

Wolf  
Womack  
Woodall

Yoder  
Young (AK)  
Young (FL)

Young (IN)

Platts  
Poe (TX)  
Pompeo

Ross (FL)  
Royce  
Runyan

Terry  
Thompson (PA)  
Thornberry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1512

So the bill was passed.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOT VOTING—13

Akin  
Broun (GA)  
Brown (FL)  
Butterfield  
Culberson

Gingrey (GA)  
Herger  
Hirono  
Holden  
Jackson (IL)

Johnson, Sam  
Moran  
Ryan (WI)

Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam

Price (GA)  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan

Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1505

Mr. YARMUTH changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HOLT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 189, not voting 15, as follows:

[Roll No. 568]

AYES—225

Adams  
Aderholt  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Barton (TX)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy

Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gibbs  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck  
Hensarling  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)

Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Bartlett  
Bass (CA)  
Bass (NH)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Fitzpatrick  
Frank (MA)

NOES—189

Fudge  
Garamendi  
Gerlach  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Hayworth  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebuck  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Murphy (CT)  
Nadler  
Napolitano  
Neal

Oliver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth  
Young (FL)

## FISA AMENDMENTS ACT

### REAUTHORIZATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 773, I call up the bill (H.R. 5949) to extend the FISA Amendments Act of 2008 for five years, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. YODER). Pursuant to House Resolution 773, the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5949

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “FISA Amendments Act Reauthorization Act of 2012”.*

#### SEC. 2. FIVE-YEAR EXTENSION OF FISA AMENDMENTS ACT OF 2008.

(a) EXTENSION.—Section 403(b) of the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2474) is amended—

(1) in paragraph (1), by striking “December 31, 2012” and inserting “December 31, 2017”; and

(2) in paragraph (2) in the material preceding subparagraph (A), by striking “December 31, 2012” and inserting “December 31, 2017”.

(b) CONFORMING AMENDMENT.—The heading of section 404(b)(1) of the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2476) is amended by striking “DECEMBER 31, 2012” and inserting “DECEMBER 31, 2017”.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 5949, as amended, and currently under consideration.

NOT VOTING—15

Akin  
Broun (GA)  
Brown (FL)  
Butterfield  
Chandler

Culberson  
Gingrey (GA)  
Herger  
Hirono  
Holden

Jackson (IL)  
Johnson, Sam  
Moran  
Ryan (WI)  
Whitfield

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

There was no objection.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, America and its allies continue to face national security threats from foreign nations, spies, and terrorist organizations. Our national security agencies must be able to conduct surveillance of foreign terrorists and others so we can stop them before they disable our defenses, carry out a plot against our country, or kill innocent Americans.

In 1978, Congress enacted the Foreign Intelligence Surveillance Act to provide procedures for the domestic collection of foreign intelligence. To protect Americans' civil liberties, FISA created Foreign Intelligence Surveillance Courts comprised of sitting Federal court judges.

□ 1520

If the government needs to collect domestic information for national security purposes, it must first request permission from a FISA judge. This is limited to domestic information. FISA was never intended to apply to the collection of information from non-U.S. persons in foreign countries.

But advances in technology over the last 40 years have changed how overseas communications are transmitted. In 2006, then-Director of National Intelligence, Admiral Mike McConnell, stated that the intelligence community was not collecting approximately two-thirds of the foreign intelligence information that it collected prior to legal interpretations that required the government to obtain individualized FISA court orders for overseas surveillance. To solve the problem, in 2008, Congress passed the FISA Amendments Act to reaffirm our longstanding intent that a court order is not required when a non-U.S. person outside the U.S. is targeted. The act continues the authority to collect intelligence from foreign targets located outside the United States.

The FISA Amendments Act both strengthens our national security and expands civil liberties protections for all Americans. The act requires an individualized court order for the government to target an American anywhere in the world. Under the FISA Amendments Act, the government cannot conduct any surveillance overseas without authorization. The government cannot target individuals unless there is a reasonable belief they are not in the United States, which the government must try to ascertain.

The government cannot intentionally acquire communications when the sender and recipient are both in the United States without an individualized court order from a FISA judge. The government cannot reverse-target individuals overseas in order to monitor those in the United States. This means that the government cannot target a U.S. person simply by monitoring

a non-U.S. person that the U.S. person is talking to. And for the first time in history, the government must obtain an individualized court order from the FISA court to target Americans outside the United States.

Foreign surveillance under the FISA Amendments Act is subject to extensive oversight by the administration and Congress. Every 60 days, Justice Department national security officials and the Director of National Intelligence conduct onsite reviews of surveillance conducted pursuant to the FISA Amendments Act. In addition, the Attorney General and the Director of National Intelligence conduct detailed assessments of compliance with court-approved targeting and minimization procedures and provide these amendments to Congress twice a year.

The administration also is required to submit to the Judiciary and Intelligence Committees a copy of any FISA court order opinion or decision. It must also submit the accompanying pleadings, briefs, and other memoranda of law from national security officials within the intelligence community that relate to a significant construction or interpretation of any provision of FISA.

This law will expire at the end of this year unless Congress reauthorizes it. President Obama has identified reauthorization of the FISA Amendments Act as the top legislative priority of the intelligence community and requests Congress to extend the law for 5 years. H.R. 5949 is a bipartisan piece of legislation to do just that, extend the FISA Amendments Act to December 31, 2017.

Foreign terrorists continue to search for new ways to attack America. Foreign nations continue to spy on America, to plot cyberattacks, and attempt to steal sensitive information from our military and private sector industries. They are committed to the destruction of our country, and their methods of communication are constantly evolving.

We have a solemn responsibility to ensure that the intelligence community can gather the information it needs to protect our country and protect our citizens. This bipartisan bill ensures that our country will be able to identify and prevent threats to our national security without sacrificing the civil liberties of American citizens.

I urge my colleagues to join me in support of this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, on our side, I would begin our discussion by yielding 3 minutes to the distinguished senior member of Judiciary, ranking member of Immigration, the gentleman from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge this body to reject this bill.

The surveillance bill raises several serious constitutional and civil liberties issues that Congress needs to address and has not addressed in this bill, and I'd like to discuss just one of those.

Congress should prohibit the Federal Government from intentionally searching for information on a U.S. person in a data pool amassed lawfully under section 702 of FISA—should such a data ever be amassed—unless the searching official has a warrant.

Now, the FISA Amendments Act of 2008 does not make clear that the government must obtain a warrant prior to searching for information acquired incidentally on a U.S. person in a large pool of data that the government has already lawfully obtained under section 702, should such a data pool ever be amassed. Instead, the information about the U.S. person in such a situation is subject to minimization procedures adopted by the Attorney General, and that must be approved by the FISA court, but that does not explicitly include a warrant requirement, which I think the Constitution requires.

The prohibition on reverse-targeting—where the government deliberately targets a non-U.S. person for the purpose of acquiring information about the U.S. person at the other end of the line—is not a substitute for the warrant requirement to search a database for U.S. persons, should such a database ever be amassed under section 702. Minimization procedures are not a substitute for a warrant in such a case.

Now, I think that the government needs to comply with the Fourth Amendment to the Constitution all the time. I think that the privacy of Americans should not be subject to the lower standard of minimization procedures. That's not in the Constitution. And I think, also, that when we think that we should trade the protections that our Founding Fathers devised for us in the United States Constitution in the effort to buy safety, we're mistaken. We can be safe while still complying with the Constitution of the United States.

I'm mindful that we began this Congress reading most of the United States Constitution on the floor of this House. It's ironic, indeed, that we should be ending this Congress with a bill that does violation to that very body.

