red Cross, American Cancer Society, and SCID Kid Foundation. She has contributed her time and her energy to help these organizations raise the funds they need to fulfill their missions, and in doing so, she has helped to improve our community.

I commend AnnMarie for the expertise she brings to Guam's insurance market and for her efforts to grow Guam's small businesses. The success of her businesses, AM Insurance and Y'Ma'gas, Inc., are an inspiration to young women in our community. I congratulate her today for her accomplishments and for being named the U.S. Small Business Administration's 2008 Women in Business Champion of the Year for Guam.

TRIBUTE TO RIVERSIDE BUSINESS OF THE YEAR JOHNSON MACHINERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an organization whose contributions to the community of Riverside, CA, have been exceptional. Riverside has been fortunate to have dynamic and outstanding businesses that enrich the lives of their employees, produce quality products, and help make Riverside a wonderful place to live and work. On Saturday, March 27, 2008, at the 108th Inaugural Dinner, Johnson Machinery will be recognized by the Riverside Chamber of Commerce as the 2007 Business of the Year.

Ruel Johnson purchased Freeland Tractor & Equipment Company in 1940. The country was emerging from the Great Depression and business was slow, however, as the Nation recovered, so did the equipment industry. Agricultural businesses purchased new farming machinery and contractors purchased equipment to build new houses, roads, and freeways.

Over 60-plus years of business, customer equipment needs have changed from primarily agricultural to heavy construction and industrial use. In 1986, the company changed its name to Johnson Machinery Co. to reflect this evolution. The company has grown from the original 12 employees to over 600, and remains dedicated to offering the best quality product and service to its customers. This dedication earned Johnson Machinery the rank of Platinum dealer in 2007, after achieving Gold Level dealer for 3 consecutive years; a first in Caterpillar history. Johnson Machinery is now comprised of five divisions.

The geography of the Inland Empire ranges from mountains with elevation as high as 10,000 feet to deserts. Due to this diversity, the industries served by Johnson Machinery are also wide ranging. Some of the major industries are: residential development, industrial development, underground and infrastructure, landscaping, cement plants, mining, sand and gravel, railroad, agriculture, resort and golf communities, and heavy construction and earth moving.

The power division, Johnson Power Systems, started as Johnson Industrial in 1977, and has nearly doubled in size since 1989. It provides on and off highway, and marine engine service as well as power generations sales, service and rentals.

In 1990, Johnson Machinery Co. acquired Eveready Pacific, a heavy-duty machine shop in the La Sierra area of West Riverside. The increased need for specialized service work caused the operation to outgrow its current facility. In 2000, Ever-Pac was moved to a new, larger facility right behind the home office on East La Cadena in Riverside.

Johnson Machinery Co. entered the material handling market in 1976 and in 1992, the Hyster product line was acquired. To reflect the new acquisition, the division changed its name to Johnson Lift/HYSTER. Johnson Machinery introduced Johnson Rental Services in the fall of 1998 and opened the first rental store in Temecula, CA.

It is my pleasure to recognize Johnson Machinery, Mr. Bill Johnson and his family and their world-class employees for over 67 years of exceptional service as well as thank them for their contributions to the community of Riverside, CA. Johnson Machinery not only provides quality products and services to their customers but also provides a positive place to work. I know that many community leaders are grateful for Johnson Machinery and salute them as they receive this prestigious recognition.

CONGRATULATING THE KLOPPENBURG FAMILY FOR BEING NAMED THE 2008 FAMILY-OWNED BUSINESS OF THE YEAR ON GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize Earl and Lois Kloppenburg and their family and I congratulate them on Kloppenburg Enterprises being awarded the U.S. Small Business Administration 2008 Jeffrey Butland Family-Owned Business of the Year for Guam.

Earl Edward Kloppenburg came to Guam only 3 years after the United States liberated our island during World War II. Although Guam was devastated by the war, Earl Kloppenburg saw potential and opportunity on our island. Earl and Lisa began their business venture in 1950 with the opening of Guam Factors, a gift shop specializing in imports from the Orient. Over the years, the Kloppenburg's holdings steadily grew to include the Specialty House, Earl's Hut, The Office, The Tapa Room, the Hideaway and the Coffee Pot—some of Guam's earliest restaurants and lounges. All of these were consolidated under Kloppenburg Enterprises, Inc., in 1964.

