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## House of Representatives

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: "How great is Your goodness, Lord. How good You are to those who fear You. All those in need can place their trust in You because You are faithful and Your promises will be fulfilled.

"You spoke Your Word and we were created. Your Word revealed Your love and we were redeemed. You send forth Your Spirit and renew the face of the earth.

"To You be glory, honor and thanksgiving."

So prays this psalm, the House of Representatives and this Nation, both today and forever. Amen.

### THE JOURNAL

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

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

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

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

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

Mr. WALZ of Minnesota. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER. The Pledge of Allegiance will be led by the gentleman from Texas (Mr. POE).

Mr. POE led the Pledge of Allegiance as follows:

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

### ANNOUNCEMENT BY THE SPEAKER

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

### FINDING REAL SOLUTIONS TO MEET ENERGY NEEDS

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

Mr. WALZ of Minnesota. Madam Speaker, yesterday I talked to a farmer who told me he just purchased fuel to power his irrigation pumps. The cost for 2 weeks of that fuel, \$33,000 worth of diesel. This Nation's people and economy are reeling because of high energy costs, and yet some in this House offer nothing but the same old political games, the exact games that put us in this position.

Let's be very clear: No one is saying we shouldn't be producing and using domestic supplies. But false solution land grabs and politics aren't going to get us to energy independence. Oil companies today are sitting on 68 million acres of Federal land, your land, Madam Speaker, that could produce up to a decade-and-a-half worth of all the fuel this country needs. Yet they are not drilling. Future generations deserve that we provide real solutions that not only include domestic production, but provide innovations and alternative technologies and crack down on speculation.

Yesterday, Madam Speaker, China increased their fuel prices by 17 percent, and the price of oil dropped by \$6 a barrel. By anybody's best estimate, that is more than drilling in ANWR would drop the cost.

Madam Speaker, we deserve solutions that extend to the next generation, not the next election.

### GUANTANAMO COURT DECISION

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

Mr. PITTS. Madam Speaker, this week's Supreme Court decision regarding enemy terrorist detainees at Guantanamo Bay threatens the separation of powers by undermining the authority of the President as commander-in-chief and thwarting repeated efforts of Congress to address this issue. Taking enemy combatants from before military tribunals and putting them before civilian judges is a mistake.

Justice Scalia, who wrote a dissenting opinion to the 5-4 decision, said, "America is at war with radical Islamists. The game of bait-and-switch that today's opinion plays upon the Nation's commander-in-chief will make the war harder on us. It will almost certainly cause more Americans to be killed."

Chief Justice Roberts said, "Today the Court strikes down as inadequate the most generous set of procedure protections ever afforded aliens detained by this country as enemy combatants."

Madam Speaker, I believe history will judge the five Justices who supported this policy to be mistaken. Unfortunately, this most serious issue was stripped from the jurisdiction of America's elected officials, who are accountable to voters, and given to judges never elected and not accountable to the population at large.

### AMERICA CANNOT AFFORD MORE FAILED BUSH-CHENEY ENERGY POLICIES

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

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

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



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Mr. WILSON of Ohio. Madam Speaker, there are two people to blame for the extremely high increase in gas prices, President Bush and Vice President CHENEY, two men who came to the White House from the executive suites of Big Oil.

This week, the President proposed a proposal that was literally written by the oil industry: Give more public resources to the very same oil companies that are raking in record profits and are sitting on 68 million acres of Federal lands they already have leased.

The President called for opening the Outer Continental Shelf to drilling, even though more than 80 percent of that is already under lease at this time. The President reported the same old rhetoric about drilling in ANWR, even though his own Energy Department has concluded that will bring no solution for the next 20 years. This type of rhetoric is what is hurting us and will continue to hurt our country.

Madam Speaker, America cannot afford any more failed Bush-Cheney energy policies.

#### CONGRESS HELPING MONKEYS AND WHALES WHILE AMERICANS STRUGGLE TO MAKE ENDS MEET

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, with oil and gas prices climbing to record highs and families struggling to make ends meet, what did Congress do to help this week? Well, we voted on monkeys. Yes, we voted to prohibit you from driving a monkey across State lines. We also had a lengthy debate on whaling. But no votes to increase energy supplies to lower gas prices. Good for monkeys, good for whales, but not good for America's families.

Sixty-seven percent of Americans support safe, environmentally sound exploration of our resources. The American people understand that we need more American energy, not Saudi Arabian, not Venezuelan or Russian energy dependence. American energy means we are creating American jobs, not funding plush skyscrapers in Dubai. And lower prices allow us to invest our dollars in alternate energy and conservation.

Earlier this week, I introduced House Resolution 1282 to encourage the removal of the executive ban on drilling along our Outer Continental Shelf. The President has the power to remove this ban today, if he chooses. I invite all my colleagues to cosponsor my resolution. Let's bring relief for America's families.

#### DRILL NOTHING CONGRESS— PART II

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

Mr. POE. Madam Speaker, the Drill Nothing Congress has let another week

go into the history books, but no progress has been made on solving rising gasoline prices. Most Americans are for offshore drilling, but the don't-drill-in-America gang says no.

Why does the anti-American drilling crowd think it is wrong for us to drill at home, but it is right for OPEC and the Saudis to drill and sell us crude that costs Americans \$425 million a day?

The Drill Nothing Congress says those American oil companies, which they seem to despise more than OPEC and dictator Chavez, have enough leases on Federal land. The problem with that lack of logic is there is no oil on those leases. The land is full of dry holes. It is like trying to lease Death Valley to the farmers to grow corn. It won't work.

The don't-drill group thinks American oil companies make too much money. Little do they know oil companies are owned by millions of middle-class Americans who are called stockholders.

Open up the Outer Continental Shelf. American oil companies will pay millions in lease revenues to taxpayers. Thousands of jobs will be created. America needs to take care of America. Drill offshore.

And that's just the way it is.

#### CELEBRATING THE LEGACY OF THE HONORABLE ALICE ROBERTSON, MEMBER OF CONGRESS

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

Ms. FALLIN. Madam Speaker, today I would like to share with the Chamber a very significant moment in our history. Eighty-seven years ago today, on June 20, 1921, Congresswoman Alice Robertson became the first woman to sit in the chair and preside over this body.

She was a pioneer, an educator, a public servant, and only the second woman ever elected to Congress. She is a testament to the power of the 19th amendment and a symbol of the full participation that women have enjoyed in government ever since its passage. Today, women occupy many seats in this Chamber, even the Speaker's Chair.

So we owe much to Alice Robertson, and I ask that you join me in celebrating her legacy and giving thanks to the memory of this wonderful Oklahoma woman.

#### RECOGNIZING THE HINSDALE CENTRAL HIGH SCHOOL BOYS TENNIS TEAM

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Madam Speaker, it is with great pride that I rise to congratulate the Hinsdale Central Red Devils on winning the Illinois State

Boys Tennis Tournament held at Hersey High School in Arlington Heights. This year's State finals mark the second consecutive State championship for Central's boys tennis team.

Team member Augie Bloom placed third in singles and the doubles team of Dan Ballantine and Ian Tesmond placed fifth in the State. Additionally, teammates Krishna Ravella, Paul Cooper and Josh Sink all contributed to bringing home the prize. Their outstanding performance on the court won 37 points, a one-point margin of victory. Guiding the team to victory were coach Jay Kramer and assistant coaches John Naisbitt and Bro Ballantine.

Madam Speaker, our community is very proud of these champions, who worked so hard for this victory. Their dedication and fighting spirit is a testament to their school and the State of Illinois.

Again, I congratulate the Hinsdale Central Red Devils on their state title, and wish them the best of luck in future seasons.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 337. Concurrent resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2159. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. Con. Res. 91. Concurrent resolution honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces.

□ 0915

#### PROVIDING FOR CONSIDERATION OF H.R. 5876, STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1276 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1276

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for

consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. During consideration in the House of H.R. 5876 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1276.

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

There was no objection.

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

House Resolution 1276 provides for consideration of H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule makes in order two amendments that were submitted for consideration and are printed in the Rules Committee report, including a bipartisan manager's amendment. The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI. Finally, the rule provides one motion to recommend with or without instructions.

The bill before us today, the Stop Child Abuse in Residential Programs for Teens Act, responds to an urgent need to protect our Nation's vulnerable children. An estimated 20 to 30,000 U.S. teenagers attend private residential programs, including therapeutic boarding schools, wilderness camps, boot camps, and behavioral modification facilities. These residential facilities are intended to help treat children with behavioral, emotional or mental health problems.

However, many of these facilities are loosely regulated, if they are even regulated at all. As a result, some of the very facilities that are supposed to be providing a safe environment for our Nation's vulnerable children have, instead, provided us with some of the most shocking accounts of child abuse and neglect we have ever been witness to.

A comprehensive report by the Government Accountability Office recently uncovered thousands of allegations of child abuse and neglect at private residential programs for teens. Tragically, in a number of these cases, this abuse and neglect led to the child's death.

I won't describe the horrifying stories, but I will say that they go far beyond simple maltreatment. The stories are deplorable. They are inexcusable, and they are inhumane.

This bill, H.R. 5876, will keep children safe by imposing new national standards for residential treatment programs. These standards include prohibitions on denying children food, water, clothing, shelter or medical care for any reason, including as a form of punishment.

The bill upholds core moral values by specifically prohibiting programs from engaging in practices that physically, sexually or mentally abuse or torment children in their care.

It requires programs to train staff in understanding what constitutes child abuse and neglect and how to report it, and it requires programs to have emergency medical care plans in place.

The bill also includes several other provisions, such as requiring programs to disclose to parents the qualifications of staff, notifying parents of substantiated reports of abuse, and providing grant money to States if they

develop their own standards that are at least as strong as the national ones.

On a personal note, I would like to say that my wife, Kathie, and I are proud parents of three children, two of which we adopted from foster care. I can tell you from my own personal experience that nothing is more important to a child's life than having a secure home.

No child should ever be subject to abuse or neglect, especially when in the care of those who are supposed to be providing treatment.

I commend Chairman MILLER for his tireless efforts on behalf of our Nation's children. I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. At this time I would like to thank my good friend, the gentleman from California (Mr. CARDOZA), for the time and yield myself such time as I may consume.

Madam Speaker, when families send their children to private residential treatment facilities, they expect their children to receive proper treatment for their emotional and behavioral problems. Unfortunately, some of these treatment facilities have not provided the treatment these children need.

Instead, we have heard reports of abuse, neglect and even death. The Government Accountability Office recently looked into these reports of child abuse.

While researching the reports, the GAO found that the current patchwork of Federal legislation and oversight addressing youth well-being have led to a substantial disparity in protecting the well-being and civil rights of some of the Nation's most vulnerable youth. The safety and well-being of these vulnerable children is of great importance, and we must do all we can to stop child abuse and neglect at residential treatment facilities.

For that reason I am pleased that the underlying legislation, the Stop Child Abuse in Residential Programs for Teens Act, seeks to help remedy the issues addressed in the GAO report. The legislation seeks to ensure effective regulation, monitoring and enforcement of residential treatment programs by the States, with the Federal Government playing an oversight role.

I would like to commend Chairman MILLER and Ranking Member MCKEON for working to bridge their differences on this legislation. I think they should be commended for coming up with a compromise acceptable to both sides of the aisle.

Unfortunately, unlike the Education and Labor Committee, compromise and bipartisanship are concepts that do not make it past the door of the majority in the Rules Committee, because the majority there has blocked all Republican amendments. The majority might call this a structured rule, but for members on the minority side of the

aisle, this might as well be the 55th closed rule in this Congress.

Not only does this rule completely undermine the spirit of bipartisanship that Chairman MILLER and Ranking Member MCKEON worked so hard to achieve, it also stands in stark contrast to how the new majority promised they would run the House of Representatives.

Before the new majority took over control of the House, they laid out their promises for a more civil, more open, more transparent House in a document they entitled "The New Direction for America."

The document provides clear guidelines for how legislation should move through the House. One of the promises made in the document is, and I quote, "Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternative, including a substitute.

Yet here we are today with a process that completely shuts out the minority from offering any amendments. Obviously the majority left their campaign promises on the campaign trail.

I would ask all of my colleagues to vote against this unfair rule which completely contradicts the majority's rhetoric about running the most open, honest, and transparent Congress in history.

Madam Speaker, at this time I would like to address a separate issue. Last week we received the desperate plea of a father in Cuba. The father's name, Pedro Andres Ferrera, concerns his 21-year-old son, Yuselin Ferrera, who at this time, as we speak, is being tortured in the psychiatric hospital in Sagua la Grande, Cuba, the San Luis psychiatric hospital.

His crime—a bracelet like the one I am wearing, that has the word "change" in it. This young man, 21 years old, supports freedom and democracy. For that crime, at this moment, he is in the San Luis psychiatric hospital in Sagua la Grande, Cuba, being tortured.

His father's plea, which is really extraordinary, describes continuous interrogations that the young man is being subjected to, with the objective of changing his way of thinking so that he will renounce, give up his probative democracy beliefs.

His father, in his desperation, said that he makes responsible for the consequences that may ensue to his son the Cuban dictatorship and, specifically, its state security apparatus.

I, at this time, join with Pedro Andres Ferrera, the father of that young man, 21-year-old Yuselin Ferrera, to also make responsible publicly the jailers, so-called doctors, torturers of the young man, Yuselin Ferrera. Let them not think even for one instant that we will forget this crime. Let them not think even for one moment that this crime against humanity will be subject to any sort of statute of lim-

itations. There will be justice for criminals such as those so-called doctors in the psychiatric hospital torturing that 21-year-old man simply for supporting a peaceful campaign of change within the totalitarian state of Cuba.

□ 0930

I ask my friend, my dear friend, also a strong supporter of freedom wherever there is injustice anywhere in the world, DENNIS CARDOZA, to join me in a bipartisan spirit also denouncing those torturers and putting them on notice that we will not forget their crimes against that young man.

At this time, Madam Speaker, and returning to the subject of the legislation, I see that Chairman MILLER is here, and I thank him again, along with Ranking Member MCKEON, for their important work and especially in making possible this bipartisan legislation that is coming to the floor today, the underlying legislation that we bring to the floor today.

I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would like to acknowledge that my colleague from Florida has been a true champion on behalf of the pro-democracy forces in Cuba; that certainly I join him in denouncing any of the horrible acts that he described today, and I praise the emotion and spirit with which he brings his fight towards democracy in Cuba to the floor. Thank you, Mr. DIAZ-BALART.

But I will tell you, however much I praise his efforts there, with regard to the seven amendments that he talked about, the seven Republican amendments submitted in the Rules Committee, they were disposed of in I believe a very fair and equitable manner.

Two were withdrawn by the authors. One was addressed in the manager's amendment. The amendment of the gentleman from Utah (Mr. BISHOP) was addressed in the manager's amendment. Two amendments amended portions of the bill that were deleted by the manager's amendment and thus are moot; and two dealt with earmarks that are not in the bill. So frankly, all of the amendments were dealt with in a fair and evenhanded manner. I believe this truly is a bipartisan bill.

It is with that spirit, Madam Speaker, that I yield 5 minutes to the gentleman from New York (Mrs. MCCARTHY), the chairman of the Healthy Families Subcommittee and a champion for children.

Mrs. MCCARTHY of New York. Madam Speaker, I thank the Rules Committee and I stand in support of the rule. I want to say thank you to Chairman MILLER and the committee staff for working with me on this important legislation, and for Mr. MILLER's personal leadership on this issue over the years.

When we started working on this issue in committee, I became outraged over the testimony that I was hearing. You see, children in this country are

dying. In fact, the Government Accountability Office report found thousands of cases of abuse and neglect at residential programs for teens. The abuses include staff members forcing children to remain in so-called "stress" positions for hours at a time and to undergo extreme physical exertion without food, water or rest.

Sadly, in a number of cases this abuse has led to the deaths of children at the hands of the very people entrusted with their care.

These are basic human rights being denied to our children, children who are already struggling to find their way in this world, children who might suffer from mental disorders or other conditions that make daily living in society much more challenging than for other kids their own age, children whose parents love them and want the best for them and need help in addressing the needs of these vulnerable youth.

Parents, often desperate for help, feeling vulnerable as well, are sending their children to facilities that are sold as safe and responsible facilities.

The GAO's investigative work is showing that a number of programs use deceptive marketing practices to appeal to parents. In fact, it uncovered deception, fraud, and conflicts of interest. In one scheme, a husband owns a referral service and the wife owned a residential treatment facility. It was revealed that her location received more referrals from her husband's service than any other providers.

Parents are sold a bill of goods about the facilities and are enticed by advertising schemes portraying these programs as safe, with a professional staff, and high-quality environments for their children.

Yet it is too often not true, and tragically, at times, the end result is the death of a child.

That's why it is absolutely crucial that we make sure that children are kept safe when they are in these facilities by setting minimum safety standards. Minimum; why are we even setting them at minimum?

You know, it seems like every week I am up here on the floor talking about how we need to protect our children. That's why it is absolutely crucial that we establish standards and stop "boot camps" from using the kind of deceptive marketing that has drawn in so many parents.

I am pleased that the bill contains some aspects to address all deceptive marketing tactics employed by some owners or operators of residential treatment facilities.

One section requires that all printed material from the facility include a link to a Web site that has a database about past incidents and violations. We do that with our college students so parents can actually look to see how safe that particular college is. And yet we are having a hard time trying to do this for children who need our help immensely, and the parents. The parents

are facing difficult choices to do whatever they can to help their child. And yet they are given false information.

Another section specifies that a new Web site include not just the name and location of each facility, but also the owner and operator of the facility so the parents can watch out for the bad operators.

Furthermore, even though we did not include language requiring all promotional and informational materials distributed by the facilities be subject to appropriate guidelines, such as those specified by the Federal Trade Commission Act due to jurisdictional issues, we will continue to monitor the deceptive marketing practices on these programs.

Madam Speaker, we need minimum safety standards for these public and private residential treatment facilities. It is past time to bring these programs to a level of basic safety which protects children and prevents further abuse from happening.

I promise—and I am positive that Chairman MILLER will, too—we will continue to work on this. But as with a lot of things that come through our committee, we have to work with both sides so we can get a bill through and passed and on its way to the President. But I have to say in cases like this, I wish we could have gone further to protect the children, to protect the parents. I urge passage of this rule.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if he has any additional speakers on the rule.

Mr. CARDOZA. Madam Speaker, I have one additional speaker at this time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Education and Labor Committee and a true champion for children in this House.

Mr. GEORGE MILLER of California. I want to thank the gentleman for yielding, and I want to thank the Rules Committee for reporting this rule to the floor and I want to thank Mr. CARDOZA for managing this legislation. He has spent his entire public life being concerned about children at risk. And clearly the children we seek to protect in this bill are at serious risk.

I also want to thank the gentleman from New York (Mrs. MCCARTHY) for all of her effort on this legislation. She, too, has spent her entire time in Congress trying to make sure that our children are safe in whatever setting we have responsibility for, whether it is in high schools or colleges or in this case residential programs.

This legislation is designed to address in a reasonable manner a very serious problem that has come to the attention of the Education and Labor Committee this last year when we started looking at the abuse and neglect in teenage residential programs.

Tragically, a number of these cases have resulted in the death of a child.

This legislation will help ensure that children are safe no matter what setting they are in. It will also provide parents with the information they need to make safe choices on behalf of their children.

The rule we are considering today is a fair one. It makes in order the Miller-McKeon manager's amendment and one other amendment offered by Ms. SHEA-PORTER, a member of the Education and Labor Committee. Mr. MCKEON and his staff have worked alongside our staff to make sure that we could do this in bipartisan fashion, and the manager's amendment reflects the changes to be made to improve the legislation since it left the committee.

Of the 10 amendments originally submitted to the Rules Committee, our bipartisan compromise incorporates and makes unnecessary seven of those amendments. It would be disingenuous for anyone to come to the floor and oppose this rule since it takes into consideration those concerns.

I want to thank Mr. MCKEON for working on this legislation so that we would have a bill with few amendments but we would address the concerns of the Members. In the course of crafting the manager's amendment, we worked with several Members on provisions that are now reflected in the compromise. Representatives CUELLAR, ROTHMAN and MATHESON each made valuable improvements to the manager's amendment, and we thank them for their input.

Mr. BISHOP of Utah submitted an amendment to the Rules Committee which we believed raised legitimate concerns, and we made a number of changes in the manager's amendment to, we believe, fully address his concerns. Two other amendments on the other side of the aisle were made moot by the bipartisan agreement, and yet they were not withdrawn.

This should not be a partisan issue. The GAO has found thousands of documented cases and allegations of child abuse and neglected children—stretching back decades—in teen residential programs.

In hearings before our committee, we heard horrific stories about the way children in these programs were treated by uncaring, untrained, and abusive staff members. For example, children were forced to eat food to which they were known to be allergic. They were required to remain in so-called "stress" positions for hours, and to keep hiking even though it became clear they needed immediate medical attention.

Madam Speaker, the time for Congress to act is long past due. The weak patchwork of State laws and regulations governing teen residential programs have permitted these abuses to continue for far too long. We must act to prevent children from being put at risk. This bill will help keep children safe and help parents get information

they need to make sound choices about the care of their children. I hope that we can adopt this rule.

Madam Speaker, let me just say this. I have been involved in this issue for almost 30 years. These abusive programs of children in wilderness camps and boot camps and whatever they call themselves, wagon trains to the future, have gone on for many years. There are many, many programs that take care of children in residential settings, very troubled children, and these programs offer specialized care to those children and treatment of those children, and many parents have written to Members of Congress and my friends and others who have sent their children to these programs, have experienced some success with the care of those children to get rid of addictive behavior and abusive behavior on behalf of those children.

But yet within this industry, there is a group of homes that continue to travel from State to State without awareness by the State or not caring by the State, or falling through the regulations, no Federal regulations, no State regulations, and those are the programs that have abused these children.

We have worked with professional associations. We have worked with trade associations. We have worked with individuals who run homes of high reputation to develop a set of regulations that make sure that parents will be aware of the placement of their children, the care they are likely to receive, and the skills and the training of the people who take care of them, because that is not true today.

As we found out in a GAO report, as Mrs. MCCARTHY pointed out, there are deceptive practices of people who have huge financial interest in the outcome of referring a family to those homes.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CARDOZA. I yield the gentleman 2 additional minutes.

Mr. GEORGE MILLER of California. I thank the gentleman.

And that is what this is about. That is where we saw this incredibly abusive behavior, and in a number of instances, simply lethal, to these children. The children died in the care in which their parents had placed them because the parents were not aware of how poorly run these facilities were. In a couple of cases, referrals for criminal proceedings against those individuals have been made.

Why is this bill important, because these children are out-of-home placements, and we have to understand the responsibility of those individuals who represent themselves that they can provide treatment and they can provide care. If that's not true, the parents ought to know it. This is simple awareness by parents of the care their children are going to receive.

It is hard to believe that you could put your child into a program and the child could die of dehydration or die of simple neglect because people refuse to

call medical personnel to the care of these children because they said that the children were faking. No, they weren't faking, they were dying. They were dying, and people stood around and said they were faking it, don't touch them, don't go near them, and they died on the trail. They needed water. No, they were faking, and they pushed them on to hike out in the desert in the heat, and they died of dehydration.

Children standing in stress positions that look more like Guantanamo Bay than look like a care facility for American children. Children standing in a stress position with their hands out with a hood around their neck and a hangman's noose for hours while others children watched and participated in the treatment of those children. That's not the care of children. There is no professional organization that recognizes that kind of care for the treatment of children. And yet those homes blemish the reputation of facilities and organizations that are trying to care for very difficult children.

And as CAROLYN MCCARTHY said, these parents are at their wit's end. They have tried almost everything. We need to make sure that the next thing they try is safe and well-organized for the care of their children.

□ 0945

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I assume from my friend that he has no further speakers on the rule.

Mr. CARDOZA. I am the final speaker on my side of the aisle.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, back on April 24 of 2006, just over 2 years ago, Speaker NANCY PELOSI issued the following statement, which I quote:

"With skyrocketing gas prices it is clear that the American people can no longer afford the Republican Rubber stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying \$2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price when President Bush first came into office."

Madam Speaker, most Americans would be happy if they were paying \$2.91 today for a gallon of gasoline. When Americans are paying over \$4 for gasoline, we should be working on legislation to lower the cost of gasoline, increasing domestic energy exploration, reducing our reliance on unstable foreign sources of oil.

So today, I urge my colleagues to defeat the previous question so that this House can immediately consider solutions to rising energy costs. By defeating the previous question, I will move to amend the rule to allow for consideration of H.R. 2279, Expanding American Refinery Capacity on Closed Military Installations, introduced by Representative PITTS.

This legislation would significantly reduce the cost of gasoline by stream-

lining the refinery application process. It will also require the President to open at least three closed military installations for the purpose of siting new and reliable American refineries.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting "no" on the previous question, Members can take a stand against high fuel prices and in favor of taking action to confront that problem.

I encourage a "no" vote on the previous question, and I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, in closing, I'd like to remind my friend and colleague from Florida that it has been the other body, the Republicans in the other body and the White House who have stymied the Democratic efforts to actually reduce gas prices and provide alternative energy for this country. Certainly, it is a problem, and certainly, the American people are very frustrated at paying \$4 or more, in my State it's much more for a gallon of gas. But had we at least moved in a new direction, we could be heading in that direction. But we have been totally stymied by the White House and the Senate on these questions.

Madam Speaker, today's bill deals with children, and there is an urgent problem in many residential treatment facilities that have gone unchecked for far too long and must be addressed. H.R. 5876 will go a long way towards ensuring the safety of our Nation's children who depend on these treatment facilities.

Again, I ask my colleagues on both sides of the aisle to support this commonsense legislation to protect our kids in these treatment facilities.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1276 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2279) to expedite the construction of new refining capacity on closed military installations in the United States. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to find passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Armed Services; and (2) an amendment in the nature of a substitute if

offered by Representative Dingell of Michigan or Representative Skelton of Missouri, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

Mr. CARDOZA. Madam Speaker, I yield back my time, and I move the previous question on the resolution.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 6304, FISA AMENDMENTS ACT OF 2008

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1285 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1285

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 6304, pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

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

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, House Resolution 1285 provides for consideration of H.R. 6304, the FISA Amendments Act of 2008. The rule provides 1 hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member on the Permanent Select Committee on Intelligence.

Madam Speaker, we have come a long way on the crucial issue of intelligence gathering. First, I must commend our majority leader, Mr. HOYER, for his commitment and dedication to reaching a sensible, bipartisan and bicameral agreement on FISA. Ensuring that we provide our Nation's intelligence community with the necessary tools and resources to prevent a future terrorist attack on our Nation must transcend partisan politics, and doing it in a way that protects the rights guaranteed to law-abiding Americans under this Constitution.

Clearly, thanks to the hard work of Mr. HOYER, Minority Whip BLUNT, Chairman REYES and many others, we will continue to work to protect the American people today.

Bringing this FISA agreement to the floor is the result of months of long and thoughtful deliberation between the House and Senate, Democrats and Republicans, and the White House. What we're doing today is proof that we in the House should not have to just settle on the will of the Senate. It's proof that we can achieve a bipartisan, bicameral agreement on how our Nation gathers its intelligence. This type of bipartisanship is precisely what the American people expect of us.

Today we're not voting on the Senate version of the bill, instead we have the opportunity to vote in favor of a sensible, bipartisan FISA bill that will help protect our Nation from terrorism, while protecting the civil liberties we, as Americans, hold dear.

I also admit that I don't think the FISA agreement is perfect, but seldom should we expect an opportunity to vote in favor of legislation that every Member of this Chamber believes to be perfect.

Effective legislation demands bipartisan consensus. And an example of such bipartisan consensus is the issue of immunity for telecom companies. The civil liberty protection provision in this agreement finally removes the shackles for our telecom companies to tell their side of the story. No longer can the administration step in and assert the "State Secrets Privilege" and deny telecom companies and the plaintiff seeking to protect his or her Constitutional rights the opportunity to make their case in front of a judge.

As a former district attorney, I for one couldn't agree more that if the intelligence community goes to a telecom company with adequate authorization and says, we need communication records for person X because he or she is believed to be a terrorist, the telecom company deserves to be afforded that protection.

Unfortunately, under the old system we would never know if adequate authorization and substantial evidence, for that matter, ever existed. Thanks to this bipartisan agreement, we now will.

Madam Speaker, we have come a long way over the last few months. We can all agree that the world changed on September 11, 2001. Our Nation faces new threats on new fronts. What we are doing here today is proof that we can come together, Republicans and Democrats, to provide our Nation's intelligence community with the necessary tools to face and fight those threats, while protecting the civil liberties of Americans, and ensuring that the rights guaranteed under the Constitution are not mere words but, rather, solemn ideas that our Nation holds dear.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

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

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to be able to urge my colleagues to support this rule and the underlying bipartisan bill to update our Nation's Foreign Intelligence Surveillance Act.