I thank the gentleman for yielding.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), who is the chairman of the Administration Committee here in the House, a senior member of the Judiciary Committee, and a former attorney general of California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the extension of the FISA Amendments Act of 2008.

I would just have to say this is critical to the protection of the American people. With the events over the last couple of days, we need not be reminded of this solemn responsibility 1 day after the 11th anniversary of 9/11.

If you will recall, one of the main points made by the 9/11 Commission in

their after-action report was that we, as a Nation, had not done enough—that is, the Government of the United States had not done enough—to connect the dots to warn us sufficiently to protect against the attack which caused the death of over 3,000 on our homeland. In order to connect the dots—that is, the items of information, the intelligence—you have to have the dots, you have to have the intelligence. That's precisely what the extension of these amendments will allow us to do.

But initially, it's important to understand from the outset of this debate what this legislation would do as well as what it does not do.

□ 1530

We are seeking to address the essential need for us to be able to monitor communications by terrorists and other foreign adversaries located outside the United States. We're not debating the PATRIOT Act here. We're not talking about national security letters. We're not talking about those things that are directed at Americans.

The annual certification procedures provided under the FISA Amendments Act do not allow the targeting of Americans outside the United States. Thus, if an American is targeted anywhere in the world, or if a person is targeted within the United States, an individualized court order is required.

In cases involving a foreign terrorist outside the United States, the Foreign Intelligence Surveillance Court approves annual certifications submitted by the Attorney General and the Director of National Intelligence. This is a court made up of article III judges, judges with lifetime appointments, with the independence that was accorded them under the Constitution.

And I would remind my colleagues that the appellate review, the appellate division of the Foreign Intelligence Surveillance Court, is also comprised of article III judges.

It is important to note we're not providing for warrantless surveillance here. In fact, the FISA Amendments Act has enhanced the statutory protections afforded to U.S. persons under the law. Because it was the first time, under these amendments that we wish to extend, we required an individual FISA court order to conduct overseas intelligence collections on U.S. citizens and permanent residents. Even if they're overseas, we now require that. It was not required by statute before that.

Before that, the Attorney General approved such collections against U.S. persons outside the U.S., pursuant to an executive order of the President. We all know that executive orders of the President can be changed by a President while in office, or a succeeding President.

I would submit that if you are concerned about civil liberties, and I assume everybody in this debate is, returning to the good old days prior to the enactment of the FISA Amend-

ments Act is not a step forward for civil liberties.

It should also be understood that we're not seeking to extend the underlying Foreign Intelligence Surveillance Act in its entirety. Today we're attempting to achieve the rather modest purpose of the 2008 amendments. Again, court approval of annual certification by the DNI, the Director of National Intelligence, and the Attorney General, identifying categories of foreign intelligence agents outside the United States is required. An individualized court order is required in other cases.

The legislative history of FISA is instructive. The House Permanent Select Committee on Intelligence report that accompanied FISA in the initial act in 1978 clearly expressed Congress' intent to exclude overseas intelligence activities from the reach of FISA. These were the words of that report:

The committee has explored the feasibility of broadening this legislation to apply overseas, but has concluded that certain problems and unique characteristics involved in overseas surveillance preclude the simple extension of this bill to overseas surveillance.

In other words, overseas surveillance was never the focus of the 1978 act. Rather, it focused on domestic surveillance of persons located within the United States to ensure that there were protections in that regard.

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

Mr. SMITH of Texas. I will yield the gentleman an additional minute.

Mr. DANIEL E. LUNGREN of California. The FISA Amendments Act under consideration here today requires an individualized court order in cases where an American is the target, no matter where they may be located.

Here's the reason why this is important. It is the change in communications, the nature of communications that required us to do the amendments. If we fail to pass this, we will, as former DNI Director McConnell stated, we will lose two-thirds of those dots, those bits of information, the intelligence that we need to connect to protect us. We will put in very much manner the country at risk.

If you look at a simple risk analysis, you have to do threat, you have to do vulnerability, you have to do consequence. We can figure out what the vulnerability is by our inspection of our own resources and infrastructure. We can figure out what the consequences are.

What we have to have, in order to figure out the threat, is a means of collecting intelligence. We have to pass this law, a bipartisan law.

I recall being here and having the former Speaker of the House spend, I think, 7 minutes arguing on behalf of this, and the gentleman who is Number two on the Democratic side as well.

It has never been partisan. Hopefully, we can have bipartisan support expressed in the vote for these amendments.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to let my distin-

guished colleague and friend from California know that we're in complete agreement with most of what he said, except that all we want to do is limit this to a 3-year measure instead of 5 years. Now, there's a compromise you can't turn away from.

At this point I yield 3 minutes to the distinguished senior member from the Judiciary Committee, JERRY NADLER.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, I rise in opposition to the FISA Amendments Act of 2012. If we had had an opportunity to evaluate this law based on experience with it, and to consider some amendments and alternatives, this opposition would not be necessary. But the Republican majority has, once again, told the Members of this House and the American people that it's "my way or the highway."

While it is certainly appropriate for our government to gather foreign intelligence, and while some degree of secrecy is obviously necessary, it is also vital in a free society that we limit government, protect the constitutional rights of Americans here and abroad, and limit warrantless spying to genuine foreign intelligence.

Unfortunately, we have seen repeatedly how even the very minimal restraints Congress put on FISA have been violated. We should address those abuses. Congress has an obligation to exert more control over spy agencies than simply to give them a blank check for another 5 years.

The gentleman from Michigan (Mr. CONYERS) had an amendment that would have shortened the sunset by 2 years, but we won't even have a chance to consider it, perhaps because some of our Republican colleagues might also want to support such an amendment. As a result, we will not revisit the law until after the end of the next presidential term.

And if we had cut shorter this extension, we could do what we should have done but haven't: hold hearings, look into how the law is operating, and decide what amendments and protections are necessary to make sure it operates right so that we can collect the intelligence without violating the constitutional rights of Americans.

I had an amendment that would have required the Attorney General to make publicly available a summary of each decision of the FISA court and the FISA court of review that includes a significant construction of section 702, which allows warrantless surveillance, with appropriate security redactions and editing.

Many American citizens and others who have nothing to do with foreign intelligence gathering are caught up in this surveillance, and government has an obligation to protect their rights. The FISA court is supposed to do that, and we need to ensure that the law and the courts are working.

Disclosure of classified information is not needed to know whether the court performs meaningful oversight of

the executive branch, applies minimization standards correctly, and whether or not we ought to amend the law.

The gentleman from Wisconsin (Mr. SENSENBRENNER) said, “rather than playing the numbers game, either with the actual targets or the people who are incidentally surveilled, perhaps decisions of the FISA court, particularly the review of the FISA court, appropriately redacted, would be able to give us the answer to that question. I have always been one that favored disclosure.”

The gentleman from Wisconsin is right. If the FISA court is just a rubberstamp of the executive branch, we and the public should know that. And if the court really does provide meaningful oversight and meaningful limitations on the executive branch, we and the public should know that too.

But we won't get to discover that or to debate that. Failure to do so is a dereliction of our constitutional duty to protect the constitutional rights of American citizens and the betrayal of our liberties.

I urge my colleagues to reject this legislation and demand that we properly consider this very important issue by a somewhat shorter extension and by proper hearings and examination of the limitations and the workings of this law.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

□ 1540

Mr. MCCLINTOCK. I want to thank the chairman for yielding to a contrary point of view.

Mr. Speaker, FISA allows the government to target foreign nationals and to intercept their communications, even those with American citizens, without a warrant, as required by the Fourth Amendment.