Earl Kloppenburg envisioned the future of the visitor industry on Guam and established Pacific Island Caterers to service the Pan American Airways Pacific flights. He then established Turtle Tours and Turtle Cove, two of Guam's first enterprises focused primarily to Guam's visitor industry. Kloppenburg Enterprises, now under the leadership of Earl's son, Bruce, and grandsons, Tom, Travis and Bradley, continues to grow and now consists of Turtle Tours, The Shopping Express Bus System, Adventure River Cruise, Iruka (Dolphin) Watching Adventure Tour, Nautilus Guam (Submarine) Tours, and Agana Bay Sunset Cruises. In addition to being the market leader in Guam's visitor industry, Kloppenburg Enterprises also provides mass transit services on Guam and operates a shuttle bus system for the military community. Kloppenburg Enterprises employs 130 residents and continues to grow.

The Kloppenburg family business accomplishments are a classic American success story, and I congratulate them for Kloppenburg Enterprises being named the Small Business Administration 2008 Jeffrey Butland Family-Owned Business of the Year.

LONG TERM CARE AND RETIREMENT ACT

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. PUTNAM. Madam Speaker, due to advancements in technology and health care, people are living longer than ever. As a result, the United States is experiencing a rapidly aging population due to the baby boomers, those born from 1946 to 1964. Florida leads the United States in aging population. According to the American Association of Retired

People, AARP, in 2005 Florida was ranked number one in the highest population above the age of 65 at 16.8 percent. AARP estimates that Florida will continue to be ranked number one in this category and by 2020 21.8 percent of Floridians will be above the age of 65.

Long-term care can be provided in a few different ways. According to the National Long-Term Care Study, NLTCS, 60 percent of those over the age of 65 live alone, increasing their need for long-term care. With regard to nursing homes, a study by the U.S. Department of Health and Human Services found that people who reach age 65 have a 40 percent chance of entering a nursing home. About 10 percent of the people who enter a nursing home will stay there 5 years or more. More than nursing homes, adult children or grandchildren are cited as the main caregivers to the elderly population. According to research conducted by the American Association of Retired People, AARP, two-thirds of older people with disabilities relied solely on ''informal'' help; approximately 75 percent of which was unpaid care from friends and family. With the leading elderly percent population in the country, 13.8 percent of Florida citizens 18 and above are caregivers. The AARP found that the total economic value of this type of caregiving was $350 billion in 2006, which is more than what was spent on all ''formal,'' hospice, paid caregiver, nursing home, etc . . . long-term care, including both institutional and home and community-based services.

Long-term care is a variety of services that includes medical and non-medical care to people who have a chronic illness or disability. Long-term care can be provided at home, in the community, in assisted living, or in nursing homes. While long-term care is often used for the elderly, it is important to remember that you may need long-term care at any age.

While there are a variety of ways to pay for long-term care, it is important to think ahead about how you will fund the care you get. Generally, Medicare doesn't pay for long-term care. Medicare pays only for medically necessary skilled nursing facility or home health care.

With an ever aging population and the variety of services provided by long-term care, most families at one point or another are forced to make a decision regarding the future of a loved one who needs assistance with everyday living. These decisions are limited and costly, and many find themselves struggling between the high price of institutionalization or informal family care. In an effort to alleviate the financial and emotional burden that families find themselves under, I have introduced the Long-term Care Retirement and Security Act of 2008.

This legislation would amend the Internal Revenue Code to allow a deduction for eligible long-term care insurance premiums for a taxpayer and the taxpayer's spouse and dependents; and a credit for eligible caregivers caring for certain individuals with long-term care needs. This legislation has three provisions. The first two detail the major elements of the legislation regarding deductions and credits. The final part of the bill deals with consumer protections. Specifically this legislation would:

Permit individuals to make a tax deduction in an amount equal to the ''applicable percentage'' of eligible long-term premiums. An ''Applicable Percentage'' is defined as 25 percent in 2009/2010, 35 percent in 2011, 65 percent in 2012, and 100 percent thereafter.

These dedications would create incentives for individuals and by 2017 the number of individual LTC policy holders will increase by 9 percent and 8 percent of individuals will increase the richness of their policy.