Since the Protect America Act expired in February, our Nation has been relying on an outdated 1970s law to monitor foreign persons in foreign places who seek to do our Nation's citizens harm. At long last, Madam Speaker, the House will be permitted to vote on a bipartisan bill that our Nation's intelligence leaders are confident will allow them to do their jobs without costly delays and mountains of paperwork.

This bill is not perfect, but it takes vital steps to modernize FISA to reflect 21st century cell phone and Internet technology, and to protect our Nation from today's determined and sophisticated terrorist threats.

In February, 68 Senators voted to pass a bipartisan compromise. Yet, ever since that overwhelming bipartisan Senate vote, the liberal leaders of this House have refused to allow a vote because they knew a majority would pass it. Republicans tried for months to advance the bipartisan Senate compromise to a vote in the House, but we were blocked time after time. Today, this blockade will be broken when Democrats join Republicans in voting to pass the bipartisan FISA modernization bill.

So Madam Speaker, I urge my colleagues to vote for this rule and the underlying bill.

I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I'd just like to read a quote today from The Washington Post on the FISA legislation that we are considering today.

The article is entitled "A Better Surveillance Law." I just want to read one excerpt from it:

"Congress shows it still knows how to reach a compromise in the national interest. Congressional leaders in both parties should be commended for drafting legislation that brings the country's surveillance laws into the 21st century, while protecting civil liberties and preserving important national security prerogatives."

Madam Speaker, it's this type of bipartisanship that I think the American people expect out of Congress. And I believe that, as my colleague from Washington just said, this bill is not perfect. But it is the kind of compromise that people expect from their congressional leaders in a way that protects us, and, at the very same time, ensures that the civil liberties guaranteed under the Constitution, again, are not just mere words but rather strong ideals that we preserve. So, again, I strongly urge my colleagues to support this rule. With that, I would reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, if I could inquire of my friend from New York, I have no requests for time and I'm prepared to yield back if the gentleman is prepared to close.

Mr. ARCURI. Madam Speaker, we're waiting on several speakers who aren't here yet. But if the gentleman is ready to close, we are prepared to close as well.

Mr. HASTINGS of Washington. With that, Madam Speaker, I yield back my time.

Mr. ARCURI. Madam Speaker, as I said earlier, we have come a long way over the last few months. We can all agree that the world changed on September 11, 2001. Our Nation faces new threats on new fronts. What we're doing here today is proof that we can come together, Republicans and Democrats, to provide our Nation's Intelligence Community with the necessary tools to fight terrorism while protecting civil liberties of Americans.

□ 1000

Again, I commend Majority Leader HOYER, Minority Leader BLUNT, Chairman REYES and CONYERS, and many others who were able to go beyond the partisanship that too often consumes this Chamber and deliver a sensible FISA bill that we can be proud of.

I urge a "yes" vote on the previous question and on the rule.

Mr. MCGOVERN. Madam Speaker, I will oppose the underlying FISA bill.

Yes, this represents a compromise. It is better than what President Bush first proposed. But, that's not good enough. That's not a high enough standard.

I want to remind my colleagues that what we are debating today is something very serious. We are talking about our most basic civil liberties and civil rights. And when it comes to those issues and principles we must be very, very careful.

This compromise still provides immunity for telecom companies that may have participated in President Bush's illegal surveillance pro-

gram and it fails to adequately protect the privacy rights of law abiding, innocent American citizens. Furthermore, the bill has a four year sunset provision which, in my view, is much too long.

I know that we live in a dangerous world. I am well aware that there are some who want to do us harm. It is for that reason I understand the need to update our laws to better protect our people.

I continue to believe that we can do that—without turning our backs on the values and principles that make America unique and great. This bill goes too far. I urge a "no" vote.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in opposition to the rule on H.R. 6304, the "FISA Amendments Act of 2008." I am disappointed that I did not have the opportunity to restore my language regarding reverse targeting, which was included in the FISA legislation passed by the House. This body has worked diligently with our colleagues in the Senate to ensure that the civil liberties of American citizens are appropriately addressed. Sadly, this compromise bill, falls short of that aim. I will support no bill that fails to protect American civil liberties, both at home and abroad.

The bill contains a general ban on reverse targeting. However, it lacks the strong language that I worked so diligently to include in the original House legislation sent to the Senate. In my view, the RESTORE Act is far superior to this piece of legislation. I wish to take a few moments to discuss the improvement that I offered to the RESTORE Act in the full Judiciary Committee markup, and which was sent over to the Senate for consideration just a few months ago.

My amendment, which was added during the markup, made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

Reverse targeting is the practice where the Government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with this legislation, as they did with its successor, the Protect America Act, is that the temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of certain safeguards in the law to prevent it.

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

The amendment achieved this objective by requiring the administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States."

It is far from clear how the operative language "reasonably designed to ensure that any acquisition authorized . . . is limited to targeting persons reasonably believed to be located outside the United States; and prevent the intentional acquisition of any communication as to which the sender and all intended

recipients are known at the time of acquisition to be located in the United States."

Yes. It is true that H.R. 6304, the compromise legislation, attempts to ensure that American civil liberties are protected, but the operative language in the legislation does not provide a paradigm for consistency. This is so because it does not provide an objective criterion. H.R. 6304 does not go as far as the legislation that the House sent over to the Senate a few months ago. H.R. 6304 does not retain the objective standards contained in my amendment.

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

A FISA order should be required in those instances where there is a particular, known person in the United States at the other end of the foreign target's call in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications. This protection has been stripped from H.R. 6304. I fought hard to keep this language in the bill because it is important to me; and it should be very important to members of this body and to all Americans. It is important that we require what should be required in all cases—warrant anytime there is specific, targeted surveillance of a United States citizen.

I am unable to support this bill that will overhaul how the Government monitors foreign terrorist suspects. I will not support any legislation that grants legal immunity to telecommunications companies that provide information to Federal investigators without a warrant.

Madam Speaker, this administration has the law to protect the American people. When Americans are involved, the Bill of Rights, the fourth amendment, civil liberties must be adhered to. This legislation does not go far enough to ensure that American rights are protected.

The original legislation offered by the House Majority gave the Administration everything that it needed, but today, after months of negotiation, if we endorse H.R. 6304, which grants sweeping wiretapping authority to the Government with little court oversight and ensures the cases against the dismissal of all pending telecommunications companies, we are shredding the Constitution.

Let me explain my objections to H.R. 6304. It permits the Government to conduct mass, untargeted surveillance of all communications coming into and out of the United States, without any individualized review, and without any finding of wrongdoing.

H.R. 6304 permits minimal court oversight. The Foreign Intelligence Surveillance Court (FISA Court) only reviews general procedures for targeting and minimizing the use of information that is collected. Under these circumstances, the court may not know, what or where will actually be tapped.

Madam Speaker, I have more objections to H.R. 6304 which I will quickly note. H.R. 6304 contains an "exigent" circumstances loophole that thwarts the judicial review requirement.

The bill permits the Government to start a spying program and wait to go to court for up to seven (7) days every time “intelligence important to the national security of the U.S. may be lost or not timely acquired.” The problem with H.R. 6034 is that court applications take time and will delay the collection of information. Therefore, it is possible that there will not be resort to prior judicial review.

Under H.R. 6304, the Government is permitted to continue surveillance programs even if the application is denied by the court. The Government has the authority to wiretap through the entire appeals process, and then keep and use whatever it gathers in the meantime.

I am also troubled by H.R. 6304’s dismissal of all, cases pending against telecommunication companies that facilitated the warrantless wiretapping program over the last 7 years. The test in the bill is not whether the Government certifications were actually legal—only whether they were issued. Because it is public knowledge that they were, all the cases seeking to find out what these companies and the Government did without communications will be dismissed. Under this bill, we will start as a tabula rasa. Telecommunications companies will be prevented from having their day in court and we, the American people, will never have a chance to know what the companies did and what information is collected. I am deeply troubled by this, and frankly, you should be, too.

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

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

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

However, I know that FISA as outlined in this bill, H.R. 6304, attempts to curtail the Bill of Rights and the civil liberties of the American people. I continue to insist upon individual warrants, based upon probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a “basket warrant” without making individual determinations about foreign surveillance.

Given the unprecedented amount of information Americans now transmit electronically

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

Madam Speaker, I encourage my colleagues to join me in opposing the rule on H.R. 6304. In my view, this is wrong and unacceptable.

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

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

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: approval of the Journal, de novo; ordering the previous question on H. Res. 1276, by the yeas and nays; adoption of H. Res. 1276, if ordered.

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

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker’s approval of the Journal which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 168, not voting 36, as follows:

[Roll No. 434]

YEAS—230

Abercrombie  
Ackerman  
Allen  
Andrews  
Arcuri  
Baca  
Bachmann  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Boren  
Boswell  
Boucher  
Boyd (FL)

Boyda (KS)  
Brady (PA)  
Bralely (IA)  
Brown (SC)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson  
Castor  
Cazayoux  
Chandler  
Childers  
Clarke  
Clay  
Clever  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa

Costello  
Courtney  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Dicks  
Dingell  
Doggett  
Donnelly  
Doyle  
Edwards (MD)  
Edwards (TX)  
Ellison  
Emanuel

Engel  
English (PA)  
Eshoo  
Etheridge  
Farr  
Filner  
Foster  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Goode  
Goodlatte  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Hastings (WA)  
Hayes  
Herseth Sandlin  
Higgins  
Hinchev  
Himojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Hulshof  
Inslie  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones (OH)  
Kagen  
Kanjorski  
Kaptur  
Kildee  
Kilpatrick  
Kind  
Kirk  
Klein (FL)  
Kuhl (NY)  
Lampson

Larsen (WA)  
Larson (CT)  
Latham  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meek (FL)  
Melancon  
Michaud  
Miller (FL)  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor  
Payne  
Perlmutter  
Pomeroy  
Price (NC)  
Pryce (OH)  
Rahall  
Rangel  
Reichert  
Reyes

Richardson  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Speier  
Spratt  
Sutton  
Tanner  
Tauscher  
Taylor  
Thompson (MS)  
Tierney  
Tsongas  
Udall (NM)  
Van Hollen  
Velázquez  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Whitfield (KY)  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

NAYS—168

Aderholt  
Akin  
Alexander  
Altmire  
Bachus  
Barrett (SC)  
Biggart  
Bilirakis  
Blackburn  
Boehner  
Bonner  
Bono Mack  
Boozman  
Brady (TX)  
Broun (GA)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cantor  
Capito  
Carney  
Carter  
Castle  
Chabot  
Coble  
Cole (OK)  
Conaway  
Crenshaw  
Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan

Ehlers  
Ellsworth  
Emerson  
Everett  
Fallin  
Feeney  
Flake  
Forbes  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Granger  
Graves  
Hall (TX)  
Heller  
Hensarling  
Herger  
Hill  
Hobson  
Hoekstra  
Hunter  
Inglis (SC)  
Issa  
Johnson, Sam  
Jordan  
Keller  
King (IA)  
King (NY)  
Kingston  
Kline (MN)  
Knollenberg  
Kucinich  
LaHood  
Lamborn  
LaTourette  
Latta  
Lewis (CA)  
Lewis (KY)  
Linder

LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul (TX)  
McCotter  
McCreery  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (MI)  
Miller, Gary  
Mitchell  
Moran (KS)  
Murphy, Tim  
Musgrave  
Myrick  
Neugebauer  
Nunes  
Pearce  
Pence  
Peterson (MN)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Porter  
Price (GA)  
Putnam  
Ramstad  
Regula  
Rehberg  
Renzi  
Rogers (AL)

|               |               |              |              |              |                  |            |               |              |
|---------------|---------------|--------------|--------------|--------------|------------------|------------|---------------|--------------|
| Rogers (KY)   | Shimkus       | Tiberi       | Dicks        | Larsen (WA)  | Rothman          | Nunes      | Rohrabacher   | Stearns      |
| Rogers (MI)   | Shuler        | Turner       | Dingell      | Larson (CT)  | Roybal-Allard    | Pearce     | Ros-Lehtinen  | Sullivan     |
| Rohrabacher   | Shuster       | Udall (CO)   | Doggett      | Lee          | Ryan (OH)        | Pence      | Roskam        | Tancredo     |
| Ros-Lehtinen  | Simpson       | Upton        | Donnelly     | Levin        | Salazar          | Petri      | Royce         | Terry        |
| Roskam        | Smith (NE)    | Walberg      | Doyle        | Lewis (GA)   | Sánchez, Linda   | Pickering  | Ryan (WI)     | Thornberry   |
| Royce         | Smith (NJ)    | Walden (OR)  | Edwards (MD) | Lipinski     | T.               | Pitts      | Sali          | Tiberi       |
| Ryan (WI)     | Smith (TX)    | Walsh (NY)   | Edwards (TX) | Loeb         | Sanchez, Loretta | Platts     | Saxton        | Turner       |
| Sali          | Souder        | Wamp         | Ellison      | Lofgren, Zoe | Sarbanes         | Poe        | Scalise       | Upton        |
| Saxton        | Stearns       | Weldon (FL)  | Ellsworth    | Lowey        | Schakowsky       | Porter     | Schmidt       | Walberg      |
| Scalise       | Stupak        | Westmoreland | Emanuel      | Lynch        | Schiff           | Price (GA) | Sensenbrenner | Walden (OR)  |
| Schmidt       | Sullivan      | Wilson (SC)  | Engel        | Mahoney (FL) | Schwartz         | Pryce (OH) | Sessions      | Walsh (NY)   |
| Sensenbrenner | Tancredo      | Wittman (VA) | Eshoo        | Maloney (NY) | Scott (GA)       | Putnam     | Shadegg       | Wamp         |
| Sessions      | Terry         | Wolf         | Etheridge    | Markey       | Scott (VA)       | Ramstad    | Shays         | Weldon (FL)  |
| Shadegg       | Thompson (CA) | Young (FL)   | Everett      | Marshall     | Serrano          | Regula     | Shimkus       | Westmoreland |
| Shays         | Thornberry    |              | Farr         | Matheson     | Sestak           | Rehberg    | Shuster       | Wilson (SC)  |

## NOT VOTING—36

|                |               |               |               |                |                |                |                |
|----------------|---------------|---------------|---------------|----------------|----------------|----------------|----------------|
| Bartlett (MD)  | Fortenberry   | Radanovich    | Frank (MA)    | McCarthy (NY)  | Bartlett (MD)  | Gilchrest      | Radanovich     |
| Barton (TX)    | Gerlach       | Reynolds      | Giffords      | McCollum (MN)  | Barton (TX)    | Gohmert        | Reynolds       |
| Bilbray        | Gilchrest     | Ruppersberger | Gillibrand    | McDermott      | Bilbray        | Gordon         | Ruppersberger  |
| Blunt          | Gingrey       | Rush          | Gonzalez      | McGovern       | Brown-Waite,   | Hall (NY)      | Rush           |
| Boustany       | Gohmert       | Stark         | Green, Al     | McIntyre       | Ginny          | Hereth Sandlin | Stark          |
| Brown-Waite,   | Gordon        | Tiahrt        | Green, Gene   | McNulty        | Cannon         | Jones (NC)     | Tiahrt         |
| Ginny          | Jones (NC)    | Towns         | Grijalva      | Meek (FL)      | Cubin          | Kagen          | Towns          |
| Cannon         | Kennedy       | Visclosky     | Gutierrez     | Melancon       | Davis, Lincoln | Langevin       | Visclosky      |
| Cubin          | Langevin      | Weller        | Hare          | Michaud        | Fattah         | Meeks (NY)     | Weller         |
| Culberson      | Meeks (NY)    | Wilson (NM)   | Harman        | Miller (NC)    | Ferguson       | Oberstar       | Whitfield (KY) |
| Davis, Lincoln | Oberstar      | Young (AK)    | Hastings (FL) | Miller, George | Fortenberry    | Paul           | Wilson (NM)    |
| Fattah         | Paul          |               | Higgins       | Mitchell       | Gerlach        | Peterson (PA)  | Young (AK)     |
| Ferguson       | Peterson (PA) |               | Hinchev       | Mollohan       |                |                |                |

## □ 1029

Messrs. EVERETT and SHIMKUS changed their vote from “yea” to “nay.”

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Madam Speaker, on rollcall No. 434, I was meeting with constituents in my district office. Had I been present, I would have voted “yea.”

Mr. VISCLOSKY. Madam Speaker, had I been present for rollcall 434, on approving the Journal, I would have voted “yea.”

PROVIDING FOR CONSIDERATION OF H.R. 5876, STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1276, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 179, not voting 35, as follows:

[Roll No. 435]

## YEAS—220

|             |                |            |
|-------------|----------------|------------|
| Abercrombie | Boswell        | Cleaver    |
| Ackerman    | Boucher        | Clyburn    |
| Allen       | Boyd (FL)      | Cohen      |
| Altmore     | Boyd (KS)      | Conyers    |
| Andrews     | Brady (PA)     | Cooper     |
| Arcuri      | Braley (IA)    | Costa      |
| Baca        | Brown, Corrine | Costello   |
| Baird       | Butterfield    | Courtney   |
| Baldwin     | Capps          | Cramer     |
| Barrow      | Capuano        | Crowley    |
| Bean        | Cardoza        | Cuellar    |
| Becerra     | Carnahan       | Cummings   |
| Berkley     | Carney         | Davis (AL) |
| Berman      | Carson         | Davis (CA) |
| Berry       | Castor         | Davis (IL) |
| Bishop (GA) | Chandler       | DeFazio    |
| Bishop (NY) | Childers       | DeGette    |
| Blumenauer  | Clarke         | Delahunt   |
| Boren       | Clay           | DeLauro    |

## NAYS—179

|               |                 |                 |
|---------------|-----------------|-----------------|
| Aderholt      | Dent            | Keller          |
| Akin          | Diaz-Balart, L. | King (IA)       |
| Alexander     | Diaz-Balart, M. | King (NY)       |
| Bachmann      | Doolittle       | Kingston        |
| Bachus        | Drake           | Kirk            |
| Barrett (SC)  | Dreier          | Kline (MN)      |
| Biggert       | Duncan          | Knollenberg     |
| Bilirakis     | Ehlers          | Kuhl (IL)       |
| Bishop (UT)   | Emerson         | LaHood          |
| Blackburn     | English (PA)    | Lamborn         |
| Blunt         | Fallin          | Latham          |
| Boehner       | Feeney          | LaTourette      |
| Bonner        | Flake           | Latta           |
| Bono Mack     | Forbes          | Lewis (CA)      |
| Boozman       | Fossella        | Lewis (KY)      |
| Boustany      | Fox             | Linder          |
| Brady (TX)    | Franks (AZ)     | LoBiondo        |
| Broun (GA)    | Frelinghuysen   | Lucas           |
| Brown (SC)    | Gallely         | Lungren, Daniel |
| Buchanan      | Garrett (NJ)    | E.              |
| Burgess       | Gingrey         | Mack            |
| Burton (IN)   | Goode           | Manzullo        |
| Buyer         | Goodlatte       | Marchant        |
| Calvert       | Granger         | McCarthy (CA)   |
| Camp (MI)     | Graves          | McCaul (TX)     |
| Campbell (CA) | Hall (TX)       | McCotter        |
| Cantor        | Hastings (WA)   | McCreery        |
| Capito        | Hayes           | McHenry         |
| Carter        | Heller          | McHugh          |
| Castle        | Hemslinger      | McKeon          |
| Cazayoux      | Herger          | McMorris        |
| Chabot        | Hill            | Rodgers         |
| Coble         | Hobson          | Mica            |
| Cole (OK)     | Hoekstra        | Miller (FL)     |
| Conaway       | Hulshof         | Miller (MI)     |
| Crenshaw      | Hunter          | Miller, Gary    |
| Culberson     | Inglis (SC)     | Moran (KS)      |
| Davis (KY)    | Issa            | Murphy, Tim     |
| Davis, David  | Johnson (IL)    | Musgrave        |
| Davis, Tom    | Johnson, Sam    | Myrick          |
| Deal (GA)     | Jordan          | Neugebauer      |

## NOT VOTING—35

|                |                |                |
|----------------|----------------|----------------|
| Bartlett (MD)  | Gilchrest      | Radanovich     |
| Barton (TX)    | Gohmert        | Reynolds       |
| Bilbray        | Gordon         | Ruppersberger  |
| Brown-Waite,   | Hall (NY)      | Rush           |
| Ginny          | Hereth Sandlin | Stark          |
| Cannon         | Jones (NC)     | Tiahrt         |
| Cubin          | Kagen          | Towns          |
| Davis, Lincoln | Langevin       | Visclosky      |
| Fattah         | Meeks (NY)     | Weller         |
| Ferguson       | Oberstar       | Whitfield (KY) |
| Fortenberry    | Paul           | Wilson (NM)    |
| Gerlach        | Peterson (PA)  | Young (AK)     |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## □ 1037

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Madam Speaker, on rollcall No. 435, I was meeting with constituents in my district office. Had I been present, I would have voted “yea.”

Mr. HALL of New York. Madam Speaker, on rollcall No. 435, I was in a classified briefing on H-405. Had I been present, I would have voted “yea.”

Mr. VISCLOSKY. Madam Speaker, Had I been present for rollcall No. 435, H.R. 1276, on ordering the previous question for the consideration of H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the resolution.

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

## RECORDED VOTE

Mr. ARCURI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 223, noes 185, not voting 26, as follows:

[Roll No. 436]

## AYES—223

|             |             |                |
|-------------|-------------|----------------|
| Abercrombie | Berkley     | Braley (IA)    |
| Ackerman    | Berman      | Brown, Corrine |
| Allen       | Berry       | Butterfield    |
| Altmore     | Bishop (GA) | Capps          |
| Andrews     | Bishop (NY) | Capuano        |
| Arcuri      | Blumenauer  | Cardoza        |
| Baca        | Boren       | Carnahan       |
| Baird       | Boswell     | Carney         |
| Baldwin     | Boucher     | Carson         |
| Barrow      | Boyd (FL)   | Castor         |
| Bean        | Boyd (KS)   | Chandler       |
| Becerra     | Brady (PA)  | Childers       |

Clarke Jackson (IL) Peterson (MN) Lewis (CA) Pence Shadegg  
 Clay Jackson-Lee Pomeroy Lewis (KY) Petri Shays  
 Cleaver (TX) Price (NC) Linder Pickering Shimkus  
 Clyburn Jefferson Rahall LoBiondo Pitts Shuster  
 Cohen Johnson (GA) Rangel Lucas Platts Simpson  
 Conyers Johnson, E. B. Reyes Lungren, Daniel Poe Smith (NE)  
 Cooper Jones (OH) Richardson E. Porter Smith (NJ)  
 Costa Kagen Rodriguez Mack Price (GA) Smith (TX)  
 Costello Kanjorski Ross Manzullo Pryce (OH) Souder  
 Courtney Kaptur Marchant Putnam Radanovich Stearns  
 Cramer Kennedy Roybal-Allard McCarthy (CA) Ramstad Sullivan  
 Crowley Kildee Ryan (OH) McCotter Regula Terry  
 Cuellar Kilpatrick Kind McCrery Rehberg Reichert Thornberry  
 Cummings Kind Salazar Sánchez, Linda T. Tiberi  
 Davis (AL) Klein (FL) McHenry McHugh Renzi Turner  
 Davis (CA) Kucinich Sarbanes McKeon Rogers (AL) Rogers (KY)  
 Davis (IL) Lampson Larsen (WA) McMorris Rogers (MI) Walberg  
 DeFazio Larson (CT) Lee Schwartzt Miller (FL) Miller (MI) Walsh (NY)  
 DeGette Larson (CT) Lee Levin Lewis (VA) Scott (VA) Wamp  
 Delahunt Lee Serrano Miller, Gary Royce Weldon (FL)  
 DeLauro Levin Sestak Moran (KS) Ryan (WI) Westmoreland  
 Dicks Lipinski Serrano Moran (KS) Sali Whitfield (KY)  
 Dingell Lipinski Sestak Moran (KS) Saxton Wilson (SC)  
 Doggett Loeb sack Shea-Porter Murphy, Tim Musgrave Scallise Wittman (VA)  
 Donnelly Lofgren, Zoe Sherman Neugebauer Schmidt Wolf  
 Doyle Lowey Shuler Sires Skelton Neugebauer Nunes Sessions Young (FL)  
 Edwards (MD) Lynch Mahoney (FL) Skelton Pearce  
 Edwards (TX) Mahoney (NY) Slaughter  
 Ellison Maloney (NY) Marshall Smith (WA)  
 Ellsworth Markey Emanuel Marshall Matheson Snyder  
 Emanuel Marshall Matheson Snyder  
 Engel Matsui Solis  
 Eshoo Matsui Solis  
 Etheridge McCarthy (NY) Space  
 Farr McCollum (MN) Speier  
 Fattah McDermott Spratt  
 Filner McGovern Stupak  
 Foster McIntyre Sutton  
 Frank (MA) McNerney Tanner  
 Giffords McNulty Tauscher  
 Gillibrand Meek (FL) Taylor  
 Gonzalez Melancon Thompson (CA)  
 Gordon Michaud Thompson (MS)  
 Green, Al Miller (NC) Tierney  
 Green, Gene Miller, George Tsongas  
 Grijalva Grijalva Mitchell Udall (CO)  
 Gutierrez Mollohan Udall (NM)  
 Hall (NY) Moore (KS) Van Hollen  
 Hare Moore (WI) Velázquez  
 Harman Moran (VA) Walz (MN)  
 Hastings (FL) Murphy (CT) Wasserman  
 Herseth Sandlin Murphy, Patrick Schultz  
 Higgins Murtha Waters  
 Hinchey Nadler Watson  
 Hinojosa Napolitano Watt  
 Hirono Neal (MA) Waxman  
 Hodes Obey Weiner  
 Holden Olver Welch (VT)  
 Holt Ortiz Wexler  
 Honda Pallone Wilson (OH)  
 Hooley Pascrell Woolsey  
 Hoyer Pastor Wu  
 Inslee Payne Yarmuth  
 Israel Perlmutter

NOES—185

Aderholt Coble Gingrey  
 Akin Cole (OK) Goode  
 Alexander Conaway Goodlatte  
 Bachmann Crenshaw Graves  
 Bachus Cubin Hall (TX)  
 Barrett (SC) Culberson Hastings (WA)  
 Barton (TX) Davis (KY) Hayes  
 Biggert Davis, David Heller  
 Bilirakis Davis, Tom Hensarling  
 Bishop (UT) Deal (GA) Herger  
 Blackburn Dent Hill  
 Blunt Diaz-Balart, L. Hobson  
 Boehner Diaz-Balart, M. Hoekstra  
 Bonner Doolittle Hulshof  
 Bono Mack Drake Hunter  
 Boozman Dreier Inglis (SC)  
 Boustany Duncan Issa  
 Brady (TX) Ehlers Johnson (IL)  
 Broun (GA) Emerson Johnson, Sam  
 Brown (SC) English (PA) Jordan  
 Buchanan Everett Keller  
 Burgess Fallin King (IA)  
 Burton (IN) Feeney King (NY)  
 Buyer Flake Kingston  
 Calvert Forbes Kirk  
 Camp (MI) Fortenberry Kline (MN)  
 Campbell (CA) Fossella Knollenberg  
 Cantor Foxx Kuhl (NY)  
 Capito Franks (AZ) LaHood  
 Carter Frelinghuysen Lamborn  
 Castle Gallegly Latham  
 Cazayoux Garrett (NJ) LaTourette  
 Chabot Gerlach Latta

Pence Shadegg  
 Petri Shays  
 Pickering Shimkus  
 Pitts Shuster  
 Platts Simpson  
 Poe Smith (NE)  
 Porter Smith (NJ)  
 Price (GA) Smith (TX)  
 Pryce (OH) Souder  
 Putnam Radanovich Stearns  
 Ramstad Sullivan  
 Regula Terry  
 Rehberg Reichert Thornberry  
 Renzi Tiberi  
 Rogers (AL) Turner  
 Rogers (KY) Upton  
 Rogers (MI) Walberg  
 Rohrabacher Walden (OR)  
 Ros-Lehtinen Walsh (NY)  
 Roskam Wamp  
 Royce Weldon (FL)  
 Ryan (WI) Westmoreland  
 Sali Whitfield (KY)  
 Saxton Wilson (SC)  
 Scallise Wittman (VA)  
 Schmidt Wolf  
 Sensenbrenner Young (FL)  
 Sessions

NOT VOTING—26

Bartlett (MD) Granger Rush  
 Bilbray Jones (NC) Scott (GA)  
 Brown-Waite, Langevin Stark  
 Ginny Meeks (NY) Tiahrt  
 Cannon Oberstar Towns  
 Davis, Lincoln Paul Visclosky  
 Ferguson Peterson (PA) Weller  
 Gilchrist Reynolds Wilson (NM)  
 Gohmert Ruppersberger Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1045

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

A motion to reconsider was laid on the table.