Now, we're told don't worry. The law requires that any irrelevant information collected in this manner be disregarded. Well, here is the problem. The enforcement of this provision is, itself, shrouded in secrecy, making the potential for abuse substantial and any remedy unlikely. Secret courts and warrantless surveillance are not compatible with a free society or the English common law or the American Constitution.

We are told FISA is necessary to stop terrorist plots and that this protection trumps privacy or due process concerns. Well, Ben Franklin answered that argument years ago when he warned us that those who can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. In fact, America's security is far better assured as a thriving free society in a world that respects her strengths and fears her just vengeance.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds to commend the statement by the gentleman from Cali-

fornia in this regard. Also, on the subject of transparency, two Senators—one from Oregon, the other from Colorado—asked the Director of National Intelligence how many Americans are affected by this law.

The answer: We don't know.

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

Mr. CONYERS. I yield myself 10 more seconds.

Now, we don't know if he meant that he didn't want to tell us that he knew or that he honestly didn't know. Either response or explanation is inadequate.

Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlelady from Houston, Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Thank you, Mr. Chairman.

Mr. Speaker, I am delighted to join the chairman of the full committee and the ranking member of the full committee in this vigorous debate on the Constitution. I am also delighted that the ranking member has indicated, by his reference to the previous speaker, that this is a bipartisan challenge and question about the reauthorization. This does not have a partisan place. It does have a place in the Constitution.

As I do this, might I take just a moment, Mr. Chairman and Mr. Ranking Member, just to acknowledge the loss of our Americans who fell in Libya—Ambassador Stevens and those who were securing him. It is a recognition that we live in a difficult world; but one of the distinctive aspects of America is that we live in a free country, that we are willing to accept the distinctions and differences of all people and that we respect the privacy and the Fourth Amendment.

So I might refresh my fellow colleagues as to what FISA does from the very beginning. It is electronic surveillance, physical searches, the installation and use of pen registers and trap-and-trace devices, and demands for the production of physical items. Although FISA is designed for intelligence gathering and not for the collection of criminal evidence, the law applies to activity to which a Fourth Amendment warrant requirement would apply if they were conducted in a criminal investigation. Members need to understand there are questions of the Fourth Amendment right here. So what those of us who have a concern on this reauthorization are asking for has simple premise:

We want to join with Congressman CONYERS and his simple amendment that allows for greater congressional oversight and the protection of the Fourth Amendment as it relates to Americans by shortening the reauthorization to 2015 from 2017. It intrudes the Congress properly in oversight. In addition, there should be more transparency in the surveillance program, such as requiring the creation of unclassified versions of the intelligence assessments of the surveillance program, requiring the creation of unclassified summaries.

I introduced a simple amendment. We all have respect for the Inspector General's office. That is one independent force of our agencies that most Members of Congress will not challenge. My amendment would require a report by the Inspector General of the Department of Justice and the Inspector General of the intelligence community on the implementation of the surveillance program under the FISA Amendments Act of 2008.

Now, let me try to find out what the horrifically liberal groups are that are concerned about this. What about the American Library Association? the Association of Research Libraries? the very well-respected Brennan Center for Justice? the Center for Democracy & Technology? the OpenTheGovernment.org?

What we are simply saying today—and we hope our colleagues will listen on both sides of the aisle—is that, yes, we can reauthorize this legislation but that, no, we cannot abdicate the questions of congressional oversight. Today, we had a hearing on the abuse of power. The only issue in abuse of power is whether or not we respect the three branches of government. That is the argument we are making today. Do you respect the three branches of government—the people's House, who represent the people, who by themselves cannot defend themselves against this extensive reauthorization?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlelady 30 more seconds.

Ms. JACKSON LEE of Texas. In the course of this particular legislation, we had to contend with such things as warrantless wiretapping. Again, as I indicated, the need for the intruding of the Congress is a respect of the liberties which we want to protect.

So I would ask my colleagues to yield to transparency, to yield to a shorter extension. Make this bill stand on its own two feet juxtaposed to the Constitution. While we mourn those who have fallen, we respect that this is a free country. Today, we are not acting on that freedom by giving up the congressional oversight that is necessary. I ask my colleagues to reject the present form of this bill. I beg the Senate to look more readily at a shorter extension and more transparency.

I rise in opposition to the FISA Amendments Act of 2008. I believe that although we had a chance to discuss this reauthorization in the Judiciary Committee, the full import of this bill is too broad and more debate and consideration is necessary. The fact is not lost on me that this is the 11th year following the attacks of 9–11.

I open my statement with a quote from one of my heroines, and a trailblazer on so many levels, Barbara Jordan, who said: “What the people want is very simple—they want an America as good as its promise.”

Over the past year, Senate and House Democrats have worked with their Republican counterparts, the Administration, the intelligence community, and privacy advocates to

develop proposals for amendments to FISA that would give the intelligence community the flexibility it needs to safeguard our nation, while also providing strong protections for civil liberties. A proper balancing is America—as good as its promise.

And in-keeping with the notion of balance, I offered an amendment during the Judiciary Committee Markup of this legislation which simply asked for a report on the implementation of the amendments made by the FISA Amendments Act of 2008. My amendment simply requested that the report include an assessment of the impact of Section 702 of the FISA on the privacy of persons inside the United States. Even with court-approved targeting and minimization procedures in place, the government can and does intercept the communications of U.S. citizens.

It does so without a particularized warrant or a showing of probable cause. This approach to electronic surveillance raises concerns under the Fourth Amendment, which prohibits unreasonable searches, warrantless eavesdropping, and the use of “general warrants.”

The Fourth Amendment to the U.S. Constitution provides a right “of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Many of the government activities discussed in this report have the potential to constitute a search as that term is defined in Fourth Amendment jurisprudence.

Namely, government action constitutes a search when it intrudes upon a person’s “reasonable expectation of privacy,” which requires both that an “individual manifested a subjective expectation of privacy in the searched object” and that “society is willing to recognize that expectation as reasonable.”

The Fourth Amendment and its protections go back to our founding—the ability of the American Patriots to resist unwarranted searches and seizures by the British is inculcated in the American psyche.

Thus, the Fourth Amendment ultimately limits the government’s ability to conduct a range of activities, such as physical searches of homes or offices and listening to phone conversations. As a general rule, the Fourth Amendment requires the government to demonstrate “probable cause” and obtain a warrant (unless a recognized warrant exception applies) before conducting a search.

This rule applies most clearly in criminal investigations. For example, an officer conducting a criminal investigation typically may not search a person’s belongings without first obtaining a warrant that describes the property for which sufficient evidence justifies a search.

The extent to which the Fourth Amendment warrant requirement applies to the government’s collection of information for intelligence gathering and other purposes unrelated to criminal investigations is unclear. Although the surveillance of wire or oral communications for criminal law enforcement purposes was held to be subject to the warrant requirement of the Fourth Amendment in 1967, neither the Supreme Court nor Congress sought to regulate the use of such surveillance for national security purposes at that time.

Several years later, the Supreme Court invalidated warrantless electronic surveillance of domestic organizations for national security purposes, but indicated that its conclusion might differ if the electronic surveillance targeted foreign powers or their agents. A lower

court has since upheld the statutory scheme governing the gathering of foreign intelligence information against a Fourth Amendment challenge, despite an assumption that orders issued pursuant to the statute might not constitute “warrants” for Fourth Amendment purposes.

The Supreme Court has not yet directly addressed the issue. However, even if the warrant requirement was found not to apply to searches for foreign intelligence or national security purposes, such searches would presumably be subject to the general Fourth Amendment “reasonableness” test.