Require coordination of deductions and prohibits an individual from making the same deductions twice.

Permit long-term care deductions to be made under cafeteria plans and flexible spending arrangements.

Under cafeteria plans 12 percent increase in the number of active employees with LTC policies by 2017, as well as, flexible spending accounts creating an incentive for individuals to enroll in FSAs and use their funds towards LTC.

Establish an ''applicable credit'' for caregivers of those with long-term care needs. An ''applicable credit'' refers to $1,500 in 2009, $2,000 in 2010, $2,500 in 2011, and $3,000 for 2012 and thereafter. The applicable credit is multiplied by the number of individuals with respect to whom the taxpayer is an eligible caregiver.

Establish consumer protections based on the National Association of Insurance Commissioners recommendations for qualified long-term care policies.

Creating incentives and helping families to afford long-term care insurance will encourage many more Americans to take personal responsibility for their long-term care needs, not only providing more LTC coverage for Floridians but preserving public funds for those who need them.

I urge my colleagues to cosponsor and support this important tool for all Americans' financial and health security.

RECOGNIZING THE VALUE OF ICERD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today as Chairman of the Commission on Security and Cooperation in Europe to introduce a resolution which recognizes the enduring value of the International Convention on the Elimination of All Forms of Racial Discrimination, ICERD, as a cornerstone of global efforts to combat racial discrimination and uphold human rights.

To monitor the implementation of this important agreement a number of multinational organizations continue to cooperate as partners, including the United Nations Committee on the Elimination of Racial Discrimination, CERD; the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights, ODIHR; the European Commission against Racism and Intolerance, ECRI; and the European Union Fundamental Rights Agency, EUFRA.

Recently, CERD held its 72nd session in Geneva, Switzerland to review anti-discrimination efforts undertaken by the Governments of Fiji, Italy, the United States, Belgium, Nicaragua, Moldova, and the Dominican Republic. At this session, the United States received a response to its April 2007 report it submitted to CERD detailing measures taken to adhere to the convention. The ''Concluding Observations'' which CERD responded with includes a number of important achievements that we should be proud of as Americans, but also a number of challenges we must still unite together to address. Until the displaced of Hurricane Katrina are housed and hate crimes are eliminated from our streets and workplaces, we must be vigilant in our quest to be the world leader in tolerance.

Madam Speaker, I call my colleagues to join me in reaffirming the commitment that the United States has made in ratifying the International Convention on the Elimination of All Forms of Racial Discrimination. This resolution is the first step in recognizing the value of this international commitment, and I look forward to working with my colleagues toward its expedited passage.

CONGRATULATING FAYE BALMONTE VARIAS ON BEING NAMED THE 2008 SMALL BUSINESS JOURNALIST CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Faye Balmonte Varias on being named the United States Small Business Administration 2008 Small Business Journalist Champion of the Year for Guam.

Ms. Varias began her nearly 10-year-long career as a freelance writer for multiple publications, and today, she serves as the editor for Glimpses of Guam, one of the island's leading publishing and advertising agencies. As editor, she has been instrumental in the development and expansion of the Guam Business Journal, Marine Drive Magazine, and R&R Pacific. Through these publications, Ms. Varias has brought exceptional editorial coverage of Guam's small business news.

Ms. Varias' community efforts cross the spectrum. She has volunteered in schools, organized award-winning events, and committed to teaching our youth about the journalism profession. I congratulate Faye Balmonte Varias on her professional success thus far, and I join our island in celebrating her national recognition as Guam's U.S. Small Business Administration 2008 Small Business Journalist Champion of the Year.

TRIBUTE TO THE PORTLAND STATE UNIVERSITY MEN'S BASKETBALL TEAM

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. WU. Madam Speaker, I rise today to congratulate the Portland State University men's basketball team on achieving their first-ever birth to the NCAA Division I Championship Tournament. The Vikings capped off their historic season with a 67–51 win in the Big Sky Conference Championship game over

Northern Arizona University at the Rose Garden in Portland. PSU finished their regular season with a 29–2 record, and were undefeated in the Big Sky Conference Tournament. On Sunday, the Vikings will learn who they will play in the first round of the ''Big Dance.''

The NCAA Tournament is one of the great institutions in all of collegiate sports. It brings together the best college teams from across our Nation to compete for basketball's greatest prize. Oregon is proud of every one of these outstanding young men and their coaches.