Stated for:  
 Mr. RUPPERSBERGER. Madam Speaker, on rollcall No. 436, I was meeting with constituents in my district office. Had I been present, I would have voted "aye."

Mr. VISCLOSKY. Madam Speaker, had I been present for rollcall 436, H. Res. 1276, on agreeing to the resolution providing for the consideration of H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, I would have voted "aye."

FISA AMENDMENTS ACT OF 2008

Mr. CONYERS. Madam Speaker, pursuant to House Resolution 1285, I call up the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.  
 The text of the bill is as follows:

H.R. 6304

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.

Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.

Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.

Sec. 104. Applications for court orders.

Sec. 105. Issuance of an order.

Sec. 106. Use of information.

Sec. 107. Amendments for physical searches.

Sec. 108. Amendments for emergency pen registers and trap and trace devices.

Sec. 109. Foreign Intelligence Surveillance Court.

Sec. 110. Weapons of mass destruction.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.

Sec. 202. Technical amendments.

TITLE III—REVIEW OF PREVIOUS ACTIONS

Sec. 301. Review of previous actions.

TITLE IV—OTHER PROVISIONS

Sec. 401. Severability.

Sec. 402. Effective date.

Sec. 403. Repeals.

Sec. 404. Transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

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

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

(1) by striking title VII; and

(2) by adding at the end the following:

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

“SEC. 701. DEFINITIONS.

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

“(b) ADDITIONAL DEFINITIONS.—

“(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ means—

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

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

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

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

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

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

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

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

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

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

“(5) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**“SEC. 702. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.**

“(a) AUTHORIZATION.—Notwithstanding any other provision of law, upon the issuance of an order in accordance with subsection (i)(3) or a determination under subsection (c)(2), the Attorney General and the Director of National Intelligence may authorize jointly, for a period of up to 1 year from the effective date of the authorization, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

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

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

“(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States;

“(3) may not intentionally target a United States person reasonably believed to be located outside the United States;

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

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

“(c) CONDUCT OF ACQUISITION.—

“(1) IN GENERAL.—An acquisition authorized under subsection (a) shall be conducted only in accordance with—

“(A) the targeting and minimization procedures adopted in accordance with subsections (d) and (e); and

“(B) upon submission of a certification in accordance with subsection (g), such certification.

“(2) DETERMINATION.—A determination under this paragraph and for purposes of subsection (a) is a determination by the Attorney General and the Director of National Intelligence that exigent circumstances exist because, without immediate implementation of an authorization under subsection (a), intelligence important to the national security of the United States may be lost or not timely acquired and time does not permit the issuance of an order pursuant to subsection (i)(3) prior to the implementation of such authorization.

“(3) TIMING OF DETERMINATION.—The Attorney General and the Director of National Intelligence may make the determination under paragraph (2)—

“(A) before the submission of a certification in accordance with subsection (g); or

“(B) by amending a certification pursuant to subsection (i)(1)(C) at any time during which judicial review under subsection (i) of such certification is pending.

“(4) CONSTRUCTION.—Nothing in title I shall be construed to require an application for a court order under such title for an acquisition that is targeted in accordance with this section at a person reasonably believed to be located outside the United States.

“(d) TARGETING PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to—

“(A) ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States; and

“(B) prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

“(2) JUDICIAL REVIEW.—The procedures adopted in accordance with paragraph (1) shall be subject to judicial review pursuant to subsection (i).

“(e) MINIMIZATION PROCEDURES.—

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

“(2) JUDICIAL REVIEW.—The minimization procedures adopted in accordance with paragraph (1) shall be subject to judicial review pursuant to subsection (i).

“(f) GUIDELINES FOR COMPLIANCE WITH LIMITATIONS.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt guidelines to ensure—

“(A) compliance with the limitations in subsection (b); and

“(B) that an application for a court order is filed as required by this Act.

“(2) SUBMISSION OF GUIDELINES.—The Attorney General shall provide the guidelines adopted in accordance with paragraph (1) to—

“(A) the congressional intelligence committees;

“(B) the Committees on the Judiciary of the Senate and the House of Representatives; and

“(C) the Foreign Intelligence Surveillance Court.

“(g) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the implementation of an authorization under subsection (a), the Attorney General and the Director of National Intelligence shall provide to the Foreign Intelligence Surveillance Court a written certification and any supporting affidavit, under oath and under seal, in accordance with this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence make a determination under subsection (c)(2) and time does not permit the submission of a certification under this subsection prior to the implementation of an authorization under subsection (a), the Attorney General and the Director of National Intelligence shall submit to the Court a certification for such authorization as soon as practicable but in no event later than 7 days after such determination is made.

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

“(A) attest that—

“(i) there are procedures in place that have been approved, have been submitted for approval, or will be submitted with the certification for approval by the Foreign Intel-

ligence Surveillance Court that are reasonably designed to—

“(I) ensure that an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States; and

“(II) prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States;

“(ii) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate; and

“(II) have been approved, have been submitted for approval, or will be submitted with the certification for approval by the Foreign Intelligence Surveillance Court;

“(iii) guidelines have been adopted in accordance with subsection (f) to ensure compliance with the limitations in subsection (b) and to ensure that an application for a court order is filed as required by this Act;

“(iv) the procedures and guidelines referred to in clauses (i), (ii), and (iii) are consistent with the requirements of the fourth amendment to the Constitution of the United States;

“(v) a significant purpose of the acquisition is to obtain foreign intelligence information;

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

“(vii) the acquisition complies with the limitations in subsection (b);

“(B) include the procedures adopted in accordance with subsections (d) and (e);

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

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

“(ii) the head of an element of the intelligence community;

“(D) include—

“(i) an effective date for the authorization that is at least 30 days after the submission of the written certification to the court; or

“(ii) if the acquisition has begun or the effective date is less than 30 days after the submission of the written certification to the court, the date the acquisition began or the effective date for the acquisition; and

“(E) if the Attorney General and the Director of National Intelligence make a determination under subsection (c)(2), include a statement that such determination has been made.

“(3) CHANGE IN EFFECTIVE DATE.—The Attorney General and the Director of National Intelligence may advance or delay the effective date referred to in paragraph (2)(D) by submitting an amended certification in accordance with subsection (i)(1)(C) to the Foreign Intelligence Surveillance Court for review pursuant to subsection (i).

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

“(5) MAINTENANCE OF CERTIFICATION.—The Attorney General or a designee of the Attorney General shall maintain a copy of a certification made under this subsection.

“(6) REVIEW.—A certification submitted in accordance with this subsection shall be subject to judicial review pursuant to subsection (i).

“(h) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

“(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the

Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

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

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

“(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

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

“(4) CHALLENGING OF DIRECTIVES.—

“(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition to modify or set aside such directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such petition.

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

“(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

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

“(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition filed under subparagraph (A) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of such petition not later than 30 days after being assigned such petition. If the judge does not set aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

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

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

“(5) ENFORCEMENT OF DIRECTIVES.—

“(A) ORDER TO COMPEL.—If an electronic communication service provider fails to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel the electronic communication service provider to comply with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such petition.

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

“(C) PROCEDURES FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall, not later than 30 days after being assigned such petition, issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

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

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

“(6) APPEAL.—

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

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

“(1) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

“(1) IN GENERAL.—

“(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review a certification submitted in accordance with subsection (g) and the targeting and minimization procedures adopted in accordance with subsections (d) and (e), and amendments to such certification or such procedures.

“(B) TIME PERIOD FOR REVIEW.—The Court shall review a certification submitted in accordance with subsection (g) and the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and shall complete such review and issue an order under paragraph (3) not later than 30 days after the date on which such certification and such procedures are submitted.

“(C) AMENDMENTS.—The Attorney General and the Director of National Intelligence may amend a certification submitted in accordance with subsection (g) or the targeting and minimization procedures adopted in accordance with subsections (d) and (e) as nec-

essary at any time, including if the Court is conducting or has completed review of such certification or such procedures, and shall submit the amended certification or amended procedures to the Court not later than 7 days after amending such certification or such procedures. The Court shall review any amendment under this subparagraph under the procedures set forth in this subsection. The Attorney General and the Director of National Intelligence may authorize the use of an amended certification or amended procedures pending the Court's review of such amended certification or amended procedures.

“(2) REVIEW.—The Court shall review the following:

“(A) CERTIFICATION.—A certification submitted in accordance with subsection (g) to determine whether the certification contains all the required elements.

“(B) TARGETING PROCEDURES.—The targeting procedures adopted in accordance with subsection (d) to assess whether the procedures are reasonably designed to—

“(i) ensure that an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States; and

“(ii) prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

“(C) MINIMIZATION PROCEDURES.—The minimization procedures adopted in accordance with subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4), as appropriate.

“(3) ORDERS.—

“(A) APPROVAL.—If the Court finds that a certification submitted in accordance with subsection (g) contains all the required elements and that the targeting and minimization procedures adopted in accordance with subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the certification and the use, or continued use in the case of an acquisition authorized pursuant to a determination under subsection (c)(2), of the procedures for the acquisition.

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

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

“(ii) cease, or not begin, the implementation of the authorization for which such certification was submitted.

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

“(4) APPEAL.—

“(A) APPEAL TO THE COURT OF REVIEW.—The Government may file a petition with the Foreign Intelligence Surveillance Court of Review for review of an order under this subsection. The Court of Review shall have jurisdiction to consider such petition. For any decision under this subparagraph affirming,

reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of the reasons for the decision.

“(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisition affected by an order under paragraph (3)(B) may continue—

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

“(ii) if the Government files a petition for review of an order under this section, until the Court of Review enters an order under subparagraph (C).

“(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of a petition for review of an order under paragraph (3)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the review.

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

“(5) SCHEDULE.—

“(A) REAUTHORIZATION OF AUTHORIZATIONS IN EFFECT.—If the Attorney General and the Director of National Intelligence seek to reauthorize or replace an authorization issued under subsection (a), the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Court the certification prepared in accordance with subsection (g) and the procedures adopted in accordance with subsections (d) and (e) at least 30 days prior to the expiration of such authorization.

“(B) REAUTHORIZATION OF ORDERS, AUTHORIZATIONS, AND DIRECTIVES.—If the Attorney General and the Director of National Intelligence seek to reauthorize or replace an authorization issued under subsection (a) by filing a certification pursuant to subparagraph (A), that authorization, and any directives issued thereunder and any order related thereto, shall remain in effect, notwithstanding the expiration provided for in subsection (a), until the Court issues an order with respect to such certification under paragraph (3) at which time the provisions of that paragraph and paragraph (4) shall apply with respect to such certification.

“(j) JUDICIAL PROCEEDINGS.—

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

“(2) TIME LIMITS.—A time limit for a judicial decision in this section shall apply unless the Court, the Court of Review, or any judge of either the Court or the Court of Review, by order for reasons stated, extends that time as necessary for good cause in a manner consistent with national security.

“(k) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

“(1) STANDARDS.—The Foreign Intelligence Surveillance Court shall maintain a record of a proceeding under this section, including petitions, appeals, orders, and statements of reasons for a decision, under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

“(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the Court shall, upon request of the Government, review ex parte and in camera any Govern-

ment submission, or portions of a submission, which may include classified information.

“(3) RETENTION OF RECORDS.—The Attorney General and the Director of National Intelligence shall retain a directive or an order issued under this section for a period of not less than 10 years from the date on which such directive or such order is issued.

“(1) ASSESSMENTS AND REVIEWS.—

“(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f) and shall submit each assessment to—

“(A) the Foreign Intelligence Surveillance Court; and

“(B) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

“(i) the congressional intelligence committees; and

“(ii) the Committees on the Judiciary of the House of Representatives and the Senate.

“(2) AGENCY ASSESSMENT.—The Inspector General of the Department of Justice and the Inspector General of each element of the intelligence community authorized to acquire foreign intelligence information under subsection (a), with respect to the department or element of such Inspector General—

“(A) are authorized to review compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f);

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

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

“(D) shall provide each such review to—

“(i) the Attorney General;

“(ii) the Director of National Intelligence; and

“(iii) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

“(I) the congressional intelligence committees; and

“(II) the Committees on the Judiciary of the House of Representatives and the Senate.

“(3) ANNUAL REVIEW.—

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

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

“(ii) an accounting of the number of United States-person identities subsequently disseminated by that element in response to

requests for identities that were not referred to by name or title in the original reporting;

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

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

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

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

“(i) the Foreign Intelligence Surveillance Court;

“(ii) the Attorney General;

“(iii) the Director of National Intelligence; and

“(iv) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

“(I) the congressional intelligence committees; and

“(II) the Committees on the Judiciary of the House of Representatives and the Senate.

**“SEC. 703. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.**

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

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

“(2) LIMITATION.—If a United States person targeted under this subsection is reasonably believed to be located in the United States during the effective period of an order issued pursuant to subsection (c), an acquisition targeting such United States person under this section shall cease unless the targeted United States person is again reasonably believed to be located outside the United States while an order issued pursuant to subsection (c) is in effect. Nothing in this section shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.

“(b) APPLICATION.—

“(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding

that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(c) ORDER.—

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

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

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

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

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

“(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate; and

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

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

“(3) REVIEW.—

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

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

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

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

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

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

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

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

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

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

“(5) DIRECTIVES.—An order approving an acquisition under this subsection shall direct—

“(A) that the minimization procedures referred to in paragraph (1)(C), as approved or modified by the Court, be followed;

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

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

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

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

“(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

“(d) EMERGENCY AUTHORIZATION.—

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

“(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

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

“(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) for the issuance of a judicial order be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order

approving an acquisition under paragraph (1), such acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—If an application for approval submitted pursuant to paragraph (1) is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) RELEASE FROM LIABILITY.—No cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsection (c) or (d), respectively.

“(f) APPEAL.—

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

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

“(g) CONSTRUCTION.—Except as provided in this section, nothing in this Act shall be construed to require an application for a court order for an acquisition that is targeted in accordance with this section at a United States person reasonably believed to be located outside the United States.

**“SEC. 704. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.**

“(a) JURISDICTION AND SCOPE.—

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

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

spectively, or any other provision of this Act.

“(3) LIMITATIONS.—

“(A) MOVING OR MISIDENTIFIED TARGETS.—If a United States person targeted under this subsection is reasonably believed to be located in the United States during the effective period of an order issued pursuant to subsection (c), an acquisition targeting such United States person under this section shall cease unless the targeted United States person is again reasonably believed to be located outside the United States during the effective period of such order.

“(B) APPLICABILITY.—If an acquisition for foreign intelligence purposes is to be conducted inside the United States and could be authorized under section 703, the acquisition may only be conducted if authorized under section 703 or in accordance with another provision of this Act other than this section.

“(C) CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.

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

“(1) the identity of the Federal officer making the application;

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

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

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

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

“(4) a statement of proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate;

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

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

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

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

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

“(c) ORDER.—

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

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

“(B) on the basis of the facts submitted by the applicant, for the United States person

who is the target of the acquisition, there is probable cause to believe that the target is—

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

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

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

“(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(5) is not clearly erroneous on the basis of the information furnished under subsection (b).

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

“(3) REVIEW.—

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

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

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

“(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that an application under subsection (b) does not contain all the required elements, or that the certification provided under subsection (b)(5) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

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

“(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the

judge may not inquire into the circumstances relating to the conduct of the acquisition.

“(d) EMERGENCY AUTHORIZATION.—

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

“(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection can, with due diligence, be obtained, and

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

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

“(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an emergency acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), an emergency acquisition under paragraph (1) shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—If an application submitted to the Court pursuant to paragraph (1) is denied, or in any other case where the acquisition is terminated and no order with respect to the target of the acquisition is issued under subsection (c), no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) APPEAL.—

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

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

“SEC. 705. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

“(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 703 or 704 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 703(a)(1) or 704(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of sections 703(b) and 704(b), orders under sections 703(c) and 704(c), as appropriate.

“(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or 304, the Attorney General may authorize, for the effective period of that order, without an order under section 703 or 704, the targeting of that United States person for the purpose of acquiring foreign intelligence information while such person is reasonably believed to be located outside the United States.

“SEC. 706. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

“(a) INFORMATION ACQUIRED UNDER SECTION 702.—Information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of subsection (j) of such section.

“(b) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

“SEC. 707. CONGRESSIONAL OVERSIGHT.

“(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees and the Committees on the Judiciary of the Senate and the House of Representatives, consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution, concerning the implementation of this title.

“(b) CONTENT.—Each report under subsection (a) shall include—

“(1) with respect to section 702—

“(A) any certifications submitted in accordance with section 702(g) during the reporting period;

“(B) with respect to each determination under section 702(c)(2), the reasons for exercising the authority under such section;

“(C) any directives issued under section 702(h) during the reporting period;

“(D) a description of the judicial review during the reporting period of such certifications and targeting and minimization procedures adopted in accordance with subsections (d) and (e) of section 702 and utilized with respect to an acquisition under such section, including a copy of an order or pleading in connection with such review that contains a significant legal interpretation of the provisions of section 702;

“(E) any actions taken to challenge or enforce a directive under paragraph (4) or (5) of section 702(h);

“(F) any compliance reviews conducted by the Attorney General or the Director of National Intelligence of acquisitions authorized under section 702(a);

“(G) a description of any incidents of non-compliance—

“(i) with a directive issued by the Attorney General and the Director of National Intelligence under section 702(h), including incidents of noncompliance by a specified person to whom the Attorney General and Director

of National Intelligence issued a directive under section 702(h); and

“(ii) by an element of the intelligence community with procedures and guidelines adopted in accordance with subsections (d), (e), and (f) of section 702; and

“(H) any procedures implementing section 702;

“(2) with respect to section 703—

“(A) the total number of applications made for orders under section 703(b);

“(B) the total number of such orders—

“(i) granted;

“(ii) modified; and

“(iii) denied; and

“(C) the total number of emergency acquisitions authorized by the Attorney General under section 703(d) and the total number of subsequent orders approving or denying such acquisitions; and

“(3) with respect to section 704—

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

“(B) the total number of such orders—

“(i) granted;

“(ii) modified; and

“(iii) denied; and

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

“SEC. 708. SAVINGS PROVISION.

“Nothing in this title shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.”

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

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

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

(3) by adding at the end the following:

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

“Sec. 701. Definitions.

“Sec. 702. Procedures for targeting certain persons outside the United States other than United States persons.

“Sec. 703. Certain acquisitions inside the United States targeting United States persons outside the United States.

“Sec. 704. Other acquisitions targeting United States persons outside the United States.

“Sec. 705. Joint applications and concurrent authorizations.

“Sec. 706. Use of information acquired under title VII.

“Sec. 707. Congressional oversight.

“Sec. 708. Savings provision.”

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting “or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978” after “assistance”.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended—

(A) in subparagraph (C), by striking “and”; and

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

“(E) acquisitions under section 703; and

“(F) acquisitions under section 704;”.

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

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

“STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

“SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

“(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).”

(b) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking “authorized by statute” each place it appears and inserting “authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112.”; and

(c) CONFORMING AMENDMENTS.—(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

“(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision and shall certify that the statutory requirements have been met.”; and

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

“Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.”

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

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

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

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

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

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

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

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

“(e) DEFINITIONS.—In this section:

“(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ‘Foreign Intelligence Surveillance Court’ means the court established under section 103(a).

“(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term ‘Foreign Intelligence Surveillance Court of Review’ means the court established under section 103(b).”

**SEC. 104. APPLICATIONS FOR COURT ORDERS.**

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

(1) in subsection (a)—

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

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

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

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

(i) by striking “Affairs or” and inserting “Affairs.”; and

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

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

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

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

(2) by striking subsection (b);

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

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

**SEC. 105. ISSUANCE OF AN ORDER.**

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

(1) in subsection (a)—

(A) by striking paragraph (1); and

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

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

(3) in subsection (c)(1)—

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

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

(C) by striking subparagraph (F);

(4) by striking subsection (d);

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

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

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

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

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

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

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

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

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

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

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

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

(7) by adding at the end the following:

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

(b) CONFORMING AMENDMENT.—Section 108(a)(2)(C) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(2)(C)) is amended by striking “105(f)” and inserting “105(e)”;

#### SEC. 106. USE OF INFORMATION.

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

#### SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

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

(1) in subsection (a)—  
(A) by striking paragraph (2);  
(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

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

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

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

(i) by striking “Affairs or” and inserting “Affairs,”; and

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

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

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

(1) in subsection (a)—  
(A) by striking paragraph (1);  
(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in paragraph (2)(B), as redesignated by subparagraph (B) of this paragraph, by inserting “or is about to be” before “owned”; and

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

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

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

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

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

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

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

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

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

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

“(6) The Attorney General shall assess compliance with the requirements of paragraph (5).”.

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

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

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

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

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

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

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

#### SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

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

(b) EN BANC AUTHORITY.—

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

(A) by inserting “(1)” after “(a)”;

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

“(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 702(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

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

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

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

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

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

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

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

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

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

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

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

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

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

“(i) Nothing in this Act shall be construed to reduce or contravene the inherent authority of the court established under subsection (a) to determine or enforce compliance with an order or a rule of such court or with a procedure approved by such court.”.

#### SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended—

(A) in paragraph (5), by striking “persons; or” and inserting “persons;”;

(B) in paragraph (6) by striking the period and inserting “; or”; and

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

“(7) an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.”.

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

(A) in subparagraph (B), by striking “or” at the end;

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

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

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

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

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is

amended by striking “sabotage or international terrorism” and inserting “sabotage, international terrorism, or the international proliferation of weapons of mass destruction”.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by adding at the end the following new subsection:

“(p) ‘Weapon of mass destruction’ means—

“(1) any explosive, incendiary, or poison gas device that is designed, intended, or has the capability to cause a mass casualty incident;

“(2) any weapon that is designed, intended, or has the capability to cause death or serious bodily injury to a significant number of persons through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

“(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code) that is designed, intended, or has the capability to cause death, illness, or serious bodily injury to a significant number of persons; or

“(4) any weapon that is designed, intended, or has the capability to release radiation or radioactivity causing death, illness, or serious bodily injury to a significant number of persons.”

(b) USE OF INFORMATION.—

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

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

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

(1) in paragraph (2) of section 105(d) (50 U.S.C. 1805(d)), as redesignated by section 105(a)(5) of this Act, by striking “section 101(a) (5) or (6)” and inserting “paragraph (5), (6), or (7) of section 101(a)”;

(2) in section 301(1) (50 U.S.C. 1821(1)), by inserting “weapon of mass destruction,” after “person,”; and

(3) in section 304(d)(2) (50 U.S.C. 1824(d)(2)), by striking “section 101(a) (5) or (6)” and inserting “paragraph (5), (6), or (7) of section 101(a)”.

## TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

### SEC. 201. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding at the end the following new title:

#### “TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

##### “SEC. 801. DEFINITIONS.

“In this title:

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

“(2) CIVIL ACTION.—The term ‘civil action’ includes a covered civil action.

“(3) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ means—

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

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

“(4) CONTENTS.—The term ‘contents’ has the meaning given that term in section 101(n).

“(5) COVERED CIVIL ACTION.—The term ‘covered civil action’ means a civil action filed in a Federal or State court that—

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

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

“(6) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ‘electronic communication service provider’ means—

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

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

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

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

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

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

“(7) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(8) PERSON.—The term ‘person’ means—

“(A) an electronic communication service provider; or

“(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

“(i) an order of the court established under section 103(a) directing such assistance;

“(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

“(iii) a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110–55), or 702(h).

“(9) STATE.—The term ‘State’ means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

### “SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

“(a) REQUIREMENT FOR CERTIFICATION.—Notwithstanding any other provision of law, a civil action may not lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the district court of the United States in which such action is pending that—

“(1) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

“(2) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

“(3) any assistance by that person was provided pursuant to a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110–55), or 702(h) directing such assistance;

“(4) in the case of a covered civil action, the assistance alleged to have been provided by the electronic communication service provider was—

“(A) in connection with an intelligence activity involving communications that was—

“(i) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

“(ii) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

“(B) the subject of a written request or directive, or a series of written requests or directives, from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

“(i) authorized by the President; and

“(ii) determined to be lawful; or

“(5) the person did not provide the alleged assistance.

“(b) JUDICIAL REVIEW.—

“(1) REVIEW OF CERTIFICATIONS.—A certification under subsection (a) shall be given effect unless the court finds that such certification is not supported by substantial evidence provided to the court pursuant to this section.

“(2) SUPPLEMENTAL MATERIALS.—In its review of a certification under subsection (a), the court may examine the court order, certification, written request, or directive described in subsection (a) and any relevant court order, certification, written request, or directive submitted pursuant to subsection (d).

“(c) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) or the supplemental materials provided pursuant to subsection (b) or (d) would harm the national security of the United States, the court shall—

“(1) review such certification and the supplemental materials in camera and ex parte; and

“(2) limit any public disclosure concerning such certification and the supplemental materials, including any public order following such in camera and ex parte review, to a statement as to whether the case is dismissed and a description of the legal standards that govern the order, without disclosing the paragraph of subsection (a) that is the basis for the certification.

“(d) ROLE OF THE PARTIES.—Any plaintiff or defendant in a civil action may submit any relevant court order, certification, written request, or directive to the district court referred to in subsection (a) for review and shall be permitted to participate in the briefing or argument of any legal issue in a judicial proceeding conducted pursuant to this section, but only to the extent that such participation does not require the disclosure of classified information to such party. To the extent that classified information is relevant to the proceeding or would be revealed in the determination of an issue, the court shall review such information in camera and ex parte, and shall issue any part of the court’s written order that would reveal classified information in camera and ex parte and maintain such part under seal.

“(e) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or the Deputy Attorney General.

“(f) APPEAL.—The courts of appeals shall have jurisdiction of appeals from interlocutory orders of the district courts of the United States granting or denying a motion to dismiss or for summary judgment under this section.

“(g) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

“(h) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

“(i) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of the enactment of the FISA Amendments Act of 2008.

**“SEC. 803. PREEMPTION.**

“(a) IN GENERAL.—No State shall have authority to—

“(1) conduct an investigation into an electronic communication service provider’s alleged assistance to an element of the intelligence community;

“(2) require through regulation or any other means the disclosure of information about an electronic communication service provider’s alleged assistance to an element of the intelligence community;

“(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

“(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

“(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

“(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

“(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or commenced after the date of the enactment of the FISA Amendments Act of 2008.

**“SEC. 804. REPORTING.**

“(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall, in a manner consistent with national security, the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution, fully inform the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives concerning the implementation of this title.

“(b) CONTENT.—Each report made under subsection (a) shall include—

“(1) any certifications made under section 802;

“(2) a description of the judicial review of the certifications made under section 802; and

“(3) any actions taken to enforce the provisions of section 803.”

**SEC. 202. TECHNICAL AMENDMENTS.**

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

**“TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT**

“Sec. 801. Definitions.

“Sec. 802. Procedures for implementing statutory defenses.

“Sec. 803. Preemption.

“Sec. 804. Reporting.”

**TITLE III—REVIEW OF PREVIOUS ACTIONS**

**SEC. 301. REVIEW OF PREVIOUS ACTIONS.**

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

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

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

(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term “Foreign Intelligence Surveillance Court” means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(3) PRESIDENT’S SURVEILLANCE PROGRAM AND PROGRAM.—The terms “President’s Surveillance Program” and “Program” mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, including the program referred to by the President in a radio address on December 17, 2005 (commonly known as the Terrorist Surveillance Program).

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, the Department of Defense, and any other element of the intelligence community that participated in the President’s Surveillance Program, shall complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) access to legal reviews of the Program and access to information about the Program;

(C) communications with, and participation of, individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by any such Inspector General that would enable that Inspector General to complete a review of the Program, with respect to such Department or element.

(2) COOPERATION AND COORDINATION.—

(A) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(i) work in conjunction, to the extent practicable, with any other Inspector General required to conduct such a review; and

(ii) utilize, to the extent practicable, and not unnecessarily duplicate or delay, such reviews or audits that have been completed or are being undertaken by any such Inspector General or by any other office of the Executive Branch related to the Program.

(B) INTEGRATION OF OTHER REVIEWS.—The Counsel of the Office of Professional Responsibility of the Department of Justice shall provide the report of any investigation conducted by such Office on matters relating to the Program, including any investigation of the process through which legal reviews of the Program were conducted and the substance of such reviews, to the Inspector General of the Department of Justice, who shall integrate the factual findings and conclusions of such investigation into its review.