In the context of national security, the contours of the Fourth Amendment are necessarily narrowed but not abandoned altogether. The march toward a Big Brother State begins when the people’s rights to privacy and to be free from surveillance are surrendered in toto. All we have to do is look at the recent Jones decision which concerned a purely domestic case in which law enforcement took advantage of high-tech tools to follow a suspected drug dealer. A conservative Roberts Court voted 9–0 to invalidate this search.

It is rare for liberal Democrats and conservative Republicans to agree on much of anything these days, but I am sure that many of my colleagues on the other side would find untargeted procedures under FISA unlawful and thereby unconstitutional. 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.

It is widely known that the Obama Administration would like a clean, five year reauthorization of the FISA Amendments Act, consistent with the approach taken by the Senate Select Committee on Intelligence this spring. I would also note that there were two voices of dissent in the Senate committee’s proceedings, Senators WYDEN and UDALL who have been champions of national security, privacy, and civil liberties—which are not mutually exclusive.

The FISA Amendments Act of 2008 was designed to provide critically important authority for the U.S. Intelligence Community to acquire foreign intelligence information by targeting foreign persons reasonably believed to be outside of the United States. However, our experts now tell us that there are serious issues with targeting procedures, disclosure of basic information and there is a lack of strong rules on how the information gathered can be used.

“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, had with the ill-conceived and now expired Protect America Act of 2007, was that the understandable temptation of national security agencies to engage in reverse targeting is difficult to resist in the absence of strong safeguards to prevent such unauthorized and blanket snooping.

Although Section 1881 of the FISA Amendments Act statutorily forbids such reverse targeting, it is a lingering concern of many civil libertarians which I share.

No doubt there are instances where it may be necessary to target persons within and outside the United States in order to address threats but Congress has made it clear that these exigencies must be subject to review at some point and time.

On the issue of targeting procedures, they were designed to ensure that only people reasonably believed to be outside of the U.S. would be targeted. However, in reality quite the contrary has taken place. There has been bulk collection of information without any targets whatsoever. Ensure transparency by conducting as much public oversight as possible, including releasing basic information about the program, such as the type of information collected and how many Americans and people in the U.S. it has affected.

It is also critical that Foreign Intelligence Surveillance Court opinions and administration interpretations of its authority to collect and use information under the FISA Amendment Act (FAA) become part of the public record and congressional debate.

On the issue of disclosure, there has been a lack of transparency on what type of information is being gathered, who is being picked up and what rights of Americans have been violated.

We must strike a balance between what constitutes “classified” information, and other compelling facts, disclosure of which do not threaten national security.

On the issue of rules, there has been a lack of rules that clearly define how the information is being used. The key is to amend the FISA Amendment Act to ensure that information collected under those programs can be used only in the narrowest of circumstances. The FAA’s minimization procedures should be amended to ensure that this foreign intelligence warrantless surveillance program doesn’t allow information to be repurposed for other government uses.

I understand that there must be a way for the intelligence community to gather vast amounts of information in a manner that makes sense. However, after carefully reviewing these proposals but suffice to say, I am still disturbed about certain aspects of the FISA Amendments of 2008. This Act was not designed for an overreach of power. It was designed to for the intelligence community to conduct meaningful information overseas.

Nearly two centuries ago, Alexis DeTocqueville, 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.

Thus, the way forward to victory in the War on Terror is for this 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. It is not easy for me or any Member of this House to go against the President’s wishes on a matter of national security but I am convinced that more debate is necessary, and more consideration of what the FISA Amendments mean to national security and civil liberties.

We are in the throes of a national election for which the candidates have labored for over two years and the American people have seen, for better or worse, what they are about. Why so long: because that is Democracy. And civil liberties, Mr. Speaker, are the essence of the stew of our American Democracy.

I hope that Congress can maintain our oversight function to ensure that law enforcement is well aware of their limitations of surveillance balanced by a strong commitment to protecting this great nation from future harm, and limiting the reauthorization to 2015.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GOWDY), who is a particularly active member of the Judiciary Committee.

Mr. GOWDY. Mr. Chairman, I want to thank you for your leadership on this and a host of other issues on the Judiciary Committee.

Mr. Speaker, this week has provided tragic reminders that the world is a dangerous place. We are targets even from people we have helped in the past—with lethal consequences because we represent freedom, liberty and tolerance even among those with whom we disagree.

Each of us is asked when we go back home to our districts, Can Congress agree on anything? Is there anything that rises above politics anymore? Many of us would like to answer yes. We'd like to tell the people we work for that, yes, on issues of national security and protecting this country, yes, we can come together. We are capable of putting down talking points and red herrings and straw arguments and of picking up something called responsibility.

To say that this reauthorization has bipartisan support is an understatement. This bill passed unanimously in the House Intelligence Committee. For those in shock back home, Mr. Speaker, I'm going to repeat that: this bill passed unanimously. All Democrats, all Republicans on the House Intelligence Committee with access to the most information, not a single "no" vote.

President Bush supported this. Mr. Obama supports this. National security experts support this. Law enforcement officials support it. Our colleagues who served in the FBI and those who are Federal prosecutors and in the military support it. The Democrat-led House passed this bill in 2008 with former Speaker PELOSI giving a glowing speech extolling the virtues of the underlying bill and excoriating her colleagues about the necessity of passing.

All of this happened, Mr. Speaker, because intelligence is the lifeblood of our ability to defend ourselves. It happened because this bill has nothing to do with Americans on American soil. It passed because this provides protections for Americans who are traveling abroad. It passed because there is ample oversight. It passed because it has the needed checks and balances between the legislative branch and the executive branch and the judicial branch.

So why the opposition? How can you explain supporting something when Ms. PELOSI had the gavel, but you can't support it when Mr. BOEHNER has the gavel?

What I want to do, Mr. Speaker, just for today is: let's put down the red herrings, and let's put down the straw arguments and the misrepresentations. This bill doesn't implicate the Bill of Rights anymore than it implicates any other part of our Constitution—unless you think that foreign nationals who are on foreign land fall within the protections of the United States Constitution, and that is an absurd argument.

□ 1550

Foreign nationals in foreign lands, do they have the right to vote? Do they assert states' rights under the 10th Amendment? Can they claim cruel and unusual punishment? Go to Iran. If you're an Iranian, you go to Iran and assert your Fifth Amendment right to Miranda or your Sixth Amendment right to counsel and see what happens. Yet we're to believe that the Fourth Amendment applies to the entire world? It's absurd.

Mr. Speaker, I'm almost out of time, but I do want to say from the bottom of my heart—what's left of it after having been a prosecutor for 16 years—I want to say this.

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

Mr. SMITH of Texas. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. GOWDY. I believe you were with us, Mr. Speaker. I believe all of our colleagues were with us on the steps of the Capitol. We came together to remember 9/11 and what we lost and what we still grieve for as a Nation, Mr. Speaker, what we found as a Nation in the aftermath of 9/11. Republicans stood with Democrats on this, the steps of the people's House, and conservatives stood with progressives and moderates, and libertarians beside us. We were just Americans. That was enough on Tuesday. We were united. We were just Americans.

Even for just one fleeting moment, in our desire to honor, protect, and defend, if we can come together, Mr. Speaker, to remember 9/11, surely we can come together to prevent another one.

I ask my colleagues to support this bill.

Mr. CONYERS. Mr. Speaker, no one respects the gentleman from South Carolina more than I do, but I should advise him that it is incorrect to say that members of the Intelligence Committee didn't support my amendment to shorten the sunset period. I have the names of two of them in front of me right now. I also would advise him that the authority unquestionably affects United States persons, citizens on American soil, that their communications are regularly intercepted, and that would, I think, allow him to join in with some of the rationale for the

resistance to this measure as it appears right now.