It is also fitting that we should take this opportunity to recognize the entire Portland State community. As Oregon's largest university, PSU is a source of pride for our state. The Viking's athletic achievements reflect the spirit and work ethic of their university, and I am proud to honor their achievement today.

Madam Speaker, I would like to recognize each member of the PSU men's basketball team individually, beginning with Head Coach Ken Bone, Assistant Head Coach Tyler Geving, Assistant Coaches Curtis Allen and Eric Harper, and Director of Basketball Operations Tyler Coston. Furthermore, I congratulate the 2007–2008 PSU Viking's: Brian Curtis, Jeremiah Dominguez, Justynn Hammond, Deonte Huff, Jaime Jones, Lucas Dupree, Tyrell Mara, J.R. Moore, Scott Morison, Andre Murray, Phil Nelson, Mickey Polis, Julius Thomas, Alex Tiefenthaler and Dominic Waters.

Madam Speaker, I invite my colleagues to join me in congratulating these outstanding young men. On behalf of the entire state of Oregon, congratulations and good luck. Go Vikings!

SEATTLE TIMES EDITORIAL: A CHANCE TO STAND UP

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. REICHERT. Madam Speaker, I would like to submit the following article from Monday, March 10, 2008 into the RECORD:

A CHANCE TO STAND UP

Congress has a chance to do what the Federal Communications Commission did not. Protect democracy and serve the public.

The Senate can start by adopting North Dakota Democrat Sen. Byron Dorgan's ''resolution of disapproval.'' The grumpy-sounding legislation would scrap a new FCC rule that lifts the cross-ownership ban, which forbade a company from owning a newspaper, television station and radio station in the same market. The FCC adopted a sneaky new rule change in December. Commission Chairman Kevin Martin portrayed the new rule as restrained because it would only apply to the nation's top 20 media markets. A closer reading reveals that it is far-reaching, allowing for exceptions.

Not encouraging, considering the FCC's demonstrated willingness to hand out exemptions to its rules.

The FCC's troubling rush to appease big media conglomerates must be checked. The public was overwhelmingly against media concentration at every FCC hearing in the past couple of years. The commission not only ignored its public-interest charge, but also disregarded its own studies that showed the damage done to local news by consolidation.

This is not the first time the Senate has pushed back against the FCC. A resolution was broadly supported in 2003 to block an earlier FCC attempt to abolish the cross-ownership ban. Republican opposition was led by Sen. John McCain. The vote ended up being symbolic because the Republican-held House refused to enact its own resolution.

Washington has changed since 2003. Expect the Senate to get this resolution through, and for the House to follow.

More media consolidation will further gut the news outlets that are essential to maintaining a vigorous, informed democracy. Congress has a chance to slap the FCC back into line, while protecting the public at the same time.

HONORING U.S. SENATOR HOWARD METZENBAUM

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LATOURETTE. Madam Speaker, I rise today to honor the late Howard Metzenbaum, the tenacious and scrapping Senator from the State of Ohio who died this week at the age of 90.

I never had the privilege of serving in the Congress with Senator Metzenbaum, as he retired the same year I was elected. Nevertheless, I followed his career closely from the sidelines and admired him because he was so truly authentic and larger than life. Agree with him or not, he was one of the most important political figures in our State in the last century. I respected Senator Metzenbaum because he was so true to himself and his core beliefs and values, even when they were immensely unpopular. He was unflinchingly liberal and made no apologies for it. The Buckeye State—long before we'd been tagged red or blue—consistently rewarded him at the polls for his fighting spirit and his ''don't mess with me'' attitude.

In Metzenbaum, Ohioans had a tenacious, extraordinarily hard-working and committed Senator who helped elevate so many issues of importance to Ohioans to the national stage. One of his most remarkable accomplishments, in my estimation, was giving workers 60 days notice of plant closings, a scenario that has become all too familiar in our State. He is best known for championing workers' rights and the middle class, challenging and aggravating corporate America, and ferreting out wasteful spending. Yet, he had a soft and compassionate side as well, and led the effort to change the law to make it easier to adopt a child of a different race. That one legislative victory made adoption a reality for countless families, and gave so many children a loving home.