(C) COORDINATION.—The Inspectors General shall designate one of the Inspectors General required to conduct a review under paragraph (1) that is appointed by the President, by and with the advice and consent of the Senate, to coordinate the conduct of the reviews and the preparation of the reports.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, the Department of Defense, and any other Inspector General required to conduct a review under subsection (b)(1), shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, the Department of Defense, and any other Inspector General required to conduct a review under subsection (b)(1), shall submit to the appropriate committees of Congress, in a manner consistent with national security, a comprehensive report on such reviews that includes any recommendations of any such Inspectors General within the oversight authority and responsibility of any such Inspector General with respect to the reviews.

(3) FORM.—A report under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the Program or with whom there was communication about the Program, to the extent that information is classified.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

(3) TRANSFER OF PERSONNEL.—The Attorney General, the Secretary of Defense, the Director of National Intelligence, the Director of the National Security Agency, or the head of any other element of the intelligence community may transfer personnel to the relevant Office of the Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) and, in addition to any other personnel authorized by law, are authorized to fill any vacancy caused by such a transfer. Personnel transferred under this paragraph shall perform such duties relating to such review as the relevant Inspector General shall direct.

**TITLE IV—OTHER PROVISIONS**

**SEC. 401. SEVERABILITY.**

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is

held invalid, the validity of the remainder of the Act, of any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

**SEC. 402. EFFECTIVE DATE.**

Except as provided in section 404, the amendments made by this Act shall take effect on the date of the enactment of this Act.

**SEC. 403. REPEALS.**

(a) REPEAL OF PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) AMENDMENTS TO FISA.—

(A) IN GENERAL.—Except as provided in section 404, sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(ii) CONFORMING AMENDMENTS.—Except as provided in section 404, section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(I) in paragraph (1), by striking “105B(h) or 501(f)(1)” and inserting “501(f)(1) or 702(h)(4)”; and

(II) in paragraph (2), by striking “105B(h) or 501(f)(1)” and inserting “501(f)(1) or 702(h)(4)”.

(2) REPORTING REQUIREMENTS.—Except as provided in section 404, section 4 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 555) is repealed.

(3) TRANSITION PROCEDURES.—Except as provided in section 404, subsection (b) of section 6 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 556) is repealed.

(b) FISA AMENDMENTS ACT OF 2008.—

(1) IN GENERAL.—Except as provided in section 404, effective December 31, 2012, title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2012—

(A) the table of contents in the first section of such Act (50 U.S.C. 1801 et seq.) is amended by striking the items related to title VII;

(B) except as provided in section 404, section 601(a)(1) of such Act (50 U.S.C. 1871(a)(1)) is amended to read as such section read on the day before the date of the enactment of this Act; and

(C) except as provided in section 404, section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by striking “or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978”.

**SEC. 404. TRANSITION PROCEDURES.**

(a) TRANSITION PROCEDURES FOR PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) CONTINUED EFFECT OF ORDERS, AUTHORIZATIONS, DIRECTIVES.—Except as provided in paragraph (7), notwithstanding any other provision of law, any order, authorization, or directive issued or made pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 552), shall continue in effect until the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF PROTECT AMERICA ACT OF 2007 TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act, any amendment made by this Act, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) subject to paragraph (3), section 105A of such Act, as added by section 2 of the Pro-

tect America Act of 2007 (Public Law 110-55; 121 Stat. 552), shall continue to apply to any acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1); and

(B) sections 105B and 105C of the Foreign Intelligence Surveillance Act of 1978, as added by sections 2 and 3, respectively, of the Protect America Act of 2007, shall continue to apply with respect to an order, authorization, or directive referred to in paragraph (1) until the later of—

(i) the expiration of such order, authorization, or directive; or

(ii) the date on which final judgment is entered for any petition or other litigation relating to such order, authorization, or directive.

(3) USE OF INFORMATION.—Information acquired from an acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1) shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of such Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(4) PROTECTION FROM LIABILITY.—Subsection (1) of section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, shall continue to apply with respect to any directives issued pursuant to such section 105B.

(5) JURISDICTION OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 103(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(e)), as amended by section 5(a) of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 556), shall continue to apply with respect to a directive issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, until the later of—

(A) the expiration of all orders, authorizations, or directives referred to in paragraph (1); or

(B) the date on which final judgment is entered for any petition or other litigation relating to such order, authorization, or directive.

(6) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act, any amendment made by this Act, the Protect America Act of 2007 (Public Law 110-55), or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 4 of the Protect America Act of 2007 shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted as part of a semi-annual report required by section 4 of the Protect America Act of 2007;

(iii) that states that there will be no further acquisitions carried out under section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, after the date of such certification; and

(iv) that states that the information required to be included under such section 4 relating to any acquisition conducted under such section 105B has been included in a semi-annual report required by such section 4.

(7) REPLACEMENT OF ORDERS, AUTHORIZATIONS, AND DIRECTIVES.—

(A) IN GENERAL.—If the Attorney General and the Director of National Intelligence seek to replace an authorization issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), with an authorization under section 702 of the Foreign Intelligence Surveillance Act of 1978 (as added by section 101(a) of this Act), the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Foreign Intelligence Surveillance Court (as such term is defined in section 701(b)(2) of such Act (as so added)) a certification prepared in accordance with subsection (g) of such section 702 and the procedures adopted in accordance with subsections (d) and (e) of such section 702 at least 30 days before the expiration of such authorization.

(B) CONTINUATION OF EXISTING ORDERS.—If the Attorney General and the Director of National Intelligence seek to replace an authorization made pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 522), by filing a certification in accordance with subparagraph (A), that authorization, and any directives issued thereunder and any order related thereto, shall remain in effect, notwithstanding the expiration provided for in subsection (a) of such section 105B, until the Foreign Intelligence Surveillance Court (as such term is defined in section 701(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (as so added)) issues an order with respect to that certification under section 702(i)(3) of such Act (as so added) at which time the provisions of that section and of section 702(i)(4) of such Act (as so added) shall apply.

(8) EFFECTIVE DATE.—Paragraphs (1) through (7) shall take effect as if enacted on August 5, 2007.

(b) TRANSITION PROCEDURES FOR FISA AMENDMENTS ACT OF 2008 PROVISIONS.—

(1) ORDERS IN EFFECT ON DECEMBER 31, 2012.—Notwithstanding any other provision of this Act, any amendment made by this Act, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), any order, authorization, or directive issued or made under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), shall continue in effect until the date of the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF TITLE VII OF FISA TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act, any amendment made by this Act, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), with respect to any order, authorization, or directive referred to in paragraph (1), title VII of such Act, as amended by section 101(a), shall continue to apply until the later of—

(A) the expiration of such order, authorization, or directive; or

(B) the date on which final judgment is entered for any petition or other litigation relating to such order, authorization, or directive.

(3) CHALLENGE OF DIRECTIVES; PROTECTION FROM LIABILITY; USE OF INFORMATION.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) section 103(e) of such Act, as amended by section 403(a)(1)(B)(ii), shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act, as added by section 101(a);

(B) section 702(h)(3) of such Act (as so added) shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act (as so added);

(C) section 703(e) of such Act (as so added) shall continue to apply with respect to an order or request for emergency assistance under that section;

(D) section 706 of such Act (as so added) shall continue to apply to an acquisition conducted under section 702 or 703 of such Act (as so added); and

(E) section 2511(2)(a)(ii)(A) of title 18, United States Code, as amended by section 101(c)(1), shall continue to apply to an order issued pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978, as added by section 101(a).

(4) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 601(a) of such Act (50 U.S.C. 1871(a)), as amended by section 101(c)(2), and sections 702(1) and 707 of such Act, as added by section 101(a), shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives;

(iii) that states that there will be no further acquisitions carried out under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), after the date of such certification; and

(iv) that states that the information required to be included in a review, assessment, or report under section 601 of such Act, as amended by section 101(c), or section 702(1) or 707 of such Act, as added by section 101(a), relating to any acquisition conducted under title VII of such Act, as amended by section 101(a), has been included in a review, assessment, or report under such section 601, 702(1), or 707.

(5) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall continue in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 1285, debate shall not exceed 1 hour, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. SMITH), the gentleman from Texas (Mr. REYES), and the gentleman from Michigan (Mr. HOEKSTRA) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Members of the House, several months ago on October 16, 2007, to be exact, the House passed the Foreign Intelligence Surveillance Act legislation, known as the RESTORE Act. In the view of this Member, the RESTORE Act was a reasonable and balanced one giving the administration the power it needs to combat terrorism while protecting our precious rights and liberties.

The legislation before us today, which I concede includes significant improvements over the Senate legislation, goes beyond what I think was a reasonable bottom line in the form of the RESTORE Act.

Title I of the bill continues the House approach by providing mechanisms to ensure that FISA's longstanding exclusivity is crystal clear. It states only a new statute directly addressing the executive branch's foreign intelligence surveillance authority can modify FISA. Secondly, it provides sunshine by requiring that the government requests to private parties for surveillance assistance must actually cite the statutory authority under which they're issued.

Now in earlier versions of FISA reform, the administration claimed that prior court approval of procedures for overseas surveillance would hurt national security. This matter is now laid to rest with the consensus that upfront court review is indeed appropriate. The requirement for individual warrants and probable cause determinations for Americans overseas is an improvement over even the original FISA legislation. There is a provision in the legislation that permits the Attorney General and Director of National Intelligence to begin surveillance prior to seeking court approval for the necessary procedures in exigent circumstances. This is intended to be used rarely, if at all, and was included upon assurances from the administration that agrees that it shall not be used routinely.

The measure before us further requires extensive oversight by Congress and the independent Inspectors General to prevent abuse. It mandates guidelines for targeting minimization and to prevent reverse targeting and tasks the Inspector General to monitor compliance with those protections.

Now title II of the legislation concerning telecom liability raises the most serious concerns in my view. In the past, I have said I would be open to developing a set of procedures that

allow both plaintiffs and defendants to make their case. Unfortunately, this bill goes well beyond that and changes the substantive standard for legal liability by the telecom community, by the telecom companies and does so on a retroactive basis, retroactive immunity. And so I appreciate that the final bill does not send the matter to a new secret court and does grant the court a meaningful role in the determination. Unfortunately, these improvements do not redeem the overall provision.

Title III of the bill will also ask the Inspector General to conduct independent investigations into the President's warrantless wiretapping program. This inquiry will help uncover the truth for the American people, hopefully, about the President's activities. And then there is a part in here about an emergency provision any U.S. citizen can be wiretapped. And I strenuously object to that.

Six years ago, the Administration unilaterally chose to engage in warrantless surveillance of American citizens without court review. We are now restoring the balance through enhanced Congressional oversight, Inspector General investigations, and procedures to ensure that FISA remains the exclusive means for authorizing electronic surveillance.

This bill continues the House approach by providing mechanisms to ensure that FISA's longstanding exclusivity is crystal clear. First, it states that only a new statute directly addressing the executive branch's foreign intelligence surveillance authority can modify FISA. Secondly, it provides sunshine by requiring requests for assistance to cite the statutory authority under which they are issued. A conforming amendment to Title 18 Section 2511(2)(a) is meant to underscore the need to specify the specific statutory language being relied on, and must be read in conjunction with the entirety of Sec. 102 of the legislation. It should not be read to imply that assistance may be sought for electronic surveillance, as defined in the statute, which is not specifically authorized by statute.

In earlier versions of FISA reform, the Administration claimed that prior court approval of procedures for overseas surveillance would hurt national security. This matter is now laid to rest, with a consensus that up-front court review is in fact appropriate. The requirement for individual warrants and probable cause determinations for Americans overseas is an improvement over even the original FISA legislation.

There is a provision in the legislation that permits the Attorney General and Director of National Intelligence to begin a surveillance prior to seeking court approval for the necessary procedures in "exigent circumstances." This is intended to be used rarely, if at all. In the normal course of events the DNI will have ample time to submit such procedures to the FISA court for its approval before initiating a particular surveillance.

The Congress provided this authority at the request of the DNI to meet unforeseen and extraordinary circumstances, and the Administration agrees that it may not be used routinely. The Administration understands that the Congress expects its use to be very rare if it is used at all.

The oversight committees will be informed of any use of the exigent circumstances provision and are committed to effective oversight to insure that it is not used to avoid the requirement to secure court approval of the procedures in advance in all but the most extreme circumstances. The exception must not swallow the rule.

The bill requires extensive oversight by Congress and the independent Inspectors General to prevent abuse. It mandates guidelines for targeting, minimization, and to prevent reverse targeting, and tasks the Inspectors General to monitor compliance with those protections.

"Reverse targeting" is specifically prohibited in Section 702(b)(2). The Intelligence Community agrees that this language prohibits the targeting of one or more persons overseas for the purpose of acquiring the communications of a specific person reasonably believed to be in the United States. Thus, Section 702(f) requires the government to adopt guidelines to insure that this abuse does not occur and the FISA court must review and approve these guidelines and assure that they are consistent with the Fourth Amendment. The oversight committees of the Congress intend to conduct rigorous oversight to insure that these provisions are faithfully observed. In this connection the Committee attaches particular importance to the required annual review and the reporting in that review of the number of disseminated reports which contain a reference to the identity of a US person.

There is currently ongoing multi-District litigation in which a federal District Court is conducting a review of the telecom carriers' activities and the lawfulness of the President's warrantless wiretapping program. This bill does not strip jurisdiction on that Court and provide blanket immunity, as many wanted.

Instead, in cases where the program was actually designed to detect or prevent a terrorist attack, the Court will assess an Attorney General certification that can assert—among other reasons for dismissal—that the carriers got certain requests and directives from the Administration. The Court will look to see if the Attorney General's certification is backed up with substantial evidence. That means not only the underlying directives and requests, but supplemental materials as well. And in cases where the Government claims that the company did not provide the alleged assistance, a bald assertion is not "substantial evidence"—the Government will have to back up its claims to the Court's satisfaction.

That Title II of this bill provides procedures for assessing lawsuits relating to warrantless surveillance since 9/11 does not imply that such surveillance was lawful or that the Congress as a whole believes that the service providers acted lawfully in providing assistance. Nor can the provision remove the power of the courts hearing the cases to determine if this provision is constitutional.

No company or private citizen asked by the executive branch to provide assistance in securing the private information of Americans without authority of law should read this language as implying that Congress will act in the future to provide such a grounds for dismissing a lawsuit. On the contrary, companies should be on notice that the Congress is very reluctantly providing this defense as a one-time action in an extremely unusual circumstance. It expects private citizens and

companies to provide assistance only when specifically authorized by law.

For over 30 years we have mandated that telecommunications carriers not be a merely unquestioning partner to surveillance activities. This bill provides many ways for the companies to question or challenge directives or requests for assistance, and we expect these to be used any time there is something unusual or novel being requested.

Today's compromise will give the District Court direction and procedures for handling the pending lawsuits. However, it is important to note that the question of whether FISA's existing security procedures at 50 U.S.C. 1806(f) preempt the state secrets privilege is still being litigated in the courts in a case against the Government. Nothing in this bill is intended to affect that litigation, or any litigation against the Government or Government employees.

Today's vote is not the end of the matter. The bill provides for a 4-year sunset, but this doesn't mean we cannot or should not revisit these issues in the next congressional session. We will conduct vigorous oversight, and will be monitoring the program through the reports and audits. We will be keeping a close eye on the development and implementation of reverse targeting, minimization, and targeting procedures, in order to not only make sure that they are followed, but to inform us as we consider what improvements need to be made to this legislation.

On that note, I will reserve the balance of my time.

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

Madam Speaker, after nearly a year of delays and months of negotiations, the House today will finally vote on compromise legislation that gives our intelligence community the tools that it needs to protect America. I join my colleague, Mr. HOEKSTRA, ranking member of the Intelligence Committee, and Chairman REYES, as an original co-sponsor of this compromise bill.

America's enemies take on many forms, terrorist groups, foreign governments and spies who all pose serious threat to America and its allies. Last August, Congress passed the Protect America Act which provided a temporary solution to the problem. The PAA expired in February. As a result, our intelligence community could not gather two-thirds of the foreign intelligence they needed to protect American lives.

From day one, we insisted that any legislation passed by Congress must not interfere with our fundamental ability to collect foreign intelligence. This legislation accomplishes that goal. H.R. 6304 does not extend constitutional protections to foreign terrorists and other foreign targets overseas. The bill does allow the intelligence community to target a foreign person overseas without a court order if critical intelligence would be lost or not collected in a timely manner.

We insisted that any legislation passed by Congress include strong liability protections for telecommunications carriers that assisted the gov-

ernment following the terrorist attacks of September 11, 2001, as well as protections for their assistance in the future. H.R. 6304 provides these important protections.

We insisted that Congress enact long-term FISA legislation. The bill we have before us today will not sunset until the end of 2012. This compromise legislation also provides strong civil liberties protections for Americans both within the United States and abroad. And it mandates congressional oversight and detailed reports to the House and Senate Judiciary and Intelligence committees and requires a review by the Inspectors General of the Department of Justice and the intelligence agencies. This compromise is long overdue. It is supported by both the Department of Justice and the intelligence community.

Madam Speaker, I urge my colleagues to support this bill.

Madam Speaker, I submit the following letter for the RECORD:

JUNE 19, 2008.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR-MADAM SPEAKER: This letter presents the views of the Administration on the Foreign Intelligence Surveillance Act of 1978 ("FISA") Amendments Act of 2008 (H.R. 6304). The bill would modernize FISA to reflect changes in communications technology since the Act was first passed 30 years ago. The amendments would provide the Intelligence Community with the tools it needs to collect the foreign intelligence necessary to secure our Nation while protecting the civil liberties of Americans. The bill would also provide the necessary legal protections for those companies sued because they are believed to have helped the Government prevent terrorist attacks in the aftermath of September 11. Because this bill accomplishes these two goals essential to any effort to modernize FISA, we strongly support passage of this bill and will recommend that the President sign it.

Last August, Congress took an important step toward modernizing FISA by enacting the Protect America Act of 2007. That Act allowed us temporarily to close intelligence gaps by enabling our intelligence professionals to collect, without having to first obtain a court order, foreign intelligence information from targets overseas. The Act has enabled us to gather significant intelligence critical to protecting our Nation. It has also been implemented in a responsible way, subject to extensive executive, congressional, and judicial oversight in order to protect the country in a manner consistent with safeguarding Americans' civil liberties. Since passage of the Act, the Administration has worked closely with Congress to address the need for long-term FISA modernization. This joint effort has involved compromises on both sides, but we believe that it has resulted in a strong bill that will place the Nation's foreign intelligence effort in this area on a firm, long-term foundation. Below, we have set forth our views on certain important provisions of H.R. 6304.

I. TITLE I—FOREIGN INTELLIGENCE  
SURVEILLANCE

Title I of H.R. 6304 contains key authorities that would ensure that our intelligence agencies have the tools they need to collect vital foreign intelligence information and would provide significant safeguards for the civil liberties of Americans.

Court Approval. With respect to authorizations for foreign intelligence surveillance directed at foreign targets outside the United States, the bill provides that the Foreign Intelligence Surveillance Court (FISC) would review certifications made by the Attorney General and the Director of National Intelligence relating to these acquisitions, the reasonableness of the procedures used by the Intelligence Community to ensure the targets are overseas, and the minimization procedures used to protect the privacy of Americans. The scope of the FISC's review is carefully and rightly crafted to focus on aspects of the acquisition that may affect the privacy rights of Americans so as not to confer quasi-constitutional rights on foreign terrorists and other foreign intelligence targets outside the United States.

We have been clear that any satisfactory bill could not require individual court orders to target non-United States persons outside the United States, nor could a bill establish a court-approval mechanism that would cause the Intelligence Community to lose valuable foreign intelligence while awaiting such approval. H.R. 6304 would do neither and would retain for the Intelligence Community the speed and agility that it needs to protect the Nation. The bill would establish a schedule for court approval of certifications and procedures relating to renewals of existing acquisition authority. A critical feature of the H.R. 6304 would allow existing acquisitions, which were the subject of court review under the Protect America Act or will be the subject of such review under the H.R. 6304, to continue pending court review. With respect to new acquisitions, absent exigent circumstances, Court review of new procedures and certifications would take place before the Government begins the acquisition. The exigent circumstances exception is critical to allowing the Intelligence Community to respond swiftly to changing circumstances when the Attorney General and the Director of National Intelligence determine that intelligence may be lost or not timely acquired. Such exigent circumstances could arise in certain situations where an unexpected gap has opened in our intelligence collection efforts. Taken together, these provisions would enable the Intelligence Community to keep closed the intelligence gaps that existed before the passage of the Protect America Act and ensure that it will have the opportunity to collect critical foreign intelligence information in the future.

Exclusive means. H.R. 6304 contains an exclusive means provision that goes beyond the exclusive means provision that was passed as part of FISA. As we have previously stated, we believe that the provision will complicate the ability of Congress to pass, in an emergency situation, a law to authorize immediate collection of communications in the aftermath of an attack or in response to a grave threat to the national security. Unlike other versions of this provision, however, the one in this bill would not restrict the authority of the Government to conduct necessary surveillance for intelligence and law enforcement purposes in a way that would harm national security.

Oversight and Protections for the Civil Liberties of Americans. H.R. 6304 contains numerous provisions that protect the civil liberties of Americans and allow for extensive executive, congressional, and judicial oversight of the use of the authorities. The bill would require the Attorney General and the Director of National Intelligence to conduct semiannual assessments of compliance with targeting procedures and minimization procedures and to submit those assessments to the FISC and to Congress. The FISC and Congress would also receive annual reviews

relating to those acquisitions prepared by the heads of agencies that use the authorities contained in the bill. Congress would receive reviews from the Inspectors General of these agencies and of the Department of Justice regarding compliance with the provisions of the bill. In addition, the bill would require the Attorney General to submit to Congress a report at least semiannually concerning the implementation of the authorities provided by the bill and would expand the categories of FISA-related court documents that the Government must provide to the congressional intelligence and judiciary committees.

Title I also includes provisions that would protect the civil liberties of Americans. For instance, the bill would require for the first time that a court order be obtained to conduct foreign intelligence surveillance outside the United States of an American abroad. Historically, Executive Branch procedures guided the conduct of surveillance of a U.S. person overseas, such as when a U.S. person acts as an agent of a foreign power, e.g., spying on behalf of a foreign government. Given the complexity of extending judicial review to activities outside the United States, these provisions were carefully crafted with Congress to ensure that such review can be accomplished while preserving the necessary flexibility for intelligence operations. Other provisions of the bill address concerns that some voiced about the Protect America Act, such as clarifying that the Government cannot "reverse target" without a court order and requiring that the Attorney General establish guidelines to prevent this from occurring. We believe that, taken together, these provisions will allow for ample oversight of the use of these new authorities and ensure that the privacy and civil liberties of Americans are well protected.

#### II. TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATIONS SERVICE PROVIDERS

Title II of the bill contains, among other provisions, vital protections for electronic communications service providers who assist the Intelligence Community's efforts to protect the Nation from terrorism and other foreign intelligence threats. Title II would provide liability protection related to future assistance while ensuring the protection of sources and methods. Importantly, the bill would also provide the necessary legal protection for those companies who are sued only because they are believed to have helped the Government with communications intelligence activities in the aftermath of September 11, 2001.

The framework contained in the bill for obtaining retroactive liability protection is narrowly tailored. An action must be dismissed if the Attorney General certifies to the district court in which the action is pending that either: (i) the electronic communications service provider did not provide the assistance; or (ii) the assistance was provided in the wake of the September 11 attack and was the subject of a written request or series of requests from a senior Government official indicating that the activity was authorized by the President and determined to be lawful. The district court would be required to review this certification before dismissing the action, and the provision allows for the participation of the parties to the lawsuit in a manner consistent with the protection of classified information. The liability protection provision does not extend to the Government or to Government officials and it does not immunize any criminal conduct.

Providing this liability protection is critical to the Nation's security. As the Senate Select Committee on Intelligence recognized, "the intelligence community cannot

obtain the intelligence it needs without assistance from these companies." That committee also recognized that companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are believed to have provided assistance. Finally, allowing litigation over these matters risks the disclosure of highly classified information regarding intelligence sources and methods. As we have stated on many occasions, it is critical that any long-term FISA modernization legislation contain an effective liability protection provision. H.R. 6304 contains just such a provision and for this reason, as well as those expressed with respect to Title I above, we strongly support its passage.

#### III. TITLE III—REVIEW OF PREVIOUS ACTIONS

Title III would require the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, and of certain elements of the Intelligence Community to review certain communications surveillance activities, including the Terrorist Surveillance Program described by the President. Although improvements have been made over prior versions of this provision, we believe, as we have written before, that it is unnecessary in light of the Inspector General reviews previously completed, those already underway, and the congressional intelligence and judiciary committee oversight already conducted. Nevertheless, we do not believe that, as currently drafted, the provision would create unacceptable operational concerns. The bill contains important provisions to make clear that such reviews should not duplicate reviews already conducted by Inspectors General.

#### IV. TITLE IV—OTHER PROVISIONS

Title IV contains important provisions that will ensure that the transition between the current authorities and the authorities provided in this bill will not have a detrimental effect on intelligence operations.

Title IV also states that the authorities in the bill sunset at the end of 2012. We have long favored permanent modernization of FISA. The Intelligence Community operates more effectively when the rules governing our intelligence professionals' ability to track our enemies are firmly established. Stability of law also allows the Intelligence Community to invest resources appropriately. Congress has extensively debated and considered the need to modernize FISA since 2006, a process that has involved numerous hearings, briefings, and floor debates. The process has been valuable and necessary, but it has also involved the discussion in open settings of extraordinary information dealing with sensitive intelligence operations. Every time we repeat this process it risks exposing our intelligence sources and methods to our adversaries. Although we would prefer that H.R. 6304 contain no sunset, a sunset in 2012 is significantly longer than others that were proposed and it is long enough to avoid impairing the effectiveness of intelligence operations.

Thank you for the opportunity to present our views on this crucial bill. We reiterate our sincere appreciation to the Congress for working with us on H.R. 6304, a long-term FISA modernization bill that will strengthen the Nation's intelligence capabilities while respecting and protecting the constitutional rights of Americans. We strongly support its prompt passage.

Sincerely,

MICHAEL B. MUKASEY,  
*Attorney General.*  
J.M. MCCONNELL,  
*Director of National Intelligence.*

I reserve the balance of my time.

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

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

Mr. REYES. Madam Speaker, I rise today as a sponsor of H.R. 6304, the FISA Amendments Act of 2008. This bill represents the culmination of more than a year's work by the members and staff of the House Intelligence Committee, together with our colleagues on the Judiciary Committee, to bring to the floor a bill that modernizes our surveillance authorities while protecting the constitutional rights of Americans.

I want to thank Chairman CONYERS for his efforts to strengthen this bill. As always, I greatly appreciate my good friend's commitment to protecting our country and the principles that we hold so dear. I also want to thank the respective ranking members and all that worked so hard to bring this bill to the floor today.

This bill, Madam Speaker, enjoys wide support inside the Democratic Caucus. It has been endorsed by our Democratic whip, by our Democratic Caucus chair, by the Blue Dog Coalition, the New Democratic Caucus and by a number of our colleagues. For that, I want to thank in particular our majority leader, Mr. HOYER, for leading the effort towards a bipartisan compromise. This bill is a far better deal than the Protect America Act. And it is far better than the Senate bill that passed earlier this year.

Madam Speaker, intelligence is the first line of defense in our Nation's effort to prevent terrorism and to stop the proliferation of weapons of mass destruction. This legislation strengthens the ability of our intelligence agencies to conduct lawful surveillance of foreign targets. But this legislation also serves another very important and vital function. It strengthens the constitutional rights of Americans, protects them from unlawful surveillance and it stops this President, or any President, for that matter, from invoking executive power to conduct warrantless surveillance of Americans.

□ 1100

This bill does more than just retain the original FISA requirements for an individual warrant based upon probable cause for surveillance targeting Americans here in the United States. For the first time ever, this bill requires in statute warrants for Americans anywhere in the world. It also requires the government to establish clear guidelines to ensure that no American is the target of any surveillance without a warrant. It clarifies that FISA and Title 18, the Criminal Code, are the exclusive means by which the government may conduct domestic surveillance.

It will prohibit any unlawful, warrantless wiretapping, the kind we saw under this administration. It provides accountability by requiring the inspectors general of various agencies to compile a comprehensive report on the President's surveillance program

and that review must be given to Congress. It requires prior court approval of the procedures used to conduct surveillance of foreign targets, except in an emergency, similar to the current FISA law.

This legislation, Madam Speaker, also addresses the issue of lawsuits against telecommunications companies that comply with directives from our government. This bill does not grant immunity to any government official who might have violated the law, and this bill does not grant automatic immunity to telecom companies, as the Senate bill would have.