It's in that spirit that I point out to him that, with the lack of transparency and no oversight, the length of the measure is too long, and that this is being brought up under a closed rule was part of our objections. I think they're in good faith.

Mr. Speaker, I now yield 2 minutes to a distinguished member of the Judiciary Committee, the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Thank you, Mr. Ranking Member.

Mr. Speaker, I rise in opposition to H.R. 5949, which, without benefit of one oversight hearing by the full Judiciary Committee during the 112th Congress, wants to, for 5 long years, reauthorize expiring provisions of the Foreign Intelligence Surveillance Act without important modifications that are necessary to safeguard the civil liberties and the privacy rights of American citizens.

Although H.R. 5949 is designed to defend the United States against international terrorism and other threats, it has been reported that FISA has resulted in the illegal surveillance of untold numbers of American citizens through data accumulation, also known as overcollection of voice and data communications. Overcollection occurs when the voice and data of American citizens is collected incidentally to the collection of communications of foreigners.

What happens to the data and voice communications of Americans that is incidentally collected without a warrant? What happens to it? What happens to the private voice and data of Americans when it's minimized? These are critical questions, and they deserve critical answers. But as I've said, we've not had one oversight hearing in the full Judiciary Committee on this issue. We've just simply had a markup of this reauthorization bill.

These, and other questions, deserve answers. The Fourth Amendment would ordinarily protect the communications of American citizens. It prohibits unreasonable and warrantless searches and seizures of the communications of American citizens, including warrantless eavesdropping and snooping. But under H.R. 5949, no warrant or showing of probable cause exists where information is overcollected.

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

Mr. CONYERS. I yield an additional 30 seconds to the gentleman from Georgia.

Mr. JOHNSON of Georgia. In 2009, The New York Times described the practice of overcollection as significant and systemic.

Any counterterrorism measure must have a solid constitutional footing and respect the privacy and the civil liberties of American citizens. For that reason, I urge my colleagues to vote against this 5-year reauthorization.



Mr. SMITH of Texas. Mr. Speaker, we're prepared to close on this side, so I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I'm pleased to yield 3 minutes to my good friend from Ohio, DENNIS KUCINICH.

Mr. KUCINICH. Thank you very much, Mr. CONYERS.

To my friends on the other side of the aisle who have expressed passion about passing this, you're good Americans, and I respect your position. I respectfully disagree.

We have to defend our country from attacks on the outside. I voted, along with other Members of this Congress, right after 9/11, for the United States to defend itself. But it's equally important that we not lose our freedoms and our constitutional protections while we're engaged in that defense. We take an oath not only to defend the Constitution, but we have to keep in mind that that oath and that Constitution is really part of America's first line of defense.

Think of what it's like to make a phone call, any one of us right now. We make a phone call—even from this Capitol—to call a friend overseas, start talking about matters relating to what's happening in America, what's happening in the world. The way this law is written, without changes, those phone calls could be intercepted. They cannot only be intercepted, but they can be downloaded, transcribed, and stored for future use by the government. I have a problem with that. It's a great concern. What happens is that everyone then becomes suspect when Big Brother is listening.

I don't think that government should have the right to listen in to people's phone calls unless there's a warrant. You have to have probable cause. That's what the Fourth Amendment is about. This bill doesn't have those protections. It extends government's authority to conduct surveillance of persons reasonably believed to be outside the United States for 5 years, and there is a blanket extension, which is an abdication of Congress' constitutional obligation to protect and defend the Constitution and to protect the civil liberties of all Americans.

Given the information we know about our government's past abuse of surveillance authorities, if we pass this bill without any changes to ensure adequate congressional oversight and transparency, we're losing an opportunity.

Since the amended FISA Act passed in 2008, the government has released very little information on how it uses the powers granted under this act. As the Electronic Frontier Foundation recently pointed out, nobody in the government is willing to answer questions about how many Americans' phone calls or emails have been or are being collected and read without a warrant under the authority of the FISA Amendments Act. So Big Brother is not accountable. Even more disturbing is that it's well known that the govern-

ment has violated the FISA Amendments Act, despite the broad surveillance authorities it provides the government.

A freedom of information request by the ACLU revealed that violations of the FISA Amendments Act and the Constitution continue to occur on a regular basis, until at least March 2010.

□ 1600

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

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. KUCINICH. According to the ACLU, the law is written so broadly that a phone call by a U.S. citizen to a U.S. citizen overseas discussing general foreign affairs could be listened in on. Section 702 of this act allows the government to intercept the communication of any U.S. citizen absent probable cause, in subversion of their Fourth Amendment rights. So Big Brother is listening.

There's no doubt that Congress is abdicating its responsibility when it passes a blanket extension of this bill without knowing how many Americans have been affected by FISA or the government's interpretation of the law. Without vital civil liberties safeguards and a minimum of transparency, an extension should be rejected.

Big Brother is not accountable. Let's vote against Big Brother. Let's vote to protect the Fourth Amendment.

#### THE CONSTITUTION PROJECT

##### REPORT ON THE FISA AMENDMENTS ACT OF 2008

Accordingly, we, the undersigned members of The Constitution Project's Liberty and Security Committee, recommend:

I. Increased Judicial Review of Surveillance Authorizations: The FAA should be amended to require more robust judicial review by the FISC to authorize programmatic surveillance and ensure that it is appropriately focused on foreign intelligence. Specifically:

(a.) Congress should restore the requirement that foreign intelligence be the primary purpose of the programmatic surveillance.

(b.) When seeking approval for programmatic surveillance, the government should be required to (1) explain the foreign intelligence purpose of the proposed surveillance, (2) define the scope of planned interceptions, and (3) provide a risk assessment and an estimate of reasonably anticipated interceptions of the communications of U.S. persons and individuals located within the United States. The surveillance should only be permitted after the FISC has thoroughly evaluated these submissions to ensure that surveillance is appropriately designed to acquire foreign intelligence information from legitimate targets without interfering with the privacy rights of U.S. persons and individuals located within the United States.

(c.) Additionally, the government should be required to develop and submit to the FISC procedures for determining when an acquisition may be expected to collect communications to or from the United States. Then, in cases where the planned surveillance may reasonably be expected to intercept communications to or from a person reasonably believed to be in the United States, the government should be required to obtain a FISA warrant under pre-FAA standards.

2. Inclusion of Warrant Requirements and Other Safeguards for Post-Collection Use of Information: The FAA should be amended to require that the government obtain a warrant from the FISC before searching collected communications for information on a specific U.S. person, decrypting the identity of a specific U.S. person party to a conversation, or reviewing communications reasonably believed to be to or from the United States. As required under the pre-FAA version of FISA, the warrant should be based upon a showing of probable cause to believe that the target is an agent of a foreign power or has committed a crime, and that evidence of the crime will be found and must name its target(s) with particularity. Moreover, Congress should ensure that collected information is being properly used for foreign intelligence purposes, including at the very least a requirement that authorities obtain a warrant before using data for law enforcement purposes. Finally, Congress should amend the FAA to require more stringent procedures for minimization, including periodic, ongoing FISC review of the implementation and efficacy of such procedures.

3. Increased Reporting and Oversight: More information about the intelligence community's use of the FAA should be provided to Congress and the public. Before reauthorizing the FAA, Congress should demand and review detailed information regarding the operation of the FAA surveillance program to date, including the extent and scope of interceptions of the communications of U.S. persons and individuals located within the United States. Further, the Inspector General of the Intelligence Community should be required to audit these surveillance programs and issue annual reports to Congress regarding how government surveillance has been conducted. In particular, these reports should include: statistics regarding how many U.S. persons' communications have been intercepted by the government; aggregate statistics on the number of intercepted communications in total, and the number of intercepted communications to or from the United States or involving any U.S. person; an analysis of the performance of the government's targeting and minimization procedures; and an explanation of how collected information has been used, including the number of times the information has been used for law enforcement rather than foreign intelligence purposes. These reports should also be provided in an unclassified form released to the public. Additionally, as much as practicable, more information on the FAA should be released to the public, including important decisions by the FISC and Foreign Intelligence Surveillance Court of Review, redacted as necessary.