Howard Metzenbaum was a man of remarkable wealth, yet he chose to devote so much of his life to public service. He brought to Washington the same work ethic that he'd bestowed on his business affairs, and never seemed to slow down or coast as his years in the Senate stretched on. He left the institution just as feisty and combative as he'd arrived.

Today, far too many politicians' choices are guided by polling data, focus groups and the ramblings of pundits and talk show hosts. Senator Metzenbaum left public life before the Internet took hold and the media feeding frenzy crested, yet I have to believe that the Junior Senator from Ohio wouldn't have been tamed or tempered by talk radio, 24-hour news cycles or the blogosphere. To the contrary, I think it would have emboldened the unapologetic, unabashed and ferocious liberal who, against many odds, earned the respect and support of so many Ohioans.

This week, Ohio and the Cleveland area lost a political giant. My thoughts and prayers are with the Metzenbaum family.

REAUTHORIZING THE COASTAL ZONE MANAGEMENT ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, nearly half of the population of the United States lives along our country's 95,331 miles of ocean and Great Lakes coastline. The 153 million people who live and work in the coastal zone—roughly 11 percent of the total U.S. land area—contribute tens of billions of dollars to our national economy. For example, roughly $700 billion in cargo and merchandise moves through our country's ports on an annual basis.

While the country's coastal zone remains intrinsically linked to our entire economy, coastal regions are also home to a variety of incredibly valuable natural resources, such as commercial fisheries, coral reefs, coastal estuaries and wetlands, mineral resources, and vital fish and wildlife habitat. Moreover, at a time when our economy and the environment are both in need of attention, and when cooperation between the Federal government and the States and territories has never been more essential to address future challenges created by a changing climate, it is important for the Congress to reauthorize the Coastal Zone Management Act (CZMA). Reauthorization of this Act re-emphasizes the importance of maintaining a balanced management approach in this critical geographic area.

The initial passage in 1972 of the Coastal Zone Management Act championed an innovative and forward-thinking strategy to address the complexity of issues, the needs of individual States and territories, and the national interest to ensure the long-term, sensible management of the country's entire coastal zone. The Act was designed as a voluntary federal-state partnership. States and territories receive cost sharing grants to develop and subsequently implement State management programs that comply with broad Federal policies. For example, State and territorial coastal zone management programs encourage comprehensive planning to enable both the protection and development of coastal lands where possible. State and territorial coastal programs also strive to restore and enhance coastal resources, perpetuate water-dependent uses and preserve coastal public access.

States and territories also gained an equal authority, known generally as ''Federal Consistency'' to review all Federal agency activities or Federally-permitted activities for the

coastal zone to ensure compatibility with Federally-approved State or territory coastal programs and policies. While at times controversial, consistency reviews emerged as a remarkably successful tool in facilitating cooperation between the coastal states and territories and the Federal agencies. Although participation in the Coastal Zone Management program is voluntary, 34 out of 35 eligible coastal States and territories are now fully participating in the program, and collectively, 99 percent of U.S. coastlines fall under the Act's authority.

The territory I represent, Guam, proudly participates in the coastal zone management program. Because Guam is an island, our entire land area is considered a coastal zone. Important and unique management issues regarding development frequently arise for our community, including impacts on cultural and historic resource preservation, water quality, and the integrity of coral reef ecosystems and our watershed habitat. For example, under the Guam Coastal Management Program, analysis of damages from coastal hazards led to the development of an Environmental Emergency Response Plan that our community relies upon in preparing for and responding to typhoons. This Plan allowed our community to successfully respond to coastal and environmental challenges arising from recent typhoons that struck our island, including Typhoon Chata'an in July 2002 and Super Typhoon Pongsona in December 2002. This plan is but one example from many that demonstrate the practical and positive impact of the Coastal Zone Management Act for Guam.

Since the Act's enactment in 1972, Congress has amended it on various occasions in order to address changing circumstances and needs. Among such refinements was the establishment of a system of National Estuarine Research Reserves, authorization of the Enhancement Grant Program to help States and the territories address new and emerging issues, and the establishment of the Coastal Nonpoint Source Pollution Control Program to address the present and growing threat to coastal waters caused by polluted run-off.