Under this legislation, a Federal District Court will review the evidence submitted by the Attorney General and then the court will decide whether to grant civil liability and protection to a company that provided post-9/11 assistance to the government. This bill does not grant immunity. Congress isn't deciding the question of immunity; the District Court will.

Finally, Madam Speaker, this bill will sunset in 4½ years, ensuring that the next administration will be in a position to assess and review the effectiveness of this legislation.

This legislation represents a bipartisan compromise, and, as such, both sides got less than they wanted. But it is a product of a good faith effort by both Republicans and Democrats to give our intelligence agencies the tools necessary to keep America safe, while protecting our Constitution and our civil liberties.

I strongly urge my colleagues to vote for this very important piece of legislation.

In addition, Chairman REYES submitted the following views for the RECORD:

#### EXIGENT CIRCUMSTANCES

Prior court review is an absolutely integral part of this bill, but we have also crafted an "exigent circumstances" circumstances provision that allows the Administration to commence surveillance immediately in an emergency. This provision should be invoked rarely, if at all. In the normal course of events, the Attorney General and the Director of National Intelligence will have ample time to submit applications for surveillance to the FISA Court for its approval before initiating a particular surveillance.

When used, this exception should be for purposes of a true emergency, involving unforeseen or extraordinary circumstances. I consider this to be limited to situations where the intelligence sought would serve a critical function in protecting national security and where the failure to act immediately would result in the loss of what might be the only opportunity to collect the information in question.

The Intelligence Committee intends to engage in regular and vigorous oversight of these new authorities and, in particular, the use of the "exigent circumstances" exception to ensure that the important protections in this bill are not circumvented.

#### "REVERSE TARGETING"

The FISA Amendments Act of 2008 regularly uses the term "targeting." We intend this term to mean more than simply the process of selecting a telephone number or an e-mail address to surveil. Rather, it is meant to describe the process of purposely acquiring communications of or information about a specific individual.

It is in this context that Section 702(b)(2) prohibits what is generally referred to as "reverse targeting." In our discussions with the intelligence agencies, they have agreed that this language prohibits the targeting of one or more persons overseas where the purpose is to acquire the communications of or information about a U.S. person or any specific person reasonably believed to be inside the United States. Accordingly, Section 702(f) requires that the government adopt guidelines to ensure that this does not occur.

#### INADVERTENT COLLECTION OF U.S.-PERSON INFORMATION

Because of the nature of the new surveillance authorities granted under this bill, we were particularly concerned about the potential for a significant increase in the inadvertent collection of U.S.-person communications and information. For that reason, we have adopted several oversight provisions that require the Intelligence Community to report to Congress on the number of targets later determined to have been located inside the United States, the number of disseminated intelligence reports that contain U.S.-person information, and the number of disseminated intelligence reports that contain information identifying specific U.S. persons. The Intelligence Committee plans to conduct vigorous oversight of the reports.

#### EXCLUSIVITY

The exclusivity provision of this bill is extremely important. This language is designed to prevent any future efforts to conduct surveillance that is not authorized by statute. The bill not only establishes that FISA and Title 18 are the exclusive means of conducting surveillance, it requires that any future authorization for surveillance must be explicitly established in statute. The language should in no way be read to imply that there is an inherent power to conduct surveillance beyond what is expressly authorized by statute.

In particular, the language in Section 102(c)(1)(i) should be read to require citation to specific statutory authority in all certifications for assistance in conducting electronic surveillance issued pursuant to 18 U.S.C. § 2511(2)(a)(ii)(B).

#### SUNSET

This bill is set to expire on December 31, 2012. During the next four years, Congress will continue to assess the surveillance activities of the U.S. Government and assess whether additional changes need to be enacted before the sunset date to correct any deficiencies or problems that arise.

#### CIVIL LIABILITY PROVISIONS

The provisions in title II of this bill establish a meaningful court review to determine whether telecommunications companies should be protected from civil liability for assistance provided to the government. It is important to state that these provisions are not intended to imply in any way that the President's conduct in connection with the President's warrantless surveillance program was lawful or to excuse the conduct of any government official that might have violated the law.

Further, no telecommunications company should interpret these provisions to imply that Congress will act in the future to seek the dismissal of any other lawsuits charging improper conduct in connection with surveillance activities. Rather, Congress considers the tragic events of 9/11 to be a unique set of circumstances that require special consideration. As a general matter, we expect companies and private citizens to respect the rule of law and to require the same of its government.

With respect to the applicable legal standard, we intend "substantial evidence" to apply not only to a finding that assistance was provided in response to a request that

meets the standard of this bill. That standard should also apply where the court is asked to determine that the alleged assistance was not provided. A simple declaration from the Government or the defendant that the alleged assistance did not occur should be deemed insufficient where there is sufficient evidence to the contrary.

Similarly, when the Government alleges that a surveillance program was "designed" (as opposed to "intended") to detect and prevent terrorism, the court should examine the evidence to assess the scope of the program and determine, where appropriate, that indiscriminate surveillance that acquires the communications of millions of Americans is not truly "designed" to detect or prevent terrorism.

Finally, these provisions should also not be interpreted to remove the power of the courts to review the constitutionality of the process this bill establishes.

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

Mr. HOEKSTRA. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished minority whip, who played such a critical role in ensuring that this bill made it to the floor today.

Mr. BLUNT. Madam Speaker, I thank Mr. HOEKSTRA for yielding me this initial time that would have the other-wise gone to you.

I thank you, Mr. HOEKSTRA, Mr. REYES and Mr. SMITH, for bringing this important piece of legislation to the floor and for working so hard to see that it came to the floor. I would also like to say that I again appreciated the opportunity to work with my good friend Mr. HOYER, as he spent so many hours and so much time on this. From his staff, Mariah Sixkiller; from my staff, Brian Duffel; Mr. BOEHNER's staff, Jen Stewart worked hard on this; Chris Dones from Mr. HOEKSTRA's staff was indispensable in his work, as was Caroline Lynch from Mr. SMITH's staff. And I got to know frankly and work with Jeremy Bash from Mr. REYES' staff and Lou DeBaca from Mr. CONYERS' staff, and appreciated the real positive contributions they bring to this process every day.

I would also like to suggest that two staffers of my colleague from Missouri, Mr. BOND, Louis Tucker, and Jack Livingston, spent lots of time and lots of productive work on this.

Madam Speaker, this represents a compromise, as Mr. REYES just said, as Mr. SMITH just said, that was forged with lots of hard work by lots of people. It accomplishes the goals of the intelligence community. There is no individualized court order for targeting foreign terrorists in foreign countries. There are protections here for communications providers that may have assisted the government. But, as Mr. REYES just said, those protections will be determined by a court, not by this legislation.

We modernized the law to adapt to changes in technology since the 1978 FISA statute. The bill would accomplish all this while adding new protections and strengthening the individual liberties and privacy protections of Americans.

We also worked closely with the majority to reinforce the FISA Court's role in procedural certifications and reviews of administration policies, and we created some new obligations for the Attorney General to establish guidelines.

Madam Speaker, like yesterday's vote, this bill is an example of what we can do when we work together. I thank all those who worked so hard to get it to the floor today. I urge my colleagues to vote for it.

Mr. CONYERS. Madam Speaker, is it true that I have 10 minutes remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 10½ minutes remaining.

Mr. CONYERS. I am going to recognize Mr. NADLER, Ms. LOFGREN, Mr. SCOTT, Ms. JACKSON-LEE, Mr. HOLT, Ms. LEE, Mr. CAPUANO, Mr. KUCINICH and Mr. INSLEE. A couple of them will get 1½ minutes.

The first one to be recognized is the chairman of the Crime Subcommittee, the gentleman from Virginia (Mr. SCOTT), for 1½ minutes.

Mr. SCOTT of Virginia. Madam Speaker, I oppose H.R. 6304. It allows widespread acquisition of private conversations without meaningful court review. The bill actually permits the government to perform mass untargeted surveillance of any and all conversations believed to be coming into and out of the United States without any individualized finding and without a requirement that wrongdoing is believed to be involved at all.

It arguably is not limited just to terrorism. It could be any foreign intelligence, which would include diplomacy and anything else. It is vague on what can be done with the information after it is acquired and who has access to it, and the only court review is a check on whether or not the government certifies that the process has been followed. The court does not review who, what and where the tapping will take place.

Furthermore, the collection of all of this data can be done under emergency provisions before the court acts, but the collection can continue to be done even if the court later rejects the application if the administration appeals.

The bill also provides retroactive immunity to communications companies who may have violated people's rights, and whether or not those rights have been violated should be reviewed by the courts, not decided here in Congress.

Madam Speaker, we can protect Americans' national security and protect civil rights by providing government access to personal conversations with meaningful court review. This bill fails to do that, and therefore should be defeated.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. FORBES), a member of the Judiciary Committee and the Armed Services Committee.

Mr. FORBES. Madam Speaker, today when the sun comes up on America,

there are all too many people who spend all too much time criticizing and apologizing for this Nation, trying to verbally tear it down. But what frightens us most is those people who spend way too much energy and way too much time trying to do harm to innocent Americans as they go about their day-to-day lives, carrying their children to piano recitals, to Little League practice, just going to work. It just makes common sense that we would want to know what they were trying to do, because if we know, we have at least a chance to stop it.

This is a bipartisan bill that we should have had a year ago. We certainly should have had 4 months ago. Thank goodness we have it today. The only unfortunate thing is those who will benefit the most will never know it, because they never became victims because we were able to stop those terrorist acts before they took place.

Mr. REYES. Madam Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. Madam Speaker, today I rise in strong support of this bill, the FISA Amendments Act of 2008. The bipartisan compromise before us strikes the right balance between providing our intelligence community with the tools they need to fight and find terrorists and protecting our constitutional rights on the other hand.

Let me thank my colleagues SYLVESTER REYES and JOHN CONYERS, our Intelligence and Judiciary Committee chairmen, for their hard work. I am pleased that we have resolved this critical national security issue through bipartisan negotiations between the administration and the Congress. I want to particularly commend STENY HOYER, our majority leader, and our Speaker, NANCY PELOSI, for their leadership in reaching this landmark legislation.

The bill before us is a great improvement over the Senate bill in that it provides for more rigorous review of electronic surveillance activities. It gives the courts a meaningful role in determining if telecommunication firms are entitled to civil liability protection.

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

Mr. REYES. I grant the gentleman an additional 30 seconds.

Mr. SKELTON. From my perspective as chairman of the Armed Services Committee, the bill strongly supports the intelligence needs of those who wear the uniform. Every day, American men and women deployed in harm's way depend on electronic surveillance capabilities to achieve their missions. Because of this bill and the work that has been done in this Congress, especially the Intelligence Committee and the Judiciary Committee, I thank them, and at the end of the day the young men and young women will be the beneficiaries of this strong legislation.

Madam Speaker, I rise today in strong support of H.R. 6304, the FISA Amendments Act of 2008.

The bipartisan compromise before us today strikes the right balance between providing our intelligence community with the tools they need to find and fight terrorists, and protecting our constitutional rights.

I want to thank my colleagues, SILVESTRE REYES and JOHN CONYERS, our Intelligence and Judiciary Committee Chairmen, for their hard work in bringing a strong bill to the floor today.

I am pleased that we have resolved this critical national security issue through bipartisan negotiations between the Administration and the Congress and I want to particularly commend Speaker NANCY PELOSI and STENY HOYER for their leadership in reaching this landmark legislation.

The bill before us today is a great improvement over the Senate bill in that it provides for more rigorous review of electronic surveillance activities, and gives the courts a meaningful role in determining if telecommunications firms are entitled to civil liability protection.

From my perspective, as the Chairman of the Armed Services Committee, this bill strongly supports the intelligence needs of our soldiers, sailors, airmen and marines. Every day, American men and women deployed in harm's way depend on the electronic surveillance capabilities to achieve their missions. This legislation ensures continued delivery of this intelligence to our warfighters.

Again, I want to congratulate Chairman REYES and Chairman CONYERS or bringing this strong bill to the floor, and I urge my colleagues to join me in supporting this vital national security measure.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to the distinguished member of the Intelligence Committee from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Speaker, the compromise bill before us today is not the bill that I would have written. As a matter of fact, the compromise Senate bill we have been trying to get a vote on since February is not the bill I would have written either. But I do believe that the bill before us, imperfect as it is, does do what is needed to protect the country, and therefore I support it.

A number of people deserve credit, including Mr. HOEKSTRA, Mr. BLUNT and Mrs. WILSON on our side. But I also want to commend the majority leader, Mr. HOYER, for the time and energy he put into this issue and for his perseverance in pushing it to a resolution. I know a number of Members on his side don't want to do anything. They prefer operating under an outdated law that makes it impossible to move with the speed and agility we need to have to protect the country in an age of terrorism. There may be some on this side who would prefer to have a political issue for the fall campaign.

But I believe that every day we grow more vulnerable, and that we must act now to give our national security professionals, including our troops in the field, the tools and the information they need to do their job.

Madam Speaker, the House has taken some significant steps this week to-

ward ending the disturbing practice of playing politics with national security. When this House is allowed to vote, we can come together and accomplish things for the country. If we can just extend that now into energy and other issues and just allow a vote on the proposals that are before us, we can do good for the country in other areas as well.

Mr. CONYERS. Madam Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN), the Chair of the Immigration Subcommittee.

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in opposition to this bill. I appreciate that some improvements have been made to title I of the bill, but even these improvements are undercut by the scheme in title II that means there will be no accountability and perhaps no adherence to the provisions of title I.

I cannot support the legislation's deeply flawed provisions relating to the issue of immunity for telecommunications companies. These provisions turn the judiciary into the administration's rubber stamp. The review provided in this bill is an empty formality that will lead to a preordained conclusion, dismissing all cases with no examination on their merits.

Under this bill, the courts are not allowed to ask whether the conduct of the corporations who assisted was in fact legal. They may only note that the administration says that it was legal. In other words, the decision on the ultimate question of legality, a decision the Constitution dedicates to the judiciary, will instead be made by the executive branch with the judiciary acting as a rubber stamp. It turns the process of judicial review into a joke and denigrates this supposedly independent and coequal branch of government.

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It's all the more aggravating because immunity already exists in the law under 18 U.S.C., section 2511. It provides that telecommunications companies are immune from suit if the company has been provided with a court order or a certification by the Attorney General, in writing, that the order has been obtained or is unnecessary.

I cannot support this.

(Effective: November 25, 2002)

UNITED STATES CODE ANNOTATED  
CURRENTNESS

Title 18. Crimes and Criminal Procedure  
(Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 119. Wire and Electronic Communications Interception and Interception of Oral Communications (Refs & Annos)

§2511. Interception and disclosure of wire, oral, or electronic communications prohibited

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

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

(b) intentionally uses, endeavors to use, or procures any other person to use or endeavor

to use any electronic, mechanical, or other device to intercept any oral communication when—

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

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

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

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

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

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

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

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

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

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

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

other specified person, has been provided with—

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

(B) a certification in writing by a person specified in section 2518(7) of this title or the Attorney General of the United States that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required, setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance required. No provider of wire or electronic communication service, officer, employee, or agent thereof, or landlord, custodian, or other specified person shall disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished a court order or certification under this chapter, except as may otherwise be required by legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate. Any such disclosure, shall render such person liable for the civil damages provided for in section 2520. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order, statutory authorization, or certification under this chapter.

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

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

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

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

(f) Nothing contained in this chapter or chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934, shall be deemed to affect the acquisition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications

system, utilizing a means other than electronic surveillance as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, and procedures in this chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.

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

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

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

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

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

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

(IV) by any marine or aeronautical communications system;

(iii) to engage in any conduct which—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(c) Redesignated (b)]

(5)(a)(i) If the communication is—

(A) a private satellite video communication that is not scrambled or encrypted and the conduct in violation of this chapter is the private viewing of that communication and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain; or

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

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

(ii) In an action under this subsection—

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

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

(b) The court may use any means within its authority to enforce an injunction issued under paragraph (ii)(A), and shall impose a

civil fine of not less than \$500 for each violation of such an injunction.

Mr. SMITH of Texas. Madam Speaker, I will yield 2 minutes to the gentleman from Indiana (Mr. PENCE) who is a member of the Judiciary Committee and the Foreign Affairs Committee as well.

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

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

America is at war. We have to do all we can to protect our Nation from those who seek to harm this country, our communities and our families.

After nearly a year of delays, we finally have before us a bill that will institute a long-term fix to our Nation's foreign intelligence surveillance laws and provide the intelligence community with the tools it needs to protect this country.

I rise in particular appreciation of Republican Whip ROY BLUNT, Ranking Member SMITH and Mr. HOEKSTRA. These Republicans stood firm and have succeeded in negotiating a strong 4-year extension to our surveillance laws.

While this bill is tough on terrorists, it includes strong protections for civil liberties and Americans that have also been put in place by extensive measures of oversight and review in the Department of Justice, and it protects those patriotic telecommunications companies who assisted the Federal Government in the wake of 9/11.

While I endorse these reforms and safeguards, let me say, Madam Speaker, Congress and future administrations must be vigilant to ensure that the exigent circumstances exceptions are practiced in a way that preserves Presidential discretion when conducting real-time foreign intelligence. Speaking less as a Congressman and more as a father, and as an American who was here on September 11, I am grateful to my colleagues in both parties for bringing this important compromise to the floor and making sure that our intelligence community, those who work tirelessly every day to protect us, have the tools they need to prevent the horrors of that day from ever being visited on our soil again.

Mr. REYES. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California, Ms. JANE HARMAN, who is the former ranking member of the Intelligence Committee.

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Madam Speaker, my phones are ringing off the hook, and my e-mail accounts are full. By the hundreds and hundreds, my constituents are saying, "don't cave in," "don't toss due process out the window," "no compromise on our civil liberties" and "all surveillance of Americans should require a warrant." One of the most powerful, "The U.S. Constitution has been 'marked up.' Don't shred it."

I agree, now and always. The hard part is deciding whether the FISA compromise before us meets my constituents' requirements and my own.

After reading every word of it, and after many, many hours working to develop and revise portions of it, I conclude that the compromise replaces bad law, the Protect America Act, with law that actually improves many of the provisions of the underlying FISA law which has served our country well for three decades.

Let me highlight three issues.

First, this bill makes clear that no president can ignore it ever again. FISA is the exclusive means by which our government can conduct surveillance. In short, no more warrantless surveillance.

Second, it expands the circumstances for which individual warrants are required, by including Americans outside the U.S., and it protects Americans from so-called reverse targeting.

Third, it requires Federal court review to determine whether communications firms, which assisted in post-9/11 activities, get civil liability protection. If the evidence is inadequate, courts can deny immunity, and immunity does not cover government officials who may have violated the law.

I have lived with FISA up close and personal for many years. I am angry about the way the Bush administration abused it and disrespected Congress. My constituents are right to demand that Congress show courage and stand up for the Constitution. Security and liberty are reinforcing values, not a zero-sum gain. This bill, though imperfect, protects both.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER) who is the distinguished Republican leader of the House.

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

Let me just take a moment to congratulate both Mr. SMITH, ranking member on the Judiciary Committee, and Mr. HOEKSTRA, the ranking member on the Intelligence Committee, and all of their staff, who have worked closely with our Democrat colleagues, both in the House and Senate, to craft a bill that will help protect the American people.

Madam Speaker, America cannot afford to have a pre-9/11 mentality when it comes to national security. I think that's why this bill is so critical and why Members and staff have been working so hard to craft it. I recognize the serious threat that we face, and it keeps our Nation on offense when it comes to protecting the American people.

Our intelligence officials must have the ability to monitor terrorists suspected of plotting to kill Americans. This measure ensures that the tools that they need will be there to help keep America safe. They have retroactive liability protections for firms that have aided the government and

have worked with our government at our request to help detect and prevent attacks. We should protect those companies.

I think it also protects the civil liberties of all Americans. This is an important piece of legislation. It has taken an awful lot of time to get there.

But just like yesterday, when Members on both sides of the aisle work together, we can come to an agreement. We can come to a compromise that's in the best interest of our country.

Two days in a row we have had two great examples of how we can craft very good bills by working in a bipartisan manner. I want to congratulate all the Members on both sides of the aisle and their staffs who have worked so hard to bring this bill to the floor.

Mr. CONYERS. Madam Speaker, I would like now to yield to the chairman of the subcommittee on the Constitution and the Judiciary, the gentleman from New York, Jerry Nadler, 1½ minutes.

Mr. NADLER. Madam Speaker, in order to uphold the principle of the rule of law and the supremacy of the Constitution, we must reject this bill. This bill limits the courts hearing lawsuits alleging illegal wiretapping, to considering only whether the telecom companies received a "written request or directive indicating that the activity was authorized by the President and determined to be lawful," not whether that request was actually lawful or that telecom companies knew that it was unlawful.

The bill is a fig leaf granting blanket immunity to the telecom companies for possibly illegal acts without allowing the courts to consider the facts or the law. It denies people whose rights are violated their fair day in court, and it denies the American people the right to have the actions of this administration subjected to fair and independent scrutiny.

Even the court's limited review will remain secret. The lawsuits will be dismissed, but the basis for that dismissal that the defendants were innocent of misconduct or that they were guilty, but that Congress commands their immunity, must remain secret.

The constitutionality of the immunity granted by this bill is very questionable. As Judge Walker put it in the AT&T case, "AT&T's alleged actions here violate the constitutional rights clearly established in the Keith decision. Moreover, because the very action in question has previously been held unlawful, AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal."

I would hope that the courts will find that because the constitutional rights of Americans have been violated, Congress' attempt to prevent court review is unconstitutional. I regret we may today abandon the Constitution's protections and insulate lawless behavior from legal scrutiny.

I urge a "no" vote on this legislation.

Mr. HOEKSTRA. Madam Speaker, at this time I would like to yield 3 minutes to a member of the committee, Mrs. WILSON from New Mexico.

(Mrs. WILSON of New Mexico asked and was given permission to revise and extend her remarks.)

Mrs. WILSON of New Mexico. Madam Speaker, in December of 2005, I was walking to work and was at 1st and C Street when the front page of the New York Times revealed the existence of a program that had not been previously briefed to the entire Intelligence Committee and to the subcommittee that I, at that time, chaired that oversaw the activities of the National Security Agency. That launched a period of extensive oversight and draft legislation in 2006.

In January of 2007, because legislation didn't pass, the administration made an attempt to put this entire program under a FISA law that was not designed and was not updated. I described that at the time as trying to put a twin-size sheet on a king-size bed. It didn't work.

By late summer of 2007, we had lost close to two-thirds of our intelligence collection on terrorism. We were unable to respond fast enough when we had problems, particularly in war zones.

Just before Memorial Day in 2007, we had three soldiers who were kidnapped in Iraq. We needed an Army of lawyers in Washington D.C. to listen to the communications of the people that we thought had kidnapped them.

That delay is not good enough and led to the insistence that we pass the Protect America Act, which this Congress did, over the objections of the Democratic leadership, in August of 2007. The Protect America Act closed an important intelligence gap, but it expired in February of this year, and the gap is at risk of ever widening.

The bill that we pass today will protect the civil liberties of Americans and continue to require individualized warrants for anyone in the United States or American citizens anywhere in the world. It will also allow our intelligence agencies to very rapidly follow up on tips and listen to foreigners in foreign countries who are trying to kill Americans.

We have restored FISA to its original intent and modernized it for 21st century communications and technology. This is an important step for our intelligence community and will put it on a sound footing for the next several decades.

Intelligence, good intelligence, is the first line of defense against terrorism, and today this body will take the next step in making sure we have the tools to be able to listen to our enemies and prevent other terrorist attacks.

I would urge my colleagues to support the legislation.

Mr. CONYERS. Madam Speaker, I would like to yield now to a senior member of Judiciary, SHEILA JACKSON-LEE of Texas, 1 minute.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman.

Madam Speaker, I rise to say that we did have legislation that would protect the Constitution and provide the security for our troops and those in the intelligence community, and that was the RESTORE Act. Today I rise in enormous opposition to H.R. 6304 because, frankly, Madam Speaker, it's very difficult to put lipstick on a pig.

What we have here is the opportunity for the government to conduct mass, untargeted surveillance of all communications coming into and out of the United States without any individual review and without any finding of wrongdoing.

What Americans don't know is that this government can now surveil you for 7 days without any approval. Then if the court denies the application, while the application is being appealed from the denial, you can be surveilled for 60 days.

This is not constitutional protection. As it relates to the idea of those who are now in court on warrantless searches, now the courts have no authority over that, and your cases will be dismissed.

I ask my colleagues to oppose this because "significant purpose" has been taken out of this legislation.

Madam Speaker, I rise today in opposition to H.R. 6304, the "FISA Amendments Act of 2008". This body has worked diligently with our colleagues in the Senate to ensure that the civil liberties of American citizens are appropriately addressed. Sadly, this compromise bill falls short of that aim. I will support no bill that fails to protect American civil liberties, both at home and abroad.

I am unable to support this bill that will overhaul how the Government monitors foreign terrorist suspects. I will not support any legislation that grants legal immunity to telecommunications companies that provide information to Federal investigators without a warrant.

Madam Speaker, this administration has the law to protect the American people. When Americans are involved, the Bill of Rights, the fourth amendment, and our civil liberties must be adhered to. This legislation does not go far enough to ensure that American rights are protected.

The original legislation offered by the House Majority gave the Administration everything that it needed, but today, after months of negotiation, if we endorse H.R. 6304, which grants sweeping wiretapping authority to the Government with little court oversight and ensures the dismissal of all pending cases against the telecommunications companies, we are eviscerating the Constitution.

Let me explain my objections to H.R. 6304. It permits the Government to conduct mass, untargeted surveillance of all communications coming into and out of the United States, without any individualized review, and without any finding of wrongdoing.

H.R. 6304 permits minimal court oversight. The Foreign Intelligence Surveillance Court (FISA Court) only reviews general procedures for targeting and minimizing the use of information that is collected. Under these circumstances, the court may not know what will be tapped and where it will occur.

Furthermore, the bill contains a general ban on reverse targeting, but not the strong language I worked so diligently to include in the FISA legislation that had passed previously in the House. In my view, the RESTORE Act is far superior to this piece of legislation. I wish to take a few moments to discuss the improvement that I offered to the RESTORE Act in the full Judiciary Committee markup, and which was sent over to the Senate for consideration last year.

My amendment made an essential contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

Reverse targeting is the practice where the Government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons. My language included clear statutory directives regarding whom the government should return to the FISA court and obtain an individualized order if it would like to continue listening to an Americans' communications.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with this legislation, as they did with its successor, the Protect America Act, is that the temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of certain safeguards in the law to prevent it.

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

The amendment achieved this objective by requiring the administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States."

It is far from clear how the operative language "reasonably designed to ensure that any acquisition authorized . . . is limited to targeting persons reasonably believed to be located outside the United States; and prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States."

Yes. It is true that H.R. 6304, the compromise legislation, attempts to ensure that American civil liberties are protected, but the operative language in the legislation does not provide a paradigm for consistency. This is so because it does not provide an objective criterion. H.R. 6304 does not go as far as the legislation that the House sent over to the Senate a few months ago. H.R. 6304 does not retain the objective standards contained in my amendment.

The language used in my amendment, "significant purpose," is a term of art that long has been a staple of FISA jurisprudence and thus is well known and readily applied by agencies, legal practitioners, and the FISA Court. Thus, the Jackson-Lee amendment provided a clearer, more objective criterion for the administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

A FISA order should be required in those instances where there is a particular, known person in the United States at the other end of the foreign target's call in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications. This protection has been stripped from H.R. 6304. I fought hard to keep this language in the bill because it is important to me; and it should be very important to members of this body and to all Americans. It is important that we require what should be required in all cases—warrant any time there is specific, targeted surveillance of a United States citizen.

Madam Speaker, I have more objections to H.R. 6304 which I will quickly note. H.R. 6304 contains an "exigent" circumstances loophole that thwarts the judicial review requirement. The bill permits the Government to start a spying program and wait to go to court for up to seven (7) days every time "intelligence important to the national security of the U.S. may be lost or not timely acquired." The problem with H.R. 6034 is that court applications take time and will delay the collection of information. Therefore, it is possible that there will not be resort to prior judicial review.

Under H.R. 6304, the Government is permitted to continue surveillance programs even if the application is denied by the court. The Government has the authority to wiretap through the entire appeals process, and then keep and use whatever it gathers in the meantime.

I am also troubled by H.R. 6304's dismissal of all cases pending against telecommunication companies that facilitated the warrantless wiretapping program over the last 7 years. The test in the bill is not whether the Government certifications were actually legal—only whether they were issued. Because it is public knowledge that they were, all the cases seeking to find out what these companies and the Government did without communications will be dismissed. Under this bill, we will start as a tabula rasa. Telecommunications companies will be prevented from having their day in court and we, the American people, will never have a chance to know what the companies did and what information is collected. I am deeply troubled by this, and frankly, you should be, too.