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

Mr. Speaker, the bill before us today extends the expiration date of the FISA Amendments Act of 2008 from December 31, 2012 to December 31, 2017. I oppose this unwarranted long term extension because neither Congress nor the public yet have an adequate understanding of the impact this law has had on the privacy of American citizens.

The heart of the FISA Amendments Act is section 702, which authorizes the government to intercept the communications of people who are reasonably believed to be foreign persons outside of the U.S. On its face, the statute includes protections for American citizens who may be on the other end of these communications.

But section 702 does not require the government to obtain a warrant—and without more information about how the executive

branch uses this authority, we cannot confirm that the privacy of U.S. citizens is adequately protected.

These concerns are more than theoretical. In 2009, the New York Times reported that the NSA had engaged in the "overcollection" of American communications in situations not permitted by law. The government assures us that this problem was an accident and has been corrected—but the report does not inspire confidence in the safeguards we have put in place.

More recently, in a July 26, 2011, letter to Senators RON WYDEN (D-OR) and MARK UDALL (D-CO), the Office of the Director of National Intelligence stated that it is "not reasonably possible" to determine how many U.S. persons have had their communications intercepted under this law. Even if it is difficult to state an exact figure, it is hard to believe that the Director of National Intelligence cannot even guess. The Inspector General of the Intelligence Community didn't fare any better, and simply deferred to the non-answer provided earlier by the ODNI.

The public deserves better—and it is our responsibility to demand more information in the public record if the government will not provide it.

My colleagues prepared a series of amendments that would have addressed many of these basic oversight needs—without any risk to national security or the integrity of the underlying programs—but under this closed rule, we are not permitted to even debate these moderate changes to the bill on the floor. What is so dangerous about increased oversight that we cannot even debate an amendment?

If we require the government to provide us with unclassified reports, public summaries of key FISA court opinions, and an honest accounting of the number of Americans who have been affected by these programs, we will have gone a long way towards the responsible exercise of our oversight role.

And even if we cannot support these modest changes, we ought to amend this bill to provide for a shorter sunset. Meaningful oversight means revisiting these authorities before the winter of 2017. We cannot allow an entire presidential administration to pass before we discuss these authorities again—in the 115th Congress.

My amendment would have had the added benefit of linking this sunset to the three expiring provisions created by the USA PATRIOT Act. It would be to our benefit to consider the most controversial aspects of FISA all at once, instead of piecemeal over the course of the next decade. But under this closed process on the floor today, the House has been denied the opportunity to even consider this moderate change to the bill.

In conclusion, the government can and must do a better job of responding to our questions about privacy and other civil liberties. It can do so without risk to national security.

I have no doubt that these expiring authorities are important to the executive branch, but we should not let this opportunity pass without demanding reasonable, meaningful, and public oversight of a highly controversial law.

I urge my colleagues to vote "no" on H.R. 5949.

I yield the balance of my time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank Ranking Member CONYERS for his courtesy.

For over a decade, I have deeply been concerned about the potential overreach of wiretapping legislation and efforts at the NSA. I have voted repeatedly in the past against unreasonable expansion of any administration's ability to intrude in the lives of unknowing and innocent Americans, and I will do so again today.

I remain confident that the dedicated members of the intelligence community do not need to erode the rights of Americans in order to protect them. Any apparent gains in security that may be achieved are modest and more than outweighed by longer-term potential loss of civil liberties and oversight, the sense of security that each American deserves. I'm troubled by the implications for our Fourth Amendment rights, the absence of meaningful court review, and the risk to American liberties that stem from the FISA Amendments Act.

Frankly I see no reason to rush into voting on a bill so deficient. The American people would be better served if we continued the debate and the examination, had thorough answers from NSA, and took up reauthorization based on a more complete review and process.

In fact, I think as we stand here today on the floor, not even the NSA knows the extent to which the FISA Amendment Act may potentially have been abused. The right approach would be refining this bill and more broadly taking a closer look at what over the last decade has become an intelligence community that is, frankly, some feel, growing out of control.

It's been over 11 years since 9/11. We ought to be able to get this right. We shouldn't be rushed into doing something that has significant long-term implications for every American.

You know, take a deep breath and take a step back. There are over 4.2 million Americans who hold a security clearance. That's more than the entire State of Oregon's population, and let's throw in the city of Seattle for good measure. Almost half of them hold Top Secret security clearances, more than people who reside in Maine or Idaho. When you've got those millions of people, you have an entity that is cumbersome, potential for abuse, and, frankly, potential to be infiltrated or have mistakes.

Think about it: 9/11 occurred in part not because we didn't have information. Remember the memo on Bush's desk warning of a potential attack from bin Laden?

What we are doing at the same time we are eroding American rights? We're piling on more and more and more information, and it's going to be extraordinarily difficult to sort through. We risk putting Americans in trouble.

The SPEAKER pro tempore (Mr. REED). The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the vote we cast on the FISA Amendments Act tonight will be one of the most important votes we cast in Congress, and it is appropriate we do so during the week of 9/11.

The FISA Amendments Act will continue to allow us to conduct surveillance of terrorists, spies and others who would do us harm. A FISA court order is required if the target is a U.S. citizen, but not if the individual is outside of the United States and not a U.S. citizen.

The FISA Amendments Act was first passed in 2008 overwhelmingly, and it expires at the end of December. This bill extends the law for 5 years. The FISA Amendments Act is a top priority of the intelligence community. It was supported by the Bush administration in 2008 and is strongly endorsed by the Obama administration now. This is a bipartisan bill that enables us to vote to both neutralize threats to our national security and protect the civil liberties of American citizens.

I urge my colleagues to support this bill, and I yield back the balance of my time.

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

Mr. Speaker, I rise today in support of H.R. 5949, which would reauthorize the FISA, the Foreign Intelligence Surveillance Act Amendments Act of 2008, or FAA, as we refer to it, for 5 years.

The FAA is currently set to expire at the end of the year. If that happens, the government will lose a critical tool for protecting Americans against foreign threats, including terrorists, and, as a result, will lose significant intelligence on these foreign targets. I want to emphasize, Mr. Speaker, foreign targets.

We were all reminded yesterday, while looking back on the horrible events of 9/11, of the threat that we face from those seeking to do us harm. Let me reassure you that even though we have been able to disrupt numerous plots over the years, our enemies want to do just as much harm today as they did then, and they just want to do it as badly as they did even 11 years ago.

The original FAA that is being reauthorized was sponsored by Representative REYES in 2008, my Democrat predecessor, as chairman of the Intelligence Committee. It also reflected the work of then leader, Mr. HOYER, to help develop the final product under the previous majority. I have been pleased to work in a collegial, bipartisan manner with my ranking member, Mr. RUPPERSBERGER, on this clean reauthorization bill as well. In fact, the Intelligence Committee reported this bill out unanimously, which doesn't happen all that much around this place.

The administration has also indicated to us that reauthorizing the FAA is its highest national security legislation priority, and on Tuesday issued a statement strongly supporting this bill. I hope we can all recognize this is



an issue that is being driven by our national security needs and not by politics.

A few key points on the FAA. First, if we let this authority expire, we will lose a critical intelligence collection tool against foreigners on foreign soil.