Today, our country is presented with coastal zone challenges that were unforeseen and not addressed in previous reauthorizations of the Coastal Zone Management Act. These challenges include climate change, aquatic nuisance species, increased risk exposure to catastrophic storms and natural hazards, and the preservation of open space in the midst of an expanding human footprint. Many of these challenges were identified by the U.S. Commission on Ocean Policy in 2004 and the Pew Oceans Commission in 2003. In addition, the National Oceanic and Atmospheric Administration (NOAA) and the Coastal States Organization (CSO) initiated in 2007 a joint comprehensive analysis of the Act to see if and how it might be amended to better address the challenges of the future. I believe it is important to reauthorize this Act with input from the States and territories, the National Oceanic and Atmospheric Administration, and scientists and coastal community stakeholders. Any reauthorization of the Act should be oriented toward improving our ability to better prepare for and respond to future challenges impacting the health and integrity of the ecosystems within our country's coastal zones.

It is for these reasons that I introduced H.R. 5451, the Coastal Zone Reauthorization Act of 2008, to reauthorize and increase appropriations to implement the Coastal Zone Management Act. I was joined in doing so by other members of the Subcommittee on Fisheries, Wildlife and Oceans. Together we are committed to addressing this reauthorization opportunity and objective in a bipartisan fashion. On February 28, 2008, the Subcommittee on Fisheries, Wildlife and Oceans convened for a hearing on H.R. 5451 and received testimony from the Administration and stakeholders. I fully recognize that this bill is a placeholder and a starting point for a much more substantive dialogue as we begin to address the new realities facing our country's coastal zone. I hope my colleagues will join us in this effort to reauthorize this landmark environmental law, and to ensure that we leave for our children and grandchildren a coastal zone that is vibrant, healthy and welcoming to all.

HONORING THE LIFE OF SENATOR HOWARD METZENBAUM

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today to pay my respects to an extraordinary person, former Senator Howard Metzenbaum.

The Honorable Howard Metzenbaum was born in Cleveland, Ohio. He came from humble beginnings, ''his father scrapped to make a living, buying and selling second hand goods.'' He graduated from Glenville High School in Cleveland and later matriculated to Ohio State University where he earned both his bachelor degree and a Juris Doctor degree in 1939 and 1941 respectively.

Metzenbaum served in the Ohio House of Representatives from 1943 to 1947. He was subsequently elected to the Ohio Senate from 1947 to 1951. In addition to his dedication to public service, he also was a savvy astute businessman who would later become one of the Senate's wealthiest members. It has been noted that if he had not chosen a life of committed public service he would have easily become one of America's wealthiest businessmen. Metzenbaum said, ''I was born knowing how to make money,'' however he was guided by the saying, ''Is it more important to have $10 million than $9 million?''

In 1974, when Senator William B. Saxbe from Ohio resigned from his seat to accept the nomination as U.S. attorney general, Governor Jack Gilligan appointed Metzenbaum to fill out the remainder of Saxbe's term. It was not until 1994 that Senator Metzenbaum retired after 19 years of service in the United States Senate.

While in the United States Senate Howard Metzenbaum was an instrumental member of the Senate Judiciary committee where he was well known as a powerful advocate of antitrust and consumer protection issues, as well as a staunch proponent of pro-choice abortion rights. He was often referenced as ''Senator No,'' because many of his colleagues knew that if he was opposed to a particular measure his opposition created a great hindrance to its chances of passing.

In the Senate, Metzenbaum devised a different method of filibustering by introducing multiple amendments to bills in place of terminating a piece of legislation by long periods of debate. Senator Metzenbaum championed several important pieces of legislation, most notably the Worker Adjustment and Retraining Notification Act, which required warning periods for large factory closures; the Brady Law, which established a waiting period for handgun purchases; and the Howard M. Metzenbaum Multiethnic Placement Act of 1994 (MEPA) (U.S. Public Law 103–82), which prohibits federally subsidized adoption agencies from delaying or denying child placement on grounds of race or ethnicity. Upon his retirement in 1994 the Cleveland Plain Dealer referred to him as, ''The last of the ferocious New Deal liberals.''

After leaving the Senate, the Honorable Howard Metzenbaum served as the Chairman of the Consumer Federation of America. In 2005, The United States Bankruptcy Courthouse was named in his Honor in Cleveland, Ohio.