Madam Speaker, it is important to point out that the loudest demands for blanket immunity did not come from the telecommunications companies but from the administration, which raises the interesting question of whether the administration's real motivation is to shield from public disclosure the ways and means by which Government officials may have "persuaded" telecommunications companies to assist in its warrantless surveillance programs.

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

Nearly two centuries ago, Alexis de Tocqueville, who remains the most astute stu-

dent of American democracy, observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

As I wrote in the Politico, "the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests."

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

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

However, I know that FISA as outlined in this bill, H.R. 6304, attempts to curtail the Bill of Rights and the civil liberties of the American people. I continue to insist upon individual warrants, based upon probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance.

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

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

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

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications

of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Madam Speaker, I encourage my colleagues to join me in opposition to H.R. 6304, as it grants sweeping wiretapping authority to the Government with little court oversight and ensures the dismissal of all pending cases against the telecommunications companies. In my view, this is wrong and unacceptable.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FRANKS) who is a member of the Judiciary Committee and a ranking member of the Constitution Subcommittee.

□ 1130

Mr. FRANKS of Arizona. I thank the gentleman for yielding me this time.

Madam Speaker, the coincidence of jihadist terrorism and nuclear proliferation in our world today I believe represents the greatest security threat to the human family. Osama bin Laden said "our religious duty is to gain nuclear weapons." If that quest should succeed, whether it is 100 yards from this Capitol or in one of our major cities, it will change our concept of freedom in a way that almost none of us can comprehend. And our best hope of preventing that is to have effective intelligence capability.

I believe that the majority has risked the security of this country by delaying a vote on this important bill for so long; but I am gratified today that at least we are taking the next step in making sure that we can see our children and grandchildren walk in the sunlight of freedom.

As we go forward, we should all keep in mind the words of our Founding Fathers and the words especially of Thomas Jefferson when he said, "The price of freedom is eternal vigilance."

Mr. REYES. Madam Speaker, may I inquire as to how much time remains on all sides.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 5 minutes remaining; the gentleman from Texas (Mr. REYES) has 6½ minutes remaining; the gentleman from Texas (Mr. SMITH) has 8 minutes remaining; and the gentleman from Michigan (Mr. HOEKSTRA) has 7½ minutes remaining.

Mr. REYES. Madam Speaker, I now would like to yield 2 minutes to the distinguished gentleman from Maryland (Mr. RUPPERSBERGER) who serves as the chairman of our Subcommittee on Technical and Tactical Intelligence on our Intelligence Committee.

Mr. RUPPERSBERGER. Madam Speaker, I am proud to rise in support of H.R. 6304. I would like to thank Chairman REYES, Chairman CONYERS, Majority Leader HOYER, Minority Leader BLUNT, and Ranking Member HOEKSTRA for coming together with a bill that we need on behalf of our country.

My district includes the National Security Agency, and many of NSA's employees are my constituents. As a

member of the House Committee on Intelligence and the chairman of the Subcommittee on Technical and Tactical Intelligence, which oversees NSA, I know that the men and women who work for our Nation's intelligence agencies work hard every day to keep our Nation safe.

The intelligence agencies must do their work within the laws of this country, and they need those laws to be clear. The NSA employees in my district need a clear law with a bright line between legal and illegal surveillance activities, and this bill provides that.

Our Constitution requires checks and balances for the three branches of government. This bill provides that the FISA Court must review surveillance requests to protect the constitutional rights of our citizens.

I urge my colleagues to support this bill because it gives our intelligence community the tools they need to keep our Nation safe while protecting the constitutional rights of Americans.

Mr. HOEKSTRA. I would like to yield 3 minutes to another distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I want to compliment Mr. REYES. When this happened 124 days ago when it expired, I realized what a challenge you had. They were asking you to win the Kentucky Derby by entering a donkey in the race. And trying to get all of the folks together to get us to the place where we are today was not short feat.

Mr. HOEKSTRA and Mr. REYES, I want to thank you both because what this bill does today is reaffirm what we have been saying for the last several years, that the due process of the Constitution, the fourth amendment, is alive and well and protected in this bill. And any rhetoric to the contrary is simply not true. It is fear mongering.

For any U.S. citizen who believes that their phones are going to be unceremoniously and injudiciously tapped or listened to is simply wrong, and this bill reaffirms the importance of that fourth amendment and due process for every American citizen every day.

But it also says some very important things. We are going to protect the Good Samaritan law that we have known and developed over the last 200-plus years that if you in good faith help your neighbor or help your country, in good faith you will be protected from damages sought by anyone else. If you stand up and protect the liberties and justice of your country and the lives of your neighbors, you will be protected in this law.

And finally, our foreign intelligence service allies have been nervous for 124 days, begging, pleading, cajoling, asking please, step up to the plate and reengage in one of the most important intelligence elements that we have, that the United States shares with our foreign allies to stop suicide bombers,

to stop terrorist elements from developing plans and plots to kill their citizens as well as our own.

This bill reaffirms all that we said last year and the year before. It reaffirms what we said in the Protect America Act in August of 2007 that it is absolutely important that we step up to the plate and listen to foreign terrorists in foreign lands plotting to kill citizens of our allies and here at home.

I want to congratulate all those who came together today, and urge those with the rhetoric to please stand for your country today, stand for the soldiers in the field who deserve our protection and the protection of the intelligence services, and for every mother and every father, every child in America who looks for a better day tomorrow knowing that we once again have both our eyes and our ears on the problem with terrorism and radical jihadists.

Mr. CONYERS. Madam Speaker, I am pleased to yield to the gentleman from New Jersey (Mr. HOLT), a distinguished member of the Intelligence Committee, 1 minute.

Mr. HOLT. Madam Speaker, I thank the chairman of the Judiciary Committee for yielding me time to speak about this.

Unfortunately, the negotiators who brought this bill to the floor bought into the flawed assumptions of the Bush administration that because we live in a dangerous world, we must now redefine the fourth amendment and thus the fundamental relationship between the government and its people.

If this bill becomes law, it will perhaps be the only lasting legacy of the Bush-Cheney administration's overhaul of national security policy, a congressionally blessed distortion of congressional checks and balances. It permits massive warrantless surveillance in the absence of any standard for defining how communications of innocent Americans will be protected; a fishing expedition approach to intelligence collection that we know will not make Americans more safe.

Its court review provisions are weak and narrowly defined. I know some of those who negotiated this bill say that some court review is better than no court review. That is only true if the judge's hands aren't tied in the review process. They are in this bill.

There is a fundamental American principle that those who search, seize, intercept and detain should not be the ones who decide who are the bad guys.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA) who is a member of the Judiciary Committee and the Permanent Select Committee on Intelligence as well.

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

Mr. ISSA. Madam Speaker, I rise in strong support of this hammered-out compromise bill.

You know, Madam Speaker, elections matter. The current balance in the

House and the Senate played an important part in the administration, House Republicans, House Democrats, Senate Democrats, and Senate Republicans coming together and figuring out what was needed, what was constitutional, in a very much bipartisan fashion.

Unfortunately, there are those who want to have it both ways, those who will talk about how this is balanced, it meets the needs of the administration, as the administration is assuring us, and it meets all of the constitutional requirements. But there are those who want to also play to the other side. While making sure that we are protected by a good piece of legislation, there are those who will come on the floor and denounce this and then vote against it.

Madam Speaker, I ask the American people to look long and hard at how people vote on this. This is in fact worked out to assure the American people, and properly so, that we will protect all of their constitutional rights while doing everything we can to ensure their safety.

This is good legislation worked out over a long period of time, and a lot of thoughtful work went into it on both sides. But I ask the American people to hold accountable those who would want to know that the American people are protected, and then vote against it in order to play to special interests.

Madam Speaker, that is the bad part of what will happen today. The good part is that America will be safer and the Constitution will be secure because of what we are doing here today. I thank you and urge support.

Mr. CONYERS. Madam Speaker, I am pleased now to yield to the gentleman from California (Ms. LEE), co-chair of the Progressive Caucus and a leader in the Congressional Black Caucus, 1 minute.

Ms. LEE. Madam Speaker, let me thank the gentleman for yielding and for his leadership.

I rise in strong opposition to this very terrible bill. It does not strike the proper balance between protecting national security and preserving our cherished civil liberties.

Now I know how important those protections are from my personal experience with unwarranted domestic surveillance and wiretapping during the J. Edgar Hoover period. The government's infamous COINTELPRO program ruined the lives of many innocent persons. Others, including myself, had their privacy invaded even though they posed absolutely no threat to national security. We all remember how Dr. King and his family were the victims of the most shameful government-sponsored wiretapping. We must never go down this road again. Yet here we are again.

This bill undermines the ability of Federal courts to review the legality of domestic surveillance programs, it provides de facto retroactive immunity to telecom companies and does not sunset

until December 31, 2012. How can we do that? Four years is way too long.

A good bill will protect Americans against terrorism and not erode the fourth amendment. This bill scares me to death, and I urge a “no” vote.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a senior member of the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, as some say on radio, “Now let’s hear the rest of the story.” After the arguments just made on this floor, this is actually a great day. We and the American people have been waiting for this since 12:01 a.m. on February 6 when the Protect America Act expired. During the intervening time we have actually been unnecessarily vulnerable to those who would do us harm in this era of worldwide terrorism.

In fact, Madam Speaker, I would say that this is the single most important bill we will vote on this year, not that I say supporting our troops is not important, but the intelligence that we gather as the result of the authority granted by this bill may actually create conditions under which we do not have to send troops anywhere in the world and may be more protective of our rights than any other single thing.

Having come before this body on five different occasions since that initial expiration of the Protect America Act, I am greatly relieved that we can finally send the intelligence community and the American people a bill which will enable the intelligence community to continue to protect those American people.

Although the compromise agreement embodied in the proposal before us is not necessarily the one I would have written, it does, in my estimation, meet our responsibilities for protecting the American people. In other words, Madam Speaker, it is not the Mona Lisa but it is not a bad paint job.

First and foremost, the proposal before us ensures that we will continue to have the ability to monitor the conversations of al Qaeda overseas. And although there are requirements that the Attorney General and the Director of National Intelligence adopt procedures which will be submitted to the FISA Court, the bill retains sufficient flexibility for our overseas intelligence mission.

In other words, the intelligence community leadership has assured us that this bill will allow them the operational authority to do what needs to be done within the parameters of the Constitution. Both the safety of the American people as well as their civil liberties are protected in this proposal.

This proposal embodies compromise language which responds to the legitimate concerns of telecommunication providers who themselves responded to

the call of their government in the wake of 9/11. The language of the bill not only satisfies the interest of justice, but communicates loudly to all Americans that if they are ever confronted with such requests, lawful requests, their government will not hang them out to dry afterwards.

Specifically, a Good Samaritan safe harbor will exist with respect to any civil action where there is substantial evidence to support the certification provided by the Attorney General. The quantum of evidence required is merely a showing of more than a scintilla but less than a preponderance of evidence.

And although these provisions in the proposal will contribute to securing the safety of our citizens, this is not to suggest that I support every provision in the compromise.

The SPEAKER pro tempore. The gentleman’s time has expired.

Mr. SMITH of Texas. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. For example, the so-called “exclusive means” language in the bill is seen by some as an assertion of maximal congressional authority. Let me just remind my colleagues that the FISA Court of review has said all of the other courts to have decided the issue held the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information. The court stated that “we take for granted that the President does have that authority.”

So regardless of whether we have a President McCain or a President Obama, this language will likely be interpreted in the context of facts in individual cases in light of the constitutional jurisprudence which has arisen with regard to the collection of foreign intelligence.

In other words, it does not either trample upon the constitutional prerogatives of the Congress nor those constitutional prerogatives of the President of the United States. This is a good compromise. It protects the American people. We have been waiting for it. It ought to be voted on with dispatch.

Mr. REYES. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN), a valued member of our Intelligence Committee.

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

□ 1145

Mr. LANGEVIN. Madam Speaker, I rise in support of the FISA Amendments Act of 2008. Though not a perfect piece of legislation, it is clearly far better than what we have today, and addresses a number of the many concerns that were raised about the administration’s conduct of surveillance in this country.

As a member of the Intelligence Committee, I know that we must give our Intelligence Community the proper

tools to protect us, while upholding the civil liberties of Americans. Today’s compromise illustrates what this House can do when it deliberates with care, holds steady against fear mongering and acts in the best interests of the country and its citizens.

This bill is strong on civil liberties, and includes protections against infringement of our constitutional right to privacy.

First, the bill clarifies that FISA is the exclusive means by which the executive branch may conduct electronic surveillance on U.S. soil. No President will have the power to do an end-run around the legal requirements of FISA. This provision will prevent the types of abuses we’ve witnessed under this administration.

Second, this act requires a warrant from the FISA court to conduct surveillance of Americans abroad. Americans will no longer leave their constitutional protections at home when working, studying or traveling abroad.

Third, it requires prior approval by the FISA court of procedures the government will use when carrying out foreign electronic surveillance. This will ensure that the government’s efforts are not aimed at targeting Americans, the so-called reverse targeting that we’re all concerned about; and that if an American’s communications is inadvertently intercepted, it is dealt with in a manner that guarantees legal protections.

It also requires and allows for, now, an IG investigation of this warrantless surveillance program that took place prior to Congress being made aware of this legislation.

The SPEAKER pro tempore. The gentleman’s time has expired.

Mr. REYES. I grant the gentleman another 15 seconds.

Mr. LANGEVIN. Madam Speaker, as I’ve said before, this legislation will only work if everyone involved follows the rules and remains within the confines of the law. Congress must continue to conduct robust oversight to make sure that the law is implemented as intended to maintain the critical and fragile balance of protecting our Nation and protecting civil liberties.

Mr. HOEKSTRA. At this time I would like to yield 1 minute to the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Madam Speaker, in just 1 minute it’s impossible to assure the American people of everything this bill will do. But I would like too, if you will, react to something that was said on the other side that just simply isn’t true.

Yes, during J. Edgar Hoover’s day, there was warrantless surveillance, even on political enemies of the people who were President at the time. Those days are behind us.

This act, long since we’ve taken care of domestic wiretap, but this goes one step further. It insures Americans and

particularly, I think, Arab Americans like myself who might go back and forth between here or have relatives in the Middle East, that their conversations will not be the subject of warrantless wiretaps, that, in fact, they can be very confident that America is going to observe the Constitution for them, both when they are here and if they are visiting abroad.

So it's not easy to undo some of the statements that talk about the past, but the truth is, this will protect what has already been established for Americans here.

Mr. CONYERS. Madam Speaker, I am pleased to yield to the gentleman that has more measures in the Judiciary Committee than anybody else in Congress, Dennis Kucinich, the distinguished gentleman from Ohio, 1 minute.

Mr. KUCINICH. Under this bill, large corporations and big government can work together to violate the United States Constitution, use massive databases to spy, to wiretap, to invade the privacy of the American people. There's no requirement for the government to seek a warrant for any intercepted communication that includes a U.S. citizen, as long as the program in general is directed towards foreign targets.

This Congress must not allow the names of innocent U.S. citizens to be placed on secret intelligence lists. Under this bill, violations of Fourth Amendment rights and blanket wiretaps will be permissible for the next 4 years. Massive and untargeted collection of communications will continue and with the enactment of this bill.

Furthermore, it allows the type of surveillance to be applied to all communications entering and exiting the United States. These blanket wiretaps make it impossible to know whose calls are being intercepted by the National Security Agency.

Let's stand up for the fourth amendment. Let's remember, when this country was founded Benjamin Franklin said, those who would give up their essential liberties to achieve a measure of security deserve neither. Vote against it.

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

Madam Speaker, H.R. 6304 may well be one of the most important pieces of legislation we pass this Congress.

For 4 months America has been more vulnerable to attacks by our enemies, because of the refusal by some to bring a commonsense bill to the floor to help the Intelligence Community protect Americans.

Many of us would have preferred the bill passed by the Senate. Although this bill may not be ideal, it does represent a compromise between House and Senate Republicans and Democrats. This compromise preserves our ability to conduct a strong, effective foreign intelligence program.

I urge my colleagues to support this legislation.

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

Mr. REYES. Madam Speaker, it is now my pleasure to yield 1 minute to our esteemed Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for his great leadership as the chairman of the Intelligence Committee. I commend him.

I commend Mr. CONYERS, the distinguished chairman of the Judiciary Committee, for although he is not supporting the legislation before us today, he certainly had a tremendous impact to improve it. Thank you for your relentless championing of civil liberties in our country, Mr. CONYERS.

I want to pay special tribute to our majority leader, Mr. HOYER, for making this compromise possible today. It's a very difficult task, many competing views as to how we should go forward. Mr. HOYER handled it all with great intellect and great respect for all of those views. Thank you, Mr. HOYER.

Also want to acknowledge Mr. SMITH and Mr. HOEKSTRA and minority whip, Mr. BLUNT, for their leadership in giving us this opportunity today.

We've heard it over and over again. Our colleagues say this bill is not perfect, this isn't the bill I would write. I prefer this bill, I prefer that bill.

Well, I prefer the House bill that passed and was sent to the Senate. It isn't an option for us. I do not, I totally reject the Senate bill which is an option, and that is the comparison that we have to make, the contrast that we have to make today.

But in doing so, I think we all understand the important responsibility that we have in this Congress, focused on this debate today. I always take the debate back to our responsibility when we take the oath of office. We take an oath of office to protect and defend the Constitution from all enemies, foreign and domestic. In that preamble to our Constitution, we must provide for the common defense. Essential to honoring that commitment to protect the American people is to have the intelligence, operational intelligence that will help us do that.

When I first went on the Intelligence Committee, our focus was on force protection. Our troops in the field depend on timely and reliable intelligence to make the decisions necessary to keep them safe and to do their job. Force protection, force protection, force protection. It is still a primary responsibility of our intelligence.

In addition to that, we have the fight on the war against terrorism, the fight against terrorism, wherever it may exist. Good intelligence is necessary for us to know the plans of the terrorists and to defeat those plans.

So we can't go without a bill. That's just simply not an option. But to have a bill, we must have a bill that does not violate the Constitution of the United States, and this bill does not.

Some in the press have said that under this legislation, this bill would

allow warrantless surveillance of Americans. That is not true. This bill does not allow warrantless surveillance of Americans. I just think we have to stipulate to some set of facts.

We may have our opinions about the bill, but there have been so many versions of the story of different bills that have come up, the PAA last year, which I thought was totally unacceptable. The Senate bill, also unacceptable. Our House bill, which I mentioned before, which I thought was the appropriate way to go, and now this compromise.

As I was talking with Mr. HOYER in the course of his negotiations, there were certain things that I thought had to be in the bill to make it acceptable, certain threshold issues that had to be there, and they are.

In terms of the original FISA bill, it's interesting to note that this bill is an improvement on that in three important ways.

First, we all recognize the changes in technology necessitate a change in the legislation, and this legislation today modernizes our intelligence-gathering system by recognizing and responding to technological developments that have occurred since the original FISA Act in 1978. In doing so, we can make the country safer in a more advanced technological way.

Second, and this is very, very important, and there's some misunderstanding about this. This bill provides that Americans overseas receive the same FISA protection, including an individualized warrant based on probable cause, as Americans living within the country. This is a very important improvement on the original FISA Act.

Third, this bill strengthens congressional oversight. And this is very important, the transparency. Transparency and intelligence don't always go together, but accountability is central to intelligence. This strengthens congressional oversight by requiring that the executive branch provide more extensive information about the conduct of surveillance to both the Intelligence Committee and the Judiciary Committee. This is new, this is better. The more we know, the better, I think, the law will be enforced.

If this bill does not pass, we will most certainly be left with the Senate bill. I think that's clear. And this bill is an improvement over the Senate bill in the following ways, just to name a few.

First of all, it reaffirms that FISA is the exclusive means of collecting foreign intelligence, and makes absolutely clear that the enactment of an authorization for the use of force does not give the President, whoever he may be, any inherent authority to alter the requirements of FISA. Very important.

This is important because President Bush believed, and this was what we were told, that he, as President of the United States, had inherent authority under the Constitution to do almost anything he wanted.

And what this bill reaffirms is that the FISA law is the authority for collecting foreign intelligence. There is no inherent authority of the President to do whatever he wants. This is a democracy. It is not a monarchy.

Secondly, it is an improvement of the Senate bill. And by the way, no offense to President Bush. I wouldn't want any President, Democrat or Republican, a Democratic President or a Republican President to have that authority.

Secondly, the bill provides that, except in rare circumstances there will be pre-surveillance review by the FISA Court.

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And when I say rare circumstance, I mean very, very rare.

Unlike the Senate bill, this legislation retains FISA's broad definition of electronic surveillance and thus guarantees that basic protections of FISA apply to all the new forms of collection authorized by the bill. There had been an attempt, and that's why the Senate bill is inferior in this respect, to just narrow it to certain kinds of collection, and this says it applies to all collection, electronic surveillance.

Fourth, it contains specific protections against reverse targeting. This reverse targeting is very, very important to the civil liberties of the American people, and I am satisfied by the specific provisions against reverse targeting. It provides a full and independent review of the President's surveillance program by the Inspector General of the relevant agencies.

Of course, there are aspects of this compromise bill that I do not like. I don't believe that Congress should be in the business of interfering with ongoing lawsuits and attempting to grant immunity to telecommunication companies that allegedly violated the law. Those companies have not lived up to a standard expected by the American people. I don't think today is any cause for celebration for them. They come out of this with a taint.

I do not believe that the pending lawsuits would have achieved what we would have liked them to do which is what the Inspector General's review would, which is to learn the truth about the President's terrorist surveillance program and give us the information we need to make sure that never happens again.

In addition, this legislation makes sure that in the future, the telephone companies must fully comply with Federal statutes.

Again, it would have been my preference to vote for the RESTORE Act that the House sent over to the Senate. I do not consider it an option to live with the Senate bill. This is the opportunity that we have to protect the American people through the gathering of intelligence which is essential, as I said earlier, to force protection, to protect our men and women in uniform and help them make the decisions they need to do their jobs and keep them

safe and to fight terrorists by learning their plans in advance and squelching them.

I want to thank those who have worked so hard to bring this bill to the floor. Again, it's not a happy occasion, but it's the work that we have to do. I think we have to remember getting back to the Constitution. The House, article 1, legislates. We pass the laws. The judiciary interprets the law. The executive branch enforces the law. And what is very important about whatever we pass, especially in relating to subjects relating to our security and our liberty, it's important that the President of the United States enforce this law honoring the Constitution of the United States recognizing the responsibility that we all have to protect the American people and protect the Constitution of the United States at the same time.

So again, a difficult decision for all of us. I respect every opinion that was expressed on this floor today. The knowledge, the sincerity, the passion and the intellect of those who support and oppose this have been very, very valuable in making the bill better, if not good enough for some, but certainly preferable to the alternative that we have which is the Senate bill which must be rejected.

I'm not asking anybody to vote for this bill. I just wanted you to know why I was.

Thank you, Madam Speaker.

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

In the immediate aftermath of 9/11, the President, the leaders of Congress, faced a very difficult situation: to learn more and to better understand the threat that America now faced. They recognized that we needed to move from a mentality of being law enforcement to a mentality of prevention, that we needed to confront, contain, and ultimately defeat radical jihadists if America was going to stay safe.

The President, the leaders of Congress, many of whom spoke today, huddled together and talked about the various strategies that they could implement to get a better understanding of this organization called al Qaeda, its leaders, its intentions, and its capabilities.

Overarching in their discussions were making sure that the Constitution and the rule of law would guide their behaviors. As they considered various alternatives and discussed these, they implemented a terrorist surveillance program using the capabilities that in many cases are unique to America that could give us insights into al Qaeda, its leadership, and its intentions.

It's not the President's program. This program was put together by the President in consultation, sure, with members of his cabinet, but also, very importantly, with consultation on a bipartisan basis with the leaders of Congress.

These leaders in Congress were consistently briefed about how the program would work, the kinds of information that was being obtained, and how it was being used to keep America safe, all the while placing a responsibility on yes, the President, but also the leaders of Congress to make sure that the intel community was doing the things it was being asked and was being asked to do things that would be legal.

The intel community has performed very well. They have gotten us information that has enabled us to keep America safe. The intel community, this administration, and Congress asked other parts of our economy to participate, private sector companies. They stood up and they did the job to keep America safe. Congress did the necessary job of doing oversight, and in 2004, we reformed the intelligence community.

So since 9/11, many things have been done properly. The end result, as we've gone through this process, is that we have kept America safe.

I congratulate the Speaker, I congratulate the majority leader, I congratulate my colleagues on the other side of the aisle, Mr. SMITH, for working in a bipartisan basis to recognize what needed to be done in allowing this bill to come to the floor and continue to move forward in a slightly different way than how we've been moving forward over the last 6 years. But the most important thing is in a bipartisan basis, we have come together on a national security issue to give our intelligence community the tools that they need to keep America safe.

Mr. CONYERS. Madam Speaker, I would like now to recognize the distinguished gentleman from Washington, JAY INSLEE, for 1 minute.

Mr. INSLEE. Have we forgotten what our ancestors have done in the cause of liberty? Don't we realize there are some lines we can never cross? Don't we realize we should never legitimize illegal violations of America's privacy rights, which this bill does?

This bill says if the telecommunication companies violated America's privacy willfully, knowingly, knowing it was illegal, we are giving them immunity. Where is the excuse for that? Where is the excuse for turning a Nation of laws into a Nation that will be led by a President who knows how to manipulate our fears?

We have got to know the law is our ultimate guardian of liberty, and those on this side have accused us of having a pre-9/11 mentality. Let me remind them that July 4, 1776, was pre-9/11. And heaven help us the day that those values are shucked aside at the service of fear.

Reject this bill.

Mr. CONYERS. Madam Speaker, I will take this time to use the remaining time that is allotted me.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. CONYERS. I would like to point out that the grant of retroactive immunity to the telecoms is inconsistent

with our basic principles because we are breaking with a very proud tradition of intervening for the first time in a pending court decision in an effort to reach a preordained legal outcome. This is a bad precedent.

And may I point out, too, that we are in a period in which the executive branch has been deemed by many constitutional authorities to be very near the description of an imperial Presidency. We've gone too far.

I hope that we will get a strong vote against this because the struggle for restoring our precious rights and liberties must continue.

I return all time that may be remaining on our side.

Mr. REYES. Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas has 2¼ minutes.

Mr. REYES. Madam Speaker, it is my privilege to yield 1 minute to our distinguished majority leader, Mr. HOYER, who in this case deserves MVP status for having the wisdom of Solomon and the patience of Job.

Mr. HOYER. I thank my friend, the chairman of the Intelligence Committee. I thank the Speaker. I thank the Speaker not only for giving me the responsibility for trying to work with some extraordinarily talented people but also for having the courage to lead and the courage to express her convictions.

And I want, at the outset, to share her view that every Member who has spoken on this floor has spoken out of a sense of conviction and out of a sense of responsibility to the Constitution of the United States and to the protection of our great Nation and our great people.

Mr. REYES, Mr. CONYERS, Mr. HOEKSTRA, Mr. SMITH have all worked to come together, realizing that there were significant differences. Those four have been assisted by some extraordinary people, and at the outset, I want to mention them.

First of all, I want to mention my own staff without whom I think we would not be at this day. She sits on the floor. She worked for my colleague and dear friend Senator Paul Sarbanes for a number of years. One of the benefits of Senator Sarbanes retiring was that she came to my staff. Mariah Sixkiller has expended too much time, perhaps, but with great talent and great ability to reach this day. Thank you, Mariah Sixkiller.

I want to thank Chairman CONYERS because Chairman CONYERS, as you've heard on the floor, has been conflicted but he has been focused on the necessity to respond to issues that are real and also to help us move forward so that we did not, in the minds of many of us, have a bill pass that we thought was unacceptable, a bill passed by the Senate with 68 of 100 votes. We would not be here, in my opinion, without Chairman CONYERS' leadership, not because he supports this alternative, but because he saw the ability to work together.

I want to thank his staff, Lou DeBaca, Perry Apelbaum. And Lou DeBaca, in particular, who sat for hours and hours and hours in a room trying to reach agreement as we made compromises. Mr. REYES' staff, Mike Delaney, the staff director. Jeremy Bash. Jeremy Bash did extraordinary work. Jeremy Bash was hired by the former Chair of the Intelligence Committee, Jane Harman.

Jane Harman is probably as knowledgeable as almost anybody on this floor, other than perhaps the Speaker who served on the Intelligence Committee longer than anybody in this House. Jane Harman's leadership, concern, focus on constitutional rights, focus on the security of our country, was outstanding. She played a significant role in trying to get us to this day.

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Eric Greenwald of Mr. REYES' staff also played a significant role.