□ 1610

If that happens, we lose information on the plans and identities of terrorists, information about the functioning of terrorist groups like al Qaeda and others, information on the intentions and capabilities of weapons proliferators, information on potential cyberthreats to the United States and other critical intelligence about foreign adversaries that threaten the United States of America.

Second, it is important to remember that this authority is focused on allowing the government to conduct intelligence collection targeting foreigners located outside of the United States—I'm going to say that again, Mr. Speaker, targeting foreigners located outside of the United States—and not on Americans located in the United States or anywhere else in the world.

Third, the FAA is subject to a robust oversight structure, including Congress, and I can assure you that the Intelligence Committee takes this responsibility extremely seriously. We have had numerous hearings, Member briefings, and staff briefings since the passage of FAA in 2008. Before the government can collect any intelligence under the FISA Amendments Act, a Federal judge must approve the government's surveillance process, including the targeting and minimization procedures required under the law.

One final point, in addition to the primary authority in FAA to target foreigners located abroad, it actually enhanced the civil liberties protections for Americans by requiring a court order to target an American for collection outside of the United States. Before 2008, the government only needed the Attorney General for approval. If this law expires, so do these enhanced civil liberties protections.

Mr. Speaker, contrary to what some may say, FAA is not about domestic surveillance and it does not authorize a sweeping dragnet of collecting on American communications. This is about foreigners on foreign soil. It is about giving our intelligence professionals the tools they need to quickly and effectively intercept the communications of those outside the United States who seek to do us harm.

Let's not forget the nature of the threat that, almost 11 years ago to the day, took so many lives in such a horrific way. And the examples that we see just yesterday of the ongoing target of U.S. civilians, if they're in the United States or they're in places like Libya, continues to be a threat to the personal safety of those we ask to stand in harm's way and protect and promote the values of the United States.

This is a critical piece of legislation supported by both parties and the President of the United States. Mr. Speaker, I would urge all of our colleagues here to stand united in the defense of the United States and support H.R. 5949.

I reserve the balance of my time.

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

I rise today in favor of the FISA Amendments Act, which is due to expire at the end of this year.

When Chairman ROGERS and I took over the leadership of the House Permanent Select Committee on Intelligence, we made a commitment to work together to ensure the intelligence community has the authorities it needs to effectively protect our country while also protecting the privacy of Americans. I believe we must reauthorize this critical piece of legislation to keep America and her citizens safe. The FISA Amendments Act allows the government to gain important intelligence about terrorists, cyberthreats, weapons of mass destruction, and nuclear weapons that threaten Americans and U.S. interests.

There is a misconception out there that this act permits the surveillance of Americans without a court order. The bill prohibits the targeting of American citizens without a court order, no matter where they're located in the world.

The FISA Amendments Act gives the U.S. Government the authority to collect intelligence information about foreigners located outside of the United States. The FISA Amendments Act is subject to aggressive oversight by Congress and the executive branch.

There was an issue in the hearing before the Judiciary Committee about the issue of oversight. In this Congress alone, the House Intelligence Committee has held multiple hearings, briefings, and more than a dozen meetings concerning FISA. In addition, every 60 days the Department of Justice and the Director of National Intelligence conduct detailed onsite reviews to ensure compliance with the provisions of the act.

This is a bipartisan bill that passed out of the House Intelligence Committee by a unanimous vote of 17-0. I understand some Democrats would like a 3-year extension of the FISA Amendments Act, some Republicans requested a 9-year extension. The administration asked for a 5-year extension to take Presidential-year politics out of the process while providing consistency to the intelligence community. I support the President's request for a 5-year extension.

Without reauthorization, this critical tool would be lost, putting our Nation at severe risk. We would not be able to obtain the foreign intelligence necessary to prevent terrorist plots and financial support. I believe the act is critical to protecting our Nation while protecting our Americans' constitu-

tional rights and privacy. I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. ROGERS of Michigan. I yield 2 minutes to a friend of mine, the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the chairman for yielding time to me.

Mr. Speaker, I'm one of those Democrats that the ranking member talked about that would prefer a 3-year extension of this measure, but I'm going to vote for H.R. 5949, the FISA Amendments Act Reauthorization Act of 2012, also known as the FAA. I support this legislation because it protects our security, preserves our freedom, and has proven to respect our civil liberties in the process.

In 2008, many of us were rightly concerned about this program being created and used as a back door for collecting information on law-abiding Americans. I voted against the FAA in 2008, in part because of these civil liberty concerns. However, as a member of the House Intelligence Committee, I believe the abuses that we feared have just not materialized.

But let me be clear, and this and future administrations are being given fair warning. My colleagues and I on the House Intelligence Committee will continue to receive reports on FISA information collection. These reports must continue to be detailed and specific. If there are any abuses or problems stemming from the application of this program, I'm certain that this Congress will move swiftly to correct them. So far, the application of the FAA has gained our trust, but we will continue to verify how the FAA is being used. Trust, but verify.

Mr. Speaker, the FAA provides the tools we need to collect vital counterterrorism information in foreign intelligence. I will vote in favor of H.R. 5949, the FISA Amendments Act.

Mr. ROGERS of Michigan. I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1 minute to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in opposition to this FISA legislation. I do want to thank my ranking member for yielding to me, despite our difference of opinion.

As a member of the Intelligence Committee, I take the threat of terrorism very seriously, but I believe we are fully capable of protecting our security and safeguarding our precious civil liberties. This law authorizes the government to collect mass electronic communications coming into and going out of the United States so long as no U.S. person in the United States is intentionally targeted. Yet in April 2009, The New York Times reported that the National Security Agency "intercepted private email messages and phone calls of Americans on a scale that went beyond the broad legal limits established by Congress."

Shouldn't our government be required to disclose more about the extent and nature of the surveillance? Is this an authority that should be extended until 2017? Should we at least be able to consider an amendment to reexamine this law in 2013? But no amendments are allowed today.

I urge a "no" vote.

□ 1620

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I might consume.

It's just important to remember that the due process protections of the United States are alive and well here. This is one of those programs that has an inordinate amount of oversight to make sure that we are not targeting Americans. Not only does the committee participate, but the Department of Justice has a separate review. There are strong internal reviews.

In the odd case where an American is intercepted, there are very strict procedures on how to destroy that information and correct that problem, and it has not happened, hardly frequently at all is the good news, which is why I think there is such bipartisan and strong support of our effort again to collect on foreigners who are outside of the United States, incredibly important.

I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I rise in support of the FISA Amendments Act Reauthorization Act.

This bill reauthorizes intelligence gathering capabilities that are essential to our national security while also protecting the civil liberties of Americans.

The recent events in Libya, Egypt, and elsewhere should serve to remind us all that there remain forces around the world that are determined to kill Americans, injure our interests, and jeopardize our freedoms.

The FAA allows us to obtain critical information about terrorist organizations, nuclear proliferation, and a host of other dangers. These authorities have produced intelligence that's vital to defending the Nation against international terrorism and other threats, which is why Attorney General Holder and DNI Clapper have called reauthorizing the FAA their top legislative priority.

This bill does not authorize spying on Americans. To the contrary, the 2008 FISA Amendments Act ensured that no American, whether within the United States or overseas, would come under surveillance without a court order and a finding of probable cause.

The authorities provided are narrowly tailored to the purpose of protecting the United States from those who would harm us, and I urge an "aye" vote.

Mr. ROGERS of Michigan. Mr. Speaker, I have no further speakers. I am going to continue to reserve and allow the gentleman from Maryland to close.

Mr. RUPPERSBERGER. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Maryland has 5 minutes remaining, and the gentleman from Michigan has 2 minutes remaining.

Mr. RUPPERSBERGER. I yield myself such time as I may consume.