We are all blessed to have known and served our Country with former Senator Howard Metzenbaum. It is with great respect and admiration that I ask this esteemed body to keep his wife, and four daughters: Barbara Sherwood, Susan Hyatt, Shelley Kelman, and Amy Yanowitz in our hearts and prayers. May we all rejoice in having known such a great man and cherish both his memory and his legacy.

Daily Digest

Senate

Chamber Action

The Senate was not in session today. It will next meet at 12 noon on Tuesday, March 18, 2008.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 16 public bills H.R. 5640–5655; and 13 resolutions, H. Con. Res. 317–319; and H. Res. 1051–1060 were introduced. **Pages H1770–71**

Additional Cosponsors: **Pages H1771–72**

Reports Filed: Reports were filed today as follows:

H.R. 5577, to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorims against chemical facilities, and for other purposes (H. Rept. 110–550, Pt. I) **Page H1770**

Speaker: Read a letter from the Speaker wherein she appointed Representative Wasserman Schultz to act as Speaker Pro Tempore for today. **Page H1705**

Journal: The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 202 yeas to 148 nays with 1 voting ''present'', Roll No. 146. **Pages H1705, H1760–61**

FISA Amendments Act of 2008: The House agreed to the Senate amendment with an amendment, made in order by the rule and printed in H. Rept. 110–549, to H.R. 3773, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, by a yea-and-nay vote of 213 yeas to 197 nays with 1 voting ''present'', Roll No. 145. **Pages H1707–60**

H. Res. 1041, the rule providing for consideration of the Senate amendment, was agreed to by a yea-and-nay vote of 221 yeas to 188 nays, Roll No. 144, after agreeing to order the previous question by a yea-and-nay vote of 217 yeas to 190 nays, Roll No. 143. **Pages H1707–20**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, April 2, 2008. **Page H1761**

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 31, 2008. **Page H1761**

House of Representatives Page Board—Appointment: The Chair announced the Speaker's and Minority Leader's joint reappointment of the following individuals to the House of Representatives Page Board for a term of one year, effective March 20, 2008: Ms. Lynn Silversmith Klein of Maryland and Mr. Adam Jones of Michigan. **Page H1761**

Senate Message: Message received from the Senate today appears on pages H1705–06.

Senate Referral: S. Con. Res. 71 was referred to the Committee on House Administration. **Page H1706**

Quorum Calls Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H1719, H1719–20, H1760, H1761. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 3:34 p.m., pursuant to the provisions of H. Con. Res. 316, the House stands adjourned until 2 p.m. on Monday, March 31, 2008.

Committee Meetings

DEFENSE MENTAL HEALTH OVERVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Mental Health Overview. Testimony was heard from the following officials of the Department of Defense: S. Ward Casscells, M.D., Assistant Secretary, Health Affairs; LTG Eric Schoomaker, M.D., USA, Surgeon General, U.S. Army; VADM Adam Robinson, M.D., USN, Surgeon General, U.S. Navy; and LTG James G. Roudebush, M.D., USAF, Surgeon General, U.S. Air Force; and a public witness.

NAVY SHIPBUILDING BUDGET

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces held a hearing on Fiscal Year 2009 National Defense Authorization Budget Request for Navy Shipbuilding. Testimony was heard from the following officials of the Department of the Navy: Allison Stiller, Deputy Assistant Secretary, Ship Programs; and VADM Barry McCullough, USN, Deputy Chief of Naval Operations, Resources and Requirements; Eric Labs, Senior Naval Analyst, CBO; and Ronald O'Rourke, Specialist in National Defense, CRS, Library of Congress.

FEDERAL STUDENT LOANS AVAILABILITY

Committee on Education and Labor: Held a hearing on Ensuring the Availability of Federal Student Loans. Testimony was heard from Margaret Spellings, Secretary of Education; and public witnesses.

INDIAN LAND CLAIMS

Committee on the Judiciary: Held a hearing on the following bills: H.R. 2176, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; and H.R. 4115, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians. Testimony was heard from Representatives Kilpatrick and Berkley; Carl Artman, Assistant Secretary, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

Next Meeting of the **SENATE**

12 noon, Tuesday, March 18

Senate Chamber

Program for Tuesday: Senate will meet in a pro forma session.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

2 p.m., Monday, March 31

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue.

HOUSE

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