Without Mike Sheehy and Joe Onek of the Speaker's staff, we would not be here today. We would not have reached the good compromises that we reached. Joe Onek and Mike Sheehy, if they were writing this bill, would have written a different bill, much closer to what we passed on our side of the aisle and sent to the Senate, which they rejected. Mike Sheehy has served the House and the Speaker for a very long time in the intelligence field.

I want to thank Senator ROCKEFELLER. We would not be here today on this floor if it were not for Senator ROCKEFELLER. Senator ROCKEFELLER very early on had discussions with me about what could they do to try to move towards the bill that we passed. He made some suggestions. Those suggestions are in this bill today. He facilitated our actions. Andy Johnson, Mike Davidson, Alissa Starzak of his staff were very, very helpful.

Senator BOND, Senator BOND and I did not see necessarily eye-to-eye on these issues as we began, but at the end, we came to an agreement. Louis Tucker and Jack Livinston of his staff were very helpful.

Chairman HOEKSTRA, or former Chairman HOEKSTRA, now Ranking Member HOEKSTRA, I want to thank Chairman HOEKSTRA, but particularly, I want to thank Chris Donessa who was very helpful, gave us great assistance and advice.

LAMAR SMITH and Caroline Lynch of his staff, thank you very much for your efforts as you sat in that room, as we all sat around, every one of the committees sat around the table, as we came to the final agreement.

Then I want to thank, of course, Jen Stewart and the minority leader, without whom we could not have gotten to this day.

Lastly, I want to thank my friend. There's an article going to be written. It's going to speculate whether or not he and I hurt one another by saying the other is his friend. I don't think that's

the case. I said that ROY BLUNT and I often disagree on substantive issues, but what we agree on very strongly is that this House needs to sit down and talk to one another and try to reach resolution on difficult issues, not hard-to-reach compromise on easy issues. It's on the difficult issues.

ROY BLUNT is a man of this House, who cares about this House, who cares about this country. And he cares about drafting legislation that can be agreed upon by a broad section of this House and the American people. He has an extraordinary staff of Brian Diffell, who I want to thank for his efforts, but in particular, I want to thank ROY BLUNT for his friendship, for his integrity, and for his willingness to take risks to reach compromise. Thank you, ROY.

Madam Speaker, today we conclude one step in a long, continuing process. Just under a year ago, the House came under great pressure from the administration and the Senate to pass the Protect America Act, a bill I could not support and spoke out against for its lack of civil liberties protections.

Since then, there have been other attempts to modernize the Foreign Intelligence Surveillance Act: first, the RESTORE Act passed by the House last November with my strong support, with Mr. CONYERS' strong support, Mr. REYES' strong support, and the support of this House; that was followed by the Senate bill which passed, as I said earlier, with 68 votes in February; and most recently, the FISA Amendments Act, passed by the House last March. I supported that bill as well. I think it was a better bill. It would be my alternative. It was our alternative on this side of the aisle, but it was not the consensus alternative, and we needed to reach consensus to move forward.

I was proud to support the two House bills, which I believe struck the right balance between giving our intelligence community the tools to go after those who seek to harm and protecting the constitutional rights of American citizens.

Today, I stand in support of a different kind of bill, a compromise. To be clear, this is not the bill that I would have written or that perhaps anybody individually on this floor would have written. However, in our legislative process, no one gets everything he or she wants. Different parties, often with deeply competing interests, come together here to produce a consensus product, where each side gives and takes. I don't believe we've given on the ultimate principles on either side.

Over the past few months, I've been involved in almost daily discussions with the stakeholders on this important issue, Members in both Chambers, in both parties, as well as outside organizations and experts. I want to thank all of the outside organizations, whether they agree with our product or do not. Their contribution has been an important one. I particularly want to thank those who take very unpopular

positions to protect the rights of perhaps just one of us among the 300 million, who in the land of the free and the home of the brave deserve to have that one individual right protected, and I appreciate their efforts to ensure that that country remains that kind of country.

Together, we have worked to develop a bill that strikes a sound balance. This measure provides the intelligence community with the strong authority to surveil foreign terrorists who seek to harm this country and our people. As the Speaker said, that is our responsibility, and we intend to meet it.

It provides for enhanced civil liberties protections for Americans and insists on meaningful judicial scrutiny.

It includes critical new oversight and accountability requirements that both address the President's warrantless surveillance program and ensures that any surveillance going forward comports with the fourth amendment and will be closely monitored by the Congress.

Of vital importance, my colleagues, this legislation makes clear that FISA is the exclusive means by which the government may conduct surveillance, the Foreign Intelligence Surveillance Act. Contrary to the administration's previous actions, in which it did not comply with the FISA statute, this statute makes it very clear, this and this alone is the process through which we will intercept communications, an issue of great importance to the Speaker, as she has said.

Notably, this bill does not address or excuse any actions by the government or government officials related to the President's warrantless surveillance program, nor does it include any statement by the Congress or conclusion on the legality of that program.

Indeed, it mandates for the first time ever a robust accounting by the Inspectors General of the warrantless surveillance program, which Congress will receive and act on.

Madam Speaker, in closing, let me say again, this bill is a compromise, but in my opinion, it is a compromise worth supporting. And the conclusions drawn by editorials in the New York Times, Wall Street Journal and Washington Post over the last 2 days reflect this compromise.

Today, for example, the Washington Post recognized that this is a reasonable effort to strike a compromise, stating: "Striking the balance between liberties and security is never easy, and the new FISA bill is not perfect. But it is a vast improvement over the original law and over the earlier, rushed attempts to revise that law."

As I said at the beginning, this bill is one step in a long, continuing process of updating this critical legislation, ensuring that our national security and our civil liberties are both protected.

This legislation sunsets at the end of 2012, and it's imperative that we scrutinize its implementation in the future and make any necessary changes. I be-

lieve we have the best bill before us that we could possibly get in the current environment. It is a significant improvement over the Senate-passed bill and, I suggest, existing law.

I look forward to working with my colleagues in the years ahead to ensure that both our national security and our civil liberties are protected. That is our responsibility. That is our pledge to our constituents. I urge passage of this legislation.

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

I just wanted to thank everyone again, as Mr. HOYER indicated. I believe every Member in this body cares about our national security, and I also believe that this is a good bill, a good compromise and is worthy of supporting.

Mr. VAN HOLLEN. Madam Speaker, on March 14th I voted in favor of H.R. 3773 which modernized the Foreign Intelligence Surveillance Act. This bill successfully updated the law to accommodate the current day communications technology while at the same time providing the much-needed protection of the court in sanctioning the surveillance of Americans. Moreover, the bill was also remarkable for what it did not contain; it did not provide retroactive immunity for telephone companies who are defendants in pending lawsuits. These suits have been brought to uncover the full extent of the Administration's program to conduct unauthorized surveillance on Americans.

I am deeply troubled that the Senate does not have the votes to pass the House bill. The Senate instead passed its own bill, S. 2248, which was unacceptable to me from the outset because it reduced the role of the FISA Court to merely review the procedures for targeting surveillance subjects and minimizing the information collected. Moreover, the Senate bill established retroactive immunity for the phone companies that have been used to carry out the Administration's illicit surveillance program.

To be sure, the Senate bill is completely unacceptable. Majority Leader HOYER worked tirelessly to improve upon the Senate bill to forge an acceptable compromise. The bill before us today, however, does not go far enough to include sufficient safeguards of court involvement in the surveillance of Americans. Moreover, it continues to provide retroactive immunity for those companies that carried out the Administration's unauthorized surveillance. Finally, it fails to hold the Administration accountable for its past illicit surveillance activities and its disregard of the Fourth Amendment protections of Americans. As a result, I must vote against this bill.

Ms. SPEIER. Madam Speaker, when are we going to stop pulling the wool over the eyes of the American people? The proposed FISA law protects no one other than the administration and those within it who may use this newfound power to snoop and spy in areas where they have no business looking. We are giving broad new powers to political appointees who have repeatedly disregarded the Constitution and ignored the most basic rights of Americans to live their lives without Big Brother peeking his nose into their private matters.

This FISA bill gives the federal government sweeping powers to gather wide swaths of in-

formation from foreign sources while providing little or no justification for the national security value of that information.

The FISA Court set up to police the process isn't a court at all. Under this bill, the government can gather as much intelligence as it chooses for seven days prior to going to the court. Then, if the court says "No" to the request, the government can continue to gather intelligence for 60 days while they appeal.

Any first year law student knows that is not how courts work. If this were a real court, the government would be required to abide by the decision of the court and seek the warrant prior to conducting surveillance.

It is fundamentally untrue to say that Americans will not be placed under surveillance after this bill becomes law. The truth is, any American will subject their phone and e-mail conversations to the broad government surveillance web simply by calling a son or daughter studying abroad, sending an e-mail to a foreign relative, even calling an American company whose customer service center is located overseas.

Once again, our government puts a feel-good name on something that doesn't live up to its billing. Calling the FISA rubber stamp panel a court is akin to the President's "Clear Skies Initiative" which relaxed pollution regulations or "No Child Left Behind" which instead of helping schools, punishes them if they have children who are, indeed, lagging behind.

This bill sets out to reassure Americans that, because there are warrants and a "court", due process is taking place. But like the pseudo-court, FISA warrants aren't warrants at all.

A warrant is permission by the court to look for a specific thing from a specific person or group for a specific reason. The FISA warrant is given after the fact and can be as broad as gathering all electronic communication coming into or out of a foreign country.

Madam Speaker, America isn't simply "guided" by our Constitution, it isn't a set of "suggestions" but rather, the law of the land. It is the existence of this great document and our unswerving loyalty to it that makes America the greatest nation in the history of our planet. We can't be sacrificing basic constitutional principles like the fourth amendment simply because it's an election year and we want to make it look like we're fighting terrorism.

I join my colleagues in our unified fight to defeat the global terrorist movement. But we don't do that by sacrificing our hard-earned Constitutional rights and forgiving telephone companies who knowingly violate those rights.

The bottom line is, this FISA bill permits the collection of Americans' emails and phone calls if they are communicating with someone outside of the U.S. This is especially true when it comes to emails, because the World Wide Web has no area codes, so it is impossible to tell where email communications originate from. The Government is under no obligation to seek a warrant in order to monitor an email account unless it knows the account belongs to an American.

And once your email account is swept up in the system, it can be monitored. Regardless of the relevance of your personal information, once it is gathered by the government, it is never destroyed. One only has to recall the recent incident in the State Department where candidates' passport information was breached to know that this information isn't

handled by robots, but people. And people can do any number of things with personal information.

Out of respect to the United States Constitution and the basic rights of Americans to live free of intrusive eavesdropping by their government, I strongly oppose HR 6034, the FISA Reauthorization Act.

Ms. ESHOO. Madam Speaker, first I want to commend the Chairman and the Majority leader for the work they've done to bring this legislation to the floor of the House. It has been a challenge for all of us on the Intelligence Committee and in the Congress.

This legislation is a vast improvement over the previous law, and indeed over the Protect America Act passed by the House last August which I opposed.

The bill very importantly establishes a process for electronic surveillance that includes prior approval by the independent courts, and in some respects, this legislation goes even further than the existing FISA statute or the House-passed RESTORE Act in protecting the civil liberties of U.S. persons. Under this bill the Administration would have to seek a court order before conducting surveillance on U.S. persons abroad. Until now and under the Protect America Act, the executive branch could conduct electronic surveillance of U.S. persons without prior judicial approval. This legislation also allows the lawsuits against the telecommunications companies to go forward in a limited fashion, which would not have occurred at all under current law.

Having said this I must oppose this bill.

Under the original structure of FISA, telecommunications carriers served an important gate-keeping function. They were not permitted to provide access to private communications in the United States unless the government made a lawful request to conduct surveillance, pursuant to a FISA order. For decades, the government has sought and obtained thousands of FISA warrants prior to beginning surveillance, or in urgent cases shortly thereafter. We all remember the shocking news when the President had to acknowledge that his Administration created an illegal, warrantless electronic surveillance program outside of the FISA legal framework.

This legislation would essentially grant retroactive immunity to telecommunications carriers who relied on statements made by this Administration that the program was lawful. However, as we've seen in numerous instances, this Administration pushed new and aggressive interpretations of the law, including in this area. We all recall vividly the days following 9/11, and the urgency that prevailed, but suspending our laws and allowing the Attorney General to unilaterally issue a "get out of jail free card" is not appropriate under any circumstances. There should be at least some minimal inquiry into whether the telecommunications carriers reliance on the statements made by this Administration was reasonable. If so, they would be able to assert their existing statutory immunity defenses.

Throughout our Nation's history, the judiciary has been the most important check on an overzealous executive, and it is often through the judicial process that we uncover and remedy some of the most egregious executive misconduct. This legislation undermines and effectively nullifies the courts' ability to hold the Administration accountable for its actions, which likely violated the Constitution.

Our Nation was founded on the principle of separation of powers. The executive branch should be subject to independent oversight by the judicial branch. This legislation does not go far enough to allow the judicial branch to conduct an independent, reasoned inquiry into this critical issue. Therefore, I must oppose this legislation.

Mr. UDALL of Colorado. Madam Speaker, I will support this bill.

I will do so because, as I have consistently said, I do think the basic law in this area—the Foreign Intelligence Surveillance Act, or FISA—needs to be updated to respond to changes in technology, which was the purpose of the current, temporary law.

That is why, last August, I voted for a bill (H.R. 3356) to provide such an update—a bill that was supported by a majority of the House, but did not pass because it was considered under a procedure that required a two-thirds vote for passage, which did not occur because of the opposition of the Bush Administration. It was supported by all but three of our Republican colleagues.

That is also why I voted for another bill to update FISA—H.R. 3773, the "Responsible Electronic Surveillance That is Overseer, Reviewed, and Effective" (or RESTORE) Act—which the House passed on November 15th of last year. Like those bills I supported earlier, this bill will replace the Protect America Act, enacted in August 2007—which I opposed.

The bill makes it very clear that to conduct surveillance targeting a person in the United States, the government first must obtain an individual warrant from the FISA Court, based upon probable cause.

And, importantly, it explicitly states that FISA and Title III of the U.S. criminal code are the exclusive means by which the government may conduct surveillance on American soil, and adds that any future statute must expressly authorize surveillance if the government is going to rely on it to conduct domestic surveillance.

It also includes new legal protections for Americans abroad, requiring an individual probable cause determination by the FISA Court when the government seeks to conduct surveillance of U.S. persons located outside the United States.

It requires prior review and approval by the FISA Court of the targeting and minimization procedures used to conduct surveillance of any foreign targets (unless in an emergency, in which case the government may authorize the surveillance and then apply to the FISA Court for approval within 7 days), and requires that this surveillance be conducted in accordance with the Fourth Amendment. And it requires the government to establish guidelines to ensure that Americans are not targeted by this surveillance ("reverse targeting guidelines"), and requires the government to provide those reverse targeting guidelines to Congress and the FISA Court.

The legislation also includes important provisions to increase transparency and accountability. For example, it requires there be a comprehensive review of the President's warrantless surveillance program by the Inspectors General of the Justice Department, the Directorate of National Intelligence, the National Security Agency, and the Defense Department—and it provides for them to report the results to the Intelligence and Judiciary Committees.

This report will review "all of the facts necessary to describe the establishment, implementation, product, and use of the Program," as well as "communications with, and participation of, individuals and entities in the private sector related to the Program."

I do not find equally satisfactory another aspect of the bill that involves accountability—the treatment of pending lawsuits against various telecommunication companies that acted to implement President Bush's clandestine surveillance program.

Like the bills I supported earlier, this measure would provide civil liability protection for private sector companies that provide lawful assistance to the government in the future. But it differs significantly in the way it addresses those pending lawsuits, which deal with the previous actions of the defendant companies.

Those lawsuits have been consolidated and are pending in one court, but evidently have made little progress because of the Administration's argument, still awaiting court resolution, that the suits are barred because they involve state secrets. My understanding is that the defendant companies have argued that government's invocation of the state-secrets privilege has had the result of preventing them from defending themselves, although at least one company has stated in regulatory filings that the cases against it are without merit.

President Bush has insisted that Congress throw these cases out of court by giving the companies retroactive immunity for whatever they might have done in connection with the surveillance program, even though the Administration and the companies themselves insist that those actions were lawful and that the plaintiffs' complaints against the companies have no merit.

Regrettably, the Senate decided to comply with the president's demand on this point, and its version of this legislation would provide that retroactive immunity. I do not think that was the right decision because I agree with the Rocky Mountain News, which in a February 15th editorial said "Letting this litigation proceed would not, as Bush [has] said . . . punish companies that want to 'help America.' Businesses that want to help America need to be mindful of the Constitution—and so should the government."

I supported removing that "state secret" barrier and allowing the companies to defend themselves by demonstrating to the court the evidence they say supports their arguments in a way that assures the continued security of that evidence and that avoids the public disclosure the Administration says would be adverse to the national interest. This is a process that has worked well in criminal cases, and while I am certainly not an expert on the matter, I think it can work when applied to these civil cases.

In that respect, this bill is similar to the legislation I supported earlier this year. But it is not identical, and I do not think it is quite as sound.

Under this bill, a district court hearing such a case will decide whether the Attorney General's certification attesting that the liability protection standard has been met and is supported by substantial evidence. In making that determination, the court will have the opportunity to examine the highly classified letters to the providers that indicated the President had authorized the activity and that it had been determined to be lawful.

That is not as strong a requirement for accountability as I would prefer. However, in such cases both plaintiffs and defendants will have the opportunity to file public briefs on legal issues and the court should include in any public order a description of the legal standards that govern the order.

And, importantly, this immunity provision does not apply to any actions against the Government for any alleged injuries caused by government officials.

Madam Speaker, as Benjamin Franklin has warned us, people who value security over liberty will get neither—and the Bush Administration has finally agreed to end its disregard for liberty and agree to effective judicial oversight and involvement in intelligence surveillance.

That agreement that is embodied in this bill, and the choice before us now is whether to reject it or to support the compromise measure now before us.

After careful review, I have concluded that the bill adequately meets the test of protecting civil liberties while giving our country tools needed to effectively combat terrorism.

So, while—like any compromise—the bill is not ideal, I have decided the correct decision—the one that will fulfill my responsibility to protect both our national security and the civil liberties that make our nation worth defending—is to vote for it.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 6304, FISA Amendments Act. This bipartisan bill takes steps to increase our Nation's security while also protecting Americans' civil liberties.

H.R. 6304, FISA Amendments Act, provides the critical tools that our intelligence community needs to ensure the safety of our Nation. With many surveillance warrants set to expire in the coming weeks, the intelligence community needs a strong and dependable set of guidelines to follow while conducting surveillance. H.R. 6304 allows the Government to authorize surveillance in the case of an emergency situation, provided that they return to the FISA court within 7 days to apply for a warrant.

This bill also includes a number of provisions that significantly strengthen the protection of our civil rights. H.R. 6304 clarifies that FISA is the exclusive means for conducting surveillance in the United States, prohibiting any President from using executive power to conduct a warrantless wiretapping program. This bill also requires the Government to obtain an individual warrant from the FISA Court before conducting surveillance on a United States citizen. This warrant must be based on probable cause, and the provision now includes American citizens abroad as well. H.R. 6304 requires prior review and approval of the intelligence community's targeting and minimization procedures that ensure that any inadvertently intercepted communications by American citizens are destroyed. Finally, the FISA Amendments Act adds a strong layer of oversight to this process by directing the Inspectors General from Justice, State, Defense, the DNI, and NSA to review surveillance procedures and submit their findings to Congress.

H.R. 6304 rejects blanket immunity for telecommunications companies that may have participated in the administration's warrantless wiretapping program. Under this bill, lawsuits against these companies would be determined by Federal district courts. These telecommunications companies will have to prove that the

Administration provided written assurance that their activities were legal. There is no immunity for any government official who may have violated the law included in this legislation.

This bill is much stronger than the Senate version, and will protect both our security and the civil liberties that we enjoy. I support the passage of H.R. 6304, FISA Amendments Act, and I urge my colleagues to vote in favor of this bipartisan measure as well.

Mr. LANGEVIN. Madam Speaker, I rise in support of the FISA Amendments Act of 2008. As a member of the Intelligence Committee, I know we must give our intelligence community the proper tools to protect us while upholding the civil liberties of Americans. Today's compromise illustrates what this House can do when it deliberates with care, holds steady against fear-mongering, and acts in the best interest of the country and its citizens.

This bill is strong on civil liberties, and includes protections against infringement of our Constitutional right to privacy.

First, the bill clarifies that FISA is the exclusive means by which the executive branch may conduct electronic surveillance on U.S. soil. No President will have the power to do an end-run around the legal requirements of FISA. This provision will prevent the types of abuses we have witnessed under this administration.

Second, this Act requires a warrant from the FISA court to conduct surveillance of Americans abroad. Americans will no longer leave their constitutional protections at home when working, studying, or traveling abroad.

Third, it requires prior approval by the FISA court of procedures the Government will use when carrying out foreign electronic surveillance. This will ensure that the Government's efforts are not aimed at targeting Americans, and that, if an American's communication is inadvertently intercepted, it is dealt with in a manner that guarantees legal protections.

One issue that has been repeatedly addressed is whether telecommunications companies should be granted immunity against pending lawsuits for their involvement in the earlier surveillance program. For a long period of time, the Bush Administration stonewalled and did not provide Congress the documents we demanded to ascertain the role that the telecommunications companies played. Since then, I have reviewed a large number of classified documents on this matter, and I am deeply concerned about the manner in which the Bush administration conducted its surveillance program. Therefore, I am pleased that this legislation preserves a role for the U.S. court system, which will review the documents produced by the White House and other relevant documents to decide independently whether the telecommunications companies acted in good faith when cooperating with the Government. Only after that review would the courts decide whether the telecommunications companies deserve any form of liability protection. Furthermore, the legislation authorizes a joint investigation by the Inspectors General from the U.S. Department of Justice, National Security Agency, Department of Defense, and Office of the Director of National Intelligence to review the past actions of the U.S. Government and report to Congress on their findings so that we may take appropriate action.

Many today have said that the legislation before us is not a perfect bill, and I agree. Nevertheless, it is significantly better than the

bill passed by the Senate and an immense improvement over the Bush administration's program, neither of which took sufficient steps to protect Americans' civil liberties. I know that the Democratic leadership negotiated a good compromise, and I will support it. However, as I have said before, this legislation will only work if everyone involved follows the rules and remains within the confines of the law. Congress must continue to conduct robust oversight to make sure the law is implemented as intended to maintain the critical and fragile balance of protecting our Nation and protecting civil liberties.

Mr. LEVIN. Madam Speaker, I rise in opposition to the bill. I appreciate the hard work that Mr. HOYER and others have done on this legislation. The bill before the House is a vast improvement over the administration's Protect America Act, which I strongly opposed last August. The legislation is also a significant improvement over the seriously flawed FISA legislation approved by the Senate earlier this year. In many respects, the bill before the House strikes a reasonable balance between giving the Government the tools it needs to protect U.S. national security and protecting Americans' constitutional rights.

In particular, I am pleased that the bill reaffirms that the Foreign Intelligence Surveillance Act is the exclusive legal means by which the Government may conduct surveillance. This stands in stark contrast to the Bush administration's warrantless surveillance program. I also support the provisions of this bill that protect Americans traveling abroad. They need no longer leave their constitutional protections at home.

At the end of the day, I oppose this bill because of the provisions that would confer retroactive immunity on the telecommunications companies that participated in the Bush administration's warrantless surveillance program. We are a nation of laws, and it sets a dangerous precedent for Congress to approve a law that dismisses ongoing court cases simply on the basis that the companies can show that the administration told them that its warrantless surveillance program was legal. A program is not legal just because the administration claims that it is. The retroactive immunity provisions in this bill shield the administration from accountability for its actions. The goal here is not to harm the telecommunications carriers, but rather to get to the truth of what happened. A much better alternative would be to grant indemnification to the companies and go forward with the trials.

Irrespective of the outcome of today's vote, we need a full accounting of the administration's surveillance program, and the bill before the House provides for an Inspectors General audit describing all Federal programs involving warrantless surveillance conducted since September 11, 2001. The audit is to be completed within 1 year. Congress must get to the bottom of what happened and prevent it from happening again. It is essential that Congress follow up on the audit's findings with robust oversight.

Mr. DINGELL. Madam Speaker, while I cannot support the legislation before us today, I commend Majority Leader HOYER for the work he has done to negotiate a bill that is substantially better than the version that passed in the Senate. This legislation, which will be the exclusive mechanism for the Government to conduct surveillance within the United States,

contains provisions that will provide greater protections against unwarranted and unconstitutional searches of American citizens.

Despite the many improvements Mr. HOYER was able to obtain, I unfortunately still cannot support this legislation because it contains a provision that will grant immunity to the telecommunications companies that assisted the President with his illegal and unauthorized warrantless wiretapping program. I have consistently said that it is not appropriate for Congress to grant these companies immunity for their actions without having an understanding of what it is that they did. This is not only because it will hold the telecommunications companies accountable for their actions, but because it is the only way of finding out just how extensive the President's illegal wiretapping program really was. In other words, this provision will enable the Bush administration to continue suppressing facts and information about the Government's own misbehavior and wrongdoing.

The immunity provision contained in this bill purporting to allow for judicial review to determine whether immunity is appropriate is a sham. As drafted, courts will have no real discretion and will be forced to grant immunity so long as the Government claims its actions were legal. However, the court is under no obligation to investigate whether the Government's claims are true. Anyone following the headlines recently, who has read about the recent Supreme Court decision overturning the administration's argument that it has the authority to detain people indefinitely in Guantanamo Bay, or about the hearings held by Senator CARL LEVIN and the Senate Armed Services Committee uncovering evidence that top civilian leadership at the Department of Defense authored memos arguing it was legal for the military to torture detainees, should be extremely wary of trusting President Bush to decide whether or not it is legal to spy on Americans.

Mr. HALL of New York. I have consistently supported modernizing the existing FISA law to give our Government the tools it needs to identify and defeat terrorists in today's high-tech world, while at the same time preserving the freedoms and rights that define America. I have voted three times to pass legislation that would strengthen and modernize FISA and reaffirm the rule of law. Despite some improvements over previous attempts to update FISA, the bill considered by the House today regrettably falls short of achieving that critical balance. The rule of law lies at the core of America's founding principles, and the language in this bill was too weak to ensure that any breach of our laws that may have occurred under the warrantless wiretapping program will be fully addressed. It is not appropriate to deny Americans the right to pursue these matters in court, or to short-circuit the judicial review that lies at the heart of our system of checks and balances, which is the bedrock of our Constitution. Accordingly, I voted against this bill.

Mr. BLUMENAUER. Madam Speaker, I appreciate the hard work put in by my colleagues on both sides of the aisle and in both chambers. For the past year we've participated in substantial and sometimes heated debate on the issue of surveillance and foreign intelligence. I appreciate the good faith efforts of our leadership, particularly Mr. HOYER, as we try to craft legislation that keeps both our liberties and our persons safe.

For the past seven years I have been highly critical of Republican wiretapping legislation. I voted against past efforts to expand this administration's ability to intrude in the lives of unknowing and innocent Americans. I supported the expiration of the disgraceful Protect America Act. And I remain confident that the dedicated members of the intelligence community do not need to violate the rights of Americans in order to protect them.

I have heard some say that the enemies of America take on many forms. To them I say: Let us be sure one of those forms is not our own government.

Ultimately this is a compromise that falls short. Any gains in security that may be achieved are temporary and are more than outweighed by the longer-term loss of civil liberties and oversight. Although this bill is comparatively better than the Senate's version, I am troubled by the lack of robust government oversight, the absence of meaningful court review, and the risk to American liberties.

Of particular concern is the granting of de facto retroactive immunity to the telecommunications companies that cooperated with the administration. A 'doctor's note' from the Attorney General cannot be allowed to circumvent the entire judicial process.

I am equally concerned with the timeline of this bill, and strongly oppose authorizing this legislation for four years. This will extend the Bush legacy throughout the next administration and the next two sessions of Congress. Frankly I see no reason to rush into a compromise that comes up this short. The American people would be better served if we continued to debate this issue and took up a bill after we have seen the last of this administration. Americans demand and deserve protection of their basic civil rights and this can be accomplished while providing the means necessary for our intelligence community to do its job.

Mr. NADLER. Madam Speaker, Members of the House must decide today whether to uphold the rule of law and the supremacy of the Constitution or whether to protect and reward the lawless behavior of the administration and of the telecommunications companies that participated in its clearly illegal program of spying on innocent Americans.

This bill limits the courts hearing lawsuits alleging illegal wiretapping to consider only whether the telecom companies received a "written request or directive . . . indicating that the activity was [ ] authorized by the President; and [ ] determined to be lawful"—not whether the request was actually lawful or whether the telecom companies knew that it was unlawful.