Mr. Speaker, there's been talk about the FISA Amendments Act as a backdoor collection on Americans and does not sufficiently protect civil liberties. This is not the case. We are all Americans. We are Members of Congress. We care about our country. We care about our Constitution, and we care about our privacy and our civil liberties.

Now, the FISA Amendments Act of 2008 actually expands the protections of Americans' civil liberties and privacy interests. Before the FISA Amendments Act in 2008, which became law then, the government needed only the Attorney General's authorization to target an American. Because of the FISA Amendments Act, if the government allows for surveillance of an American, that American must be overseas and the government must have a FISA court order if they do target an American anywhere in the world. The civil liberties of Americans are better protected than before this act became law in 2008.

Also, as far as oversight, and there have been allegations of not proper oversight. I understand the argument, and I don't disagree with the argument about sunsets. Sunsets are good because they hold us accountable. We can see if there are any abuses, and we can deal with them when we have sunsets.

However, the Department of Justice and the Director of National Intelligence file semi-annual reports with Congress as it relates to the FISA Act. These reports include information about compliance, targeting, and minimization on collections involving the parties that we're focused on.

The Intelligence Committee staff has conducted dozens of meetings about the authorities under the FISA amendments. These meetings have addressed compliance, procedures, authorities, and specific collection.

On the Intelligence Committee, we review, investigate, and debate the FISA Amendments Act. We maintain an ongoing dialogue with the intelligence community to ensure the law is being implemented in how it was intended.

We, as Americans, need to know more about the threats that are out there. Our threats for cyberattacks are occurring as we speak right now. It's very dangerous. These attacks can affect our national security, our grid systems, our banking systems, our air traffic control systems. This bill, this amendment, is part of our protection in dealing with those major issues.

I advise my colleague that I am ready to close, Mr. Speaker.

Mr. ROGERS of Michigan. I reserve with the right to close.

Mr. RUPPERSBERGER. Mr. Speaker, I yield, again, myself such time as I might consume.

The FISA Amendments Act is the result of decades of work to modify a law so we can adapt with changing technology and evolving national security threats. The bill demonstrates what Democrats and Republicans can do when we work together in a bipartisan way. It is uniquely important to put partisanship aside when America's national security is at stake.

We all have the same goal of keeping America safe from terrorist threats, whether on land or sea, in the air or with cyberspace. We also believe strongly, and this is very important, in the Constitution and the protections granted by our Founding Fathers.

The FISA Amendments Act is an important tool that has successfully prevented terrorist attacks on American soil. I know it is critical to our intelligence community.

I commend everyone who participated in this effort, especially the bipartisan leadership of Chairman ROGERS and the other members of the Intelligence Committee on both sides of the aisle. I support this straight reauthorization which President Obama, our Commander in Chief, has said is "vital to protect our Nation."

I will vote for the FISA Amendments Act Reauthorization Act of 2012, and I urge my colleagues to do the same.

I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I want to thank my ranking member, Mr. RUPPERSBERGER, for the fine bipartisan effort on this important national security issue.

I think the people at home can rest assured that we have taken every precaution to protect our civil liberties, which we all cherish in this Nation, and still have the ability to collect on foreigners overseas seeking to harm this great country, and I want to thank you for your work and commend the President for his letter of support of our bipartisan effort on this important national security issue.

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

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 5949, the FISA Amendments Reauthorization Act, FAA. Matters of national security are of the utmost importance and we should ensure that the government has the necessary tools to keep America safe. Yet, we must always balance this with protecting the civil liberties of American citizens. Unfortunately, this legislation before us today fails this important test.

I voted against this legislation when it was first passed in 2008 and I continue to have many of the same reservations and objections to the policies set forth by the FAA. I continue to be concerned that the Fourth Amendment rights of American citizens are not adequately protected by this legislation, which is of the utmost importance. Specifically, FAA makes an

end-run around the Foreign Intelligence Surveillance Court, FISC, by allowing the government to conduct surveillance without a FISC warrant. Such a broad exercise of power undermines our system of checks and balances and has grave implications for the protection of our constitutional rights. We should be enhancing the role of the FISC to ensure that the rights of American citizens are protected while the government collects intelligence to help defend our nation.

Additionally, the five-year extension provided by this legislation will ensure that regardless of which candidate wins the presidency on November 6, their administration will have these powers for the length of their term. A shorter extension would allow Congress to conduct the proper oversight over the use of these authorities and to better examine whether such authorities are still necessary to ensure the protection of our citizens.

Regardless of who is in the White House, it is the duty of this body to ensure that the power of the executive branch is not unfettered and that proper oversight is conducted. It is in this spirit that I cast my vote against this legislation today.

Mr. PAUL. Mr. Speaker, I rise in strong opposition to the reauthorization of the 2008 FISA Amendments Act, as it violates the Fourth Amendment of our Constitution. Supporters of this reauthorization claim that the United States will be more vulnerable if the government is not allowed to monitor citizens without a warrant. I would argue that we are more vulnerable if we do allow the government to monitor Americans without a warrant. Nothing makes us more vulnerable than allowing the Constitution to be violated.

Passage of this reauthorization will allow the government to listen in to our phone calls, read our personal correspondence, and monitor our activities without obtaining a warrant. Permission for surveillance obtained by a secret FISA court can cover broad categories of targets rather than specific individuals, as the Fourth Amendment requires. Americans who communicate with someone who is suspected of being affiliated with a target group can be monitored without a warrant. The only restriction is that Americans on U.S. soil are not to be the primary targets of the surveillance. That is hardly reassuring. U.S. intelligence agencies are not to target Americans on U.S. soil, but as we all know telephone conversations usually take place between two people. If on the other end of the international conversation is an American, his conversation is monitored, recorded, transcribed, and kept for future use.

According to press reports earlier this summer, the Director of National Intelligence admitted to the Senate that "on at least one occasion" U.S. intelligence collection agencies violated the Constitutional prohibitions on unlawful search and seizure. Without possibility for oversight of the process and with the absence of transparency, we will never know just how many Americans have been wiretapped without warrants.

Creating a big brother surveillance state here is no solution to threats that may exist from abroad. I urge my colleagues to reject these FISA amendments and return to the Constitution.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 773, the previous question is ordered on the bill, as amended.

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

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

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

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

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

The yeas and nays were ordered.

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

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 4 o'clock and 29 minutes p.m.), the House stood in recess.

□ 1644

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REED) at 4 o'clock and 44 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: H.R. 5949; and suspending the rules and passing H.R. 3857 and H.R. 5865.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the passage of the bill (H.R. 5949) to extend the FISA Amendments Act of 2008 for five years, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

The vote was taken by electronic device, and there were—yeas 301, nays 118, not voting 10, as follows:

[Roll No. 569]

YEAS—301

Ackerman  
Adams  
Aderholt  
Alexander  
Altmire  
Amodei  
Austria  
Baca  
Bachmann

Bachus  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg

Berkley  
Berman  
Biggart  
Bilbray  
Billirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black

Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carnahan  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Cicilline  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hall  
Hanabusa

Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herrera Beutler  
Higgins  
Himes  
Hinojosa  
Hochul  
Holden  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kaptur  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Latham  
LaTourrette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Loebach  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pelosi  
Pence

Perlmutter  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Scalise  
Schiff  
Schilling  
Schmidt  
Schock  
Schwartz  
Schweikert  
Scott (SC)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (CA)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yarmuth  
Yoder  
Young (FL)  
Young (IN)

NAYS—118

Amash  
Andrews  
Baldwin  
Bass (CA)  
Becerra  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Capps  
Capuano  
Carney  
Carson (IN)  
Chu  
Clarke (MI)