The bill is a fig-leaf, granting blanket immunity to the telecom companies for illegal acts without allowing the courts to consider the facts or the law. It denies people whose rights were violated their fair day in court, and it denies the American people their right to have the actions of the administration subjected to fair and independent scrutiny.

Even the courts' limited review will remain secret. The lawsuits will be dismissed, but the basis for the dismissal—that the defendants were innocent of misconduct, or that they were guilty but Congress commands their immunity—must remain secret.

And the constitutionality of the immunity granted by this bill is very questionable. As Judge Walker put it in the AT&T case:

AT&T's alleged actions here violate the constitutional rights clearly established in [the] Keith decision. Moreover, because 'the very action in question has previously been held unlawful,' AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

I would hope that the courts will find that, because the Constitutional rights of Americans have been violated, Congress' attempt to prevent court review is unconstitutional.

The bill also reiterates than FISA and specified other statutes are the exclusive legal authority for electronic surveillance. The Act has always said that. This bill adds some new mechanisms to ensure that any future legislation may not be read to override this exclusivity by implication, but only by explicitly saying that that is its purpose.

No one and no court should draw the false conclusion that we are thereby implying that the exclusivity provision was, or could have been, overridden either by the President's claim of inherent authority under Article II of the Constitution, or by the Authorization for the Use of Military Force of 2001. This bill does not say or imply that. If there is any doubt of this point, the blanket immunity provisions of this bill reflect Congress' understanding that this domestic spying was not legal. If it were, there would not be any necessity for these provisions.

This bill abandons the Constitution's protections and insulates lawless behavior from legal scrutiny.

I urge a "no" vote.

Mr. BOSWELL. Madam Speaker, I rise in support of H.R. 6304.

This is the kind of work I came to Congress hoping for—bipartisan legislation that protects our security and our liberty. It's a solid compromise that does what it needs to do for the country.

One of my specific concerns in FISA reform over the last year has been finding a way to protect reasonable private companies, who assisted government out of patriotism.

This bill does that. It doesn't give anyone a free pass, but it allows companies to come before the courts and make their case in order to be protected from lawsuits.

That's a good result, and I thank Chairman REYES for his work in reaching this reasonable bipartisan compromise.

I urge my colleagues to vote "yes."

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of H.R. 6304, a bill to reauthorize the Foreign Intelligence Surveillance Act and to protect America from foreign threats.

For the past several months, I have heard from hundreds of constituents on the issue of FISA.

Each one of them expressed their alarm and disbelief that the House Majority would repeatedly refuse to call a vote on bipartisan legislation to extend FISA and address our grave vulnerability to terrorist attacks.

Today I am pleased that the Majority leadership has finally reached across the aisle to put together a compromise bill, and fulfill one of its fundamental tasks—to ensure the security of this great Nation.

This compromise is also a reminder of what I have always believed, that no one side can do it alone; both parties must work together to ensure our safety.

In such uncertain times, when it is essential that our government utilize every available tool

to protect American citizens, having the ability to collect intelligence responsibly is essential.

While there is no excuse for the delay in bringing this critical bill to the floor, we must now move forward together to pass H.R. 6304 and restore our Nation's intelligence capabilities.

Mr. REYES. Madam Speaker, I yield back the remainder of our time.

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

Pursuant to House Resolution 1285, the bill is considered read and the previous question is ordered.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 293, nays 129, not voting 13, as follows:

[Roll No. 437]

YEAS—293

|                |                 |                 |
|----------------|-----------------|-----------------|
| Ackerman       | Cleaver         | Green, Gene     |
| Aderholt       | Clyburn         | Gutierrez       |
| Akin           | Coble           | Hall (TX)       |
| Alexander      | Cole (OK)       | Harman          |
| Altmire        | Conaway         | Hastings (FL)   |
| Arcuri         | Cooper          | Hastings (WA)   |
| Baca           | Costa           | Hayes           |
| Bachmann       | Cramer          | Heller          |
| Bachus         | Crenshaw        | Hensarling      |
| Baird          | Crowley         | Hergert         |
| Barrett (SC)   | Cubin           | Herseth Sandlin |
| Barrow         | Cuellar         | Higgins         |
| Bartlett (MD)  | Culberson       | Hinojosa        |
| Barton (TX)    | Davis (AL)      | Hobson          |
| Bean           | Davis (KY)      | Hoekstra        |
| Berkley        | Davis, David    | Holden          |
| Berman         | Davis, Lincoln  | Hoyer           |
| Berry          | Davis, Tom      | Hulshof         |
| Biggert        | Deal (GA)       | Hunter          |
| Bilbray        | Dent            | Inglis (SC)     |
| Bilirakis      | Diaz-Balart, L. | Issa            |
| Bishop (GA)    | Diaz-Balart, M. | Johnson, Sam    |
| Bishop (NY)    | Dicks           | Jordan          |
| Bishop (UT)    | Donnelly        | Kanjorski       |
| Blackburn      | Doolittle       | Keller          |
| Blunt          | Drake           | Kildee          |
| Boehner        | Dreier          | Kind            |
| Bonner         | Duncan          | King (IA)       |
| Bono Mack      | Edwards (TX)    | King (NY)       |
| Boozman        | Ehlers          | Kingston        |
| Boren          | Ellsworth       | Kirk            |
| Boswell        | Emanuel         | Klein (FL)      |
| Boucher        | Emerson         | Kline (MN)      |
| Boustany       | Engel           | Knollenberg     |
| Boyd (FL)      | English (PA)    | Kuhl (NY)       |
| Boyd (KS)      | Etheridge       | LaHood          |
| Brady (TX)     | Everett         | LaHood          |
| Broun (GA)     | Fallin          | Lamborn         |
| Brown (SC)     | Feeney          | Lampson         |
| Brown, Corrine | Ferguson        | Langevin        |
| Buchanan       | Flake           | Latham          |
| Burgess        | Forbes          | LaTourette      |
| Burton (IN)    | Fortenberry     | Latta           |
| Butterfield    | Fossella        | Lewis (CA)      |
| Buyer          | Fox             | Lewis (KY)      |
| Calvert        | Franks (AZ)     | Linder          |
| Camp (MI)      | Frelinghuysen   | Lipinski        |
| Campbell (CA)  | Gallely         | LoBiondo        |
| Cantor         | Garrett (NJ)    | Lowe            |
| Capito         | Gerlach         | Lucas           |
| Cardoza        | Giffords        | Lungren, Daniel |
| Carney         | Gillibrand      | E.              |
| Carter         | Gingrey         | Mack            |
| Castle         | Goode           | Mahoney (FL)    |
| Castor         | Goodlatte       | Manzullo        |
| Cazayoux       | Gordon          | Marchant        |
| Chabot         | Granger         | Marshall        |
| Chandler       | Graves          | Matheson        |
| Childers       | Green, Al       | McCarthy (CA)   |
|                |                 | McCarthy (NY)   |

|                 |               |                |
|-----------------|---------------|----------------|
| McCaul (TX)     | Pryce (OH)    | Skelton        |
| McCotter        | Putnam        | Smith (NE)     |
| McCrery         | Radanovich    | Smith (NJ)     |
| McHenry         | Rahall        | Smith (TX)     |
| McHugh          | Ramstad       | Smith (WA)     |
| McIntyre        | Regula        | Snyder         |
| McKeon          | Rehberg       | Souder         |
| McMorris        | Reichert      | Space          |
| Rodgers         | Renzi         | Spratt         |
| McNerney        | Reyes         | Stearns        |
| Meeks (NY)      | Richardson    | Stupak         |
| Melancon        | Rodriguez     | Sullivan       |
| Mica            | Rogers (AL)   | Tancredo       |
| Miller (FL)     | Rogers (KY)   | Tanner         |
| Miller (MI)     | Rogers (MI)   | Tauscher       |
| Miller, Gary    | Rohrabacher   | Taylor         |
| Mitchell        | Ros-Lehtinen  | Terry          |
| Moore (KS)      | Roskam        | Thompson (MS)  |
| Moran (KS)      | Ross          | Thornberry     |
| Murphy, Patrick | Royce         | Tiberi         |
| Murphy, Tim     | Ruppersberger | Turner         |
| Murtha          | Ryan (WI)     | Udall (CO)     |
| Musgrave        | Salazar       | Sali           |
| Myrick          | Saxton        | Upton          |
| Neugebauer      | Scalise       | Walberg        |
| Nunes           | Schiff        | Walden (OR)    |
| Ortiz           | Schmidt       | Walsh (NY)     |
| Pearce          | Scott (GA)    | Wamp           |
| Pelosi          | Sensenbrenner | Weldon (FL)    |
| Pence           | Sessions      | Westmoreland   |
| Perlmutter      | Sestak        | Whitfield (KY) |
| Peterson (MN)   | Shadegg       | Wilson (NM)    |
| Petri           | Shays         | Wilson (OH)    |
| Pickering       | Sherman       | Wilson (SC)    |
| Pitts           | Shimkus       | Wittman (VA)   |
| Platts          | Shuler        | Wolf           |
| Poe             | Shuster       | Yarmuth        |
| Pomeroy         | Simpson       | Young (AK)     |
| Porter          | Sires         | Young (FL)     |
| Price (GA)      |               |                |

NAYS—129

|              |                |                  |
|--------------|----------------|------------------|
| Abercrombie  | Holt           | Oberstar         |
| Allen        | Honda          | Obey             |
| Andrews      | Hooley         | Olver            |
| Baldwin      | Inslee         | Pallone          |
| Becerra      | Israel         | Pascrell         |
| Blumenauer   | Jackson (IL)   | Pastor           |
| Brady (PA)   | Jackson-Lee    | Payne            |
| Bralley (IA) | (TX)           | Price (NC)       |
| Capps        | Jefferson      | Rangel           |
| Capuano      | Johnson (GA)   | Rothman          |
| Carnahan     | Johnson (IL)   | Roybal-Allard    |
| Carson       | Johnson, E. B. | Ryan (OH)        |
| Clarke       | Jones (OH)     | Sánchez, Linda   |
| Clay         | Kagen          | T.               |
| Cohen        | Kaptur         | Sanchez, Loretta |
| Conyers      | Kennedy        | Sarbanes         |
| Costello     | Kilpatrick     | Schakowsky       |
| Courtney     | Kucinich       | Schwartz         |
| Cummings     | Larsen (WA)    | Scott (VA)       |
| Davis (CA)   | Larson (CT)    | Serrano          |
| Davis (IL)   | Lee            | Shea-Porter      |
| DeFazio      | Levin          | Slaughter        |
| DeGette      | Lewis (GA)     | Solis            |
| Delahunt     | Loebsack       | Speier           |
| DeLauro      | Lofgren, Zoe   | Sutton           |
| Dingell      | Lynch          | Thompson (CA)    |
| Doggett      | Maloney (NY)   | Tierney          |
| Doyle        | Markey         | Towns            |
| Edwards (MD) | Matsui         | Tsongas          |
| Ellison      | McCollum (MN)  | Udall (NM)       |
| Eshoo        | McDermott      | Van Hollen       |
| Farr         | McGovern       | Velázquez        |
| Fattah       | McNulty        | Walz (MN)        |
| Filner       | Meek (FL)      | Wasserman        |
| Foster       | Michaud        | Schultz          |
| Frank (MA)   | Miller (NC)    | Waters           |
| Gonzalez     | Miller, George | Watson           |
| Grijalva     | Mollohan       | Watt             |
| Hall (NY)    | Moore (WI)     | Waxman           |
| Hare         | Moran (VA)     | Weiner           |
| Hill         | Murphy (CT)    | Welch (VT)       |
| Hinchey      | Nadler         | Wexler           |
| Hirono       | Napolitano     | Woolsey          |
| Hodes        | Neal (MA)      | Wu               |

NOT VOTING—13

|              |               |           |
|--------------|---------------|-----------|
| Brown-Waite, | Jones (NC)    | Stark     |
| Galley,      | Paul          | Tiahrt    |
| Cannon       | Peterson (PA) | Visclosky |
| Chichrest    | Reynolds      | Weller    |
| Gohmert      | Rush          |           |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1248

Mr. FRANK of Massachusetts, Mr. JEFFERSON, Mrs. CAPPS and Ms. KAPTUR changed their vote from "yea" to "nay."

Mr. BERMAN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. VISCLOSKY. Madam Speaker, had I been present for rollcall 437, H.R. 6304, on passage of a measure to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, I would have voted "nay."

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3192

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3192.

The SPEAKER pro tempore (Mr. ARCURI). Is there objection to the request of the gentlewoman from California?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. BRADY of Texas. Mr. Speaker, I seek unanimous consent to remove my name as a cosponsor of H.R. 6041.

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

There was no objection.

#### LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my good friend from Maryland, the majority leader, for information about next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m.

On Tuesday, Mr. Speaker, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business.

Mr. Speaker, we will consider several bills under suspension of the rules, including a bill to address cuts in Medicare physician rates. I will reiterate that. We will have a suspension bill on Medicare physician rates.

The complete list of suspension bills will be announced by the close of business today.

In addition, we will consider H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act; H.R. 6275, the Alternative Minimum Tax Relief Act of 2008; H.R. 3195, the Americans with Disabilities Restoration Act; two bills dealing with Michigan Indian Land Claim Settlements, H.R. 4415 and H.R. 2176.

And we also anticipate considering important energy-related legislation including H.R. 6052, the Saving Energy Through Public Transportation Act of 2008.

And I yield.

Mr. BLUNT. I thank my friend for that information.

I'm looking here at what we're going to be talking about. I will have some questions about that.

Before I get to that, I would like to congratulate my friend on the great work he did on the legislation we passed both yesterday and today. Particularly the legislation today took a tremendous amount of effort on the majority leader's part to get that legislation to the floor. I'm hopeful that the Senate, before we leave for the Fourth of July, will pass this and get it to the President's desk.

I'm convinced that the country will be significantly safer because of the tools we've given the intelligence community. But I'm also convinced that we have done a lot to structure this process in a way that not only protects individual rights, but also requires the government to be more forthcoming with its rules and regulations. And both the leader and his staff did a great job on this. And I know personally because we've worked together on it, and spent days, hours and weeks trying to get to a bill that would come to the floor that would have a significant vote from the majority side. And virtually every Republican at the end of the day was able to be there, as we have been on these bills generally.

But I am grateful to you, and I will just point out that while we almost got a majority of the majority voting for this, there wasn't a majority of the majority. And that makes it harder for a leader. And that can be easily overlooked. But this is something where you had to work hard to do what you thought was the right thing for the country. And I'm grateful to you for it.

Mr. HOYER. I want to thank you for your very generous remarks. I also want to thank you for not only working on this particular piece of legislation with me and with others, but also for the spirit that you bring to trying to work together if that's possible within the context of reaching a compromise, again, if that is possible. So I thank you very much.

Also I want to say that while you and I worked very hard together, I think both of us would say that Mariah Sixkiller and Brian Diffell probably worked more together and longer and harder than we did. And I want to thank Brian on your staff for the work that he did, and of course, Mariah

Sixkiller on my staff for the work they did, as we worked with all of the individuals and committees who are involved in the jurisdictional matters here.

So I thank you for your kind words and I thank you for your efforts. I think that the product that we produced is a product that will be good for the country. And I'm hopeful, as you are, that the Senate will pass it next week and send it to the President for his signature.

□ 1300

Mr. BLUNT. Well, I thank the gentleman, and I certainly share his comments on our two principal staffers who have spent so much time on this.

But one of the things in this process that I was deeply appreciative of, and that you mentioned in your remarks today, was how great the entire staff was in coming together on very technical issues where every single word mattered. The staff on both sides of the aisle were in those rooms you and I were in—and many times we were not in the room—when they were working out the last technicalities of which word was the best word. With all of those involved, it made a big difference here as they do so often, but this is one of those moments where exactly what is done makes a big difference in both how we secure our country and in how we secure our liberties. I'm grateful to the staff for that.

On the Medicare bill that would come to the floor under suspension, as I believe I understood your announcement on Medicare physician rates, when would that bill be available? Will it be available?

Mr. HOYER. If the gentleman will yield.

The committee is working on that now. As the gentleman knows, we discuss this problem all the time. Of course, we had passed a Medicare physicians' reimbursement bill which precluded the 10 percent cut from going into effect, and it provided for a modest increase in the reimbursement rates to physicians. We passed that, of course, as you know, approximately, maybe, a little over a year ago. The Senate did not include it in the SCHIP bill, of which the SCHIP was a part of the CHAMP bill. The only thing they passed was SCHIP, and they indicated to us at that point in time that they would certainly pass the Medicare reimbursement. That has not yet happened.

Unfortunately, the failure of that to happen has now put us in a position where we are facing the June 30 expiration date of the authorization and, therefore, the 10 percent reduction.

Late yesterday, it was apparent that the Senate would not be able to reach a compromise or at least it had not with Chairman RANGEL and Chairman DINGELL after discussions—and I don't know how long those discussions took—yesterday with Chairman BACHUS, and I don't know whether Senator

GRASSLEY was involved in those conversations.

In any event, they determined that they needed to come up with legislation for the House to vote on to provide for reimbursement. They're working on that now. I expect it to be filed today, if possible.

Mr. BLUNT. We've known that we were going to face this deadline for about 8 months now or for at least 6 months now.

As to the process there of going through suspension, I would just tell my friend that I think, on a suspension bill, if this has Medicaid cuts that hurt rural communities or that hurt minority seniors, as we believe some of the cuts in the CHAMP bill did, I would be prepared for this bill to fail on suspension. It might pass with a rule. I wouldn't know about that, but I would give some prediction here that a suspension bill that does those things as pay-fors to appropriately see that physicians are reimbursed but then to have a big debate on the House floor as to whether or not seniors—minority seniors and rural seniors—are disproportionately impacted would, in my opinion, lead to at least a veto-sustaining number on our side.

I'd yield.

Mr. HOYER. I thank the gentleman.

Obviously, we realize that there is that possibility. We hope that does not occur, but we are very interested in getting a bill in light of the fact this will not be until probably next Tuesday. I'm sure it will not be until next Tuesday that we vote on this. We need to get that bill to the Senate because we know they've had great difficulty passing a bill. I'm not sure whether they'll be in next Friday as well or on Saturday of next week, but we simply believe that it needs to pass as quickly as possible, but we do realize the risk.

Mr. BLUNT. Well, to make the point, I'm not sure in my statement there that I mentioned a veto-sustaining majority. I'll just point out, if we had that veto-sustaining number, rather, it would also mean that the bill wouldn't pass and that it would fail on suspension.

Mr. HOYER. It would fail on suspension.

Mr. BLUNT. So I'm certainly hoping that we deal with this important issue of physician reimbursement. I wish we could have done it with a bill that would have been developed sometime in the last 6 months, but we have some concern about that and, I think, appropriately so.

We have a number of physicians on our side who understand this process much better than I do, and I think it's very important that we try to involve them in this process. We've actually got a number of proposals on our side, as you very well may have, too, none of which I've seen in any kind of legislative form.

I'd yield.

Mr. HOYER. I thank the gentleman for yielding.

We all agree that this should have been done earlier. At least all of us in this body agree that it should have been done earlier. Frankly, I presume that everybody in the other body agrees that it should have been done earlier.

The problem has been, as you well know, the failure to get agreement and to get 60 votes in the Senate to allow almost any alternative to go forward. Obviously, we passed a bill that had pay-fors in it, which is what you're talking about, some of which were unacceptable to many on your side and to some on our side.

Whatever we offer is going to be paid for. Mr. DINGELL and Mr. RANGEL, in particular, and his committee are working on that as we speak to see what they can fashion, and we hope that the two-thirds majority necessary to pass a suspension bill will be there—we'll see—but we'll be working on this next week.

Mr. BLUNT. My belief is that is largely not going to be dependent on the issue that solves the problem for physicians but on how that problem is solved. Of course, if two-thirds of the Members are not prepared to do it that way, that will not have gained any time. It will actually have lost time. We'll continue to talk, if you want to, on that.

I notice there is also a bill on energy that is potentially to be considered, and I wonder if that bill would be considered under a rule, and I would hope that that would be.

I'd yield.

Mr. HOYER. The answer to your question is we do intend to consider that bill under a rule.

Mr. BLUNT. I thank the gentleman for that.

As for the ADA update on the Americans with Disabilities Act Restoration, I, personally, anticipate I'll be working with you to pass that, and I look forward to seeing that on the House floor.

I'd yield.

Mr. HOYER. I thank the gentleman for mentioning that.

As you know, I was the sponsor and principal manager of the Americans with Disabilities Act when it passed. Some of your Members don't remember him, but he was a great Member of this body: Steve Bartlett, from Texas, who ended up being the Mayor of Dallas and who is a good friend of mine, has been working very hard on this as we attempt to restore it to what we thought it was when we passed it.

The good news is we have worked very hard, and the disability community has worked very hard with the business community, and we have agreement now with employers and with the disability community on a bill that makes sense for both.

I appreciate the distinguished Republican whip for cosponsoring this legislation, and I look forward to working with him to ensure the passage of this bill on Wednesday next.

Mr. BLUNT. I thank the gentleman for that.

Energy will continue to be an important focus of our discussion of what we think should be on the floor. We look forward to seeing an energy bill on the floor with a rule, and I would encourage the majority to bring every energy bill that we're trying to discharge right now to the floor as soon as possible.

ADJOURNMENT TO MONDAY,  
JUNE 23, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR  
WEDNESDAY BUSINESS ON  
WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

GAS PRICES: AN ENERGY AND  
ECONOMIC CRISIS

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

Mr. BURTON of Indiana. Well, Mr. Speaker, another week has gone by, and the American people are paying over \$4 a gallon for gasoline, and it's going up because we're getting into vacation time. And we're going home. We're leaving this body. This Congress, our majority party, hasn't done one thing or hasn't even made an attempt to lower the gas prices in this country.

We have the oil here in America. We have it off the Outer Continental Shelf and in Alaska at the ANWR. We have coal shale. We can develop it. We can get oil to the market within 2 or 3 years if we could lower the price of oil immediately once we address the issue because competition around the world will see we're going to drill for oil, and they will start lowering the price, and gas prices will come down, but we have to act.

Here we go with one more week. We're going home with nothing having been done, and the people of this country continue to pay these exorbitant prices for gasoline at the pump.

So, if I were talking to the American people, I would just say to them today: Contact your Congressman, contact your Senator, and tell them you want something done quickly because this is not only an energy crisis; it's an economic crisis.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

COMMUTER ACT OF 2008

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

Mr. KIRK. As gas prices rise, an effective way to offer relief is to provide incentives for commuter rail. Commuter rail saves America 4 million gallons of gas a day and saves each individual commuter over \$1,600 a year.

Next week, the Speaker will bring up legislation that will offer only Federal employees transit benefits. I support expanding the current Federal transit program, and believe that all Americans should have the opportunity to have this relief at the pumps.

A month ago, I introduced bipartisan legislation, the Creating Opportunities to Motivate Mass-transit Utilization To Encourage Ridership, or the COMMUTER Act of 2008.

Our legislation offers employers a 50 percent tax credit if they provide transit benefits to their employees. According to Forbes Magazine, the average gasoline cost in the 10 worst commuter cities is over \$6 a day. Should businesses take advantage of this, we would lower our gas bills, but it should be offered to more than people with a Federal job.

THE NEED FOR AMERICAN-MADE  
ENERGY

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

Mr. SHIMKUS. Mr. Speaker, I got a letter from a constituent from Centralia, Illinois. He calls it Operation Drill Bit. He says, "Here's the problem. I'm tired of high gas prices. I'm tired of watching you borrow money from the Chinese to buy oil from the Saudis. Here's the solution. It's time to drill for our own supply of oil no matter where it may lie. It is time to mine our own resources no matter where they may lie." He attaches a drill bit to the letter.

So I'm signing Lynn Westmoreland's pledge. I will join in the petition that I will continue to vote for more supply. The solution is more supply from the Outer Continental Shelf, coal-to-liquid technology, wind and solar, and renewable fuels. We need American-made energy. We need all of the above so that we can lower gas prices for the whole country at the pump. The poor, rural Americans are disproportionately harmed by high gas prices.

□ 1315

APPOINTMENT AS MEMBERS TO  
COMMISSION ON WARTIME CON-  
TRACTING

The SPEAKER pro tempore. Pursuant to section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), and the order of the House of January 4, 2007, the Chair announces a joint appointment by the Speaker and the majority leader of the Senate and an appointment by the Speaker on the part of the House to the Commission on Wartime Contracting:

Joint appointment:

Mr. Michael J. Thibault, Reston, Virginia, Co-Chairman

Speaker's appointment:

Mr. Clark Kent Ervin, Washington, DC.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEARN HOW TO SPEAK DEMOCRAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, in the interest of legislative process whereby we hear many speeches on the floor, many Members talk to their constituents, I am going to try to bring a bit of enlightenment to this process with the use of a technological device known as a ruler and charts.

We are going to learn how to speak Democrat today, speaking local Democrat.

Often we heard the word "progressive," which translates into "regressive." As used in a sentence, "Democrats are progressive." The translation, "Democrats are regressive."

We hear the word "change," which means "the 1970s." "Democrats will bring you change." Translation, "Democrats will bring you the 1970s."

"Government" means "socialism." "Democrats support proactive government." Translation, "Democrats support proactive socialism."

"Enhance revenues" translates into "raise taxes." "Democrats will enhance revenues." Translation, "Democrats will raise taxes."

This is my favorite part. "The rich means you." For example, "Democrats will only tax the rich." Translation, "Democrats will only tax you." Ouch.

"Invest" translates into "waste." Again, used in a sentence, "Democrats will invest your money." Translation, "Democrats will waste your money."

"Energy" means "lethargy." "Democrats have an energy policy." Translation, "Democrats have a lethargy policy."

"Green-collar jobs" translates into "unemployment." "Democrats will replace your blue-collar jobs with green-collar jobs" translates into "Democrats will replace your blue-collar jobs with unemployment."

Speaking global Democrat. "Diplomacy" equals "magic." "Democrats will protect America from Iranian nukes through tough principled diplomacy" translates into "Democrats will protect America from Iranian nukes through tough principled magic."

"Engaged" means "appease." "Democrats will engage America's enemies." Translation, "Democrats will appease America's enemies."

Importantly, "end" means "lose." "Democrats will end the Iraq war." Translation, "Democrats will lose the Iraq war."

Finally, contextually construing electoral Democrat, i.e., walking the party plank. This is a graduate-level course.

"As a progressive party, Democrats will bring you change by using government to enhance revenues from the rich to invest in the production of energy and green-collar jobs and by using diplomacy to engage America's enemies and end the Iraq war."

The translation, "As a regressive party, Democrats will bring you the 1970s by using socialism to raise taxes from you to waste in the production of lethargy and unemployment, and by using magic to appease America's enemies and lose the Iraq war."

I hope this exercise has been instructive.

OBSESSION WITH IRAQ HURTS  
AMERICAN SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for over 5 years, the administration has had a single-minded obsession with the occupation of Iraq. It has poured our troops and our treasure into a misguided foreign adventure, while ignoring our Nation's real security needs, both at home and abroad.

I want to mention just a few of the ways that Iraq tunnel vision has blinded us to what we really need to be focusing on. First, the occupation of Iraq has weakened our efforts in Afghanistan. Secretary of Defense Gates has acknowledged that many Europeans do not support the NATO mission in Afghanistan because they oppose the American occupation of Iraq.

He has said, and I quote "Many (Europeans) have a problem with our involvement in Iraq and project that to Afghanistan."

Second, the Commission on the National Guard and Reserves have said that the use of the Guard and Reserves in Iraq has seriously weakened their ability to protect us from threats to the homeland. These threats could include terrorist attacks using chemicals, biological and nuclear weapons.

Third, just as our Guard and Reserves have been stretched too thin, our entire military has been stretched to the breaking point. Many of our most senior military leaders have been warning us for quite some time now that the occupation of Iraq has compromised our ability to respond to genuine threats elsewhere in the world.

Fourth, our occupation of Iraq has strengthened the hand of the pro-nuclear regime in Iran. The occupation has destabilized the region, giving Iran the chance to gain influence among its neighbors.

We must stand with our international partners, and we must work with international organizations to put strong diplomatic pressures on Iran to behave responsibly. We must begin direct negotiations with Iran. We cannot allow the occupation of Iraq to spread to a war with Iran. That would be another catastrophic mistake.

Iran would retaliate against our troops in Iraq and against our allies and interests throughout the region. Oil would spike, further threatening our economy right here at home.

Fifth, the occupation of Iraq has seriously undermined America's standing in the world. My colleague on the Foreign Affairs Committee, Chairman DELAHUNT of the Subcommittee on International Organizations, Human Rights and Oversight, issued a report on this subject just last week, a report that I hope every Member of the House will read.

The report describes the alarming decline in how the people of the world view the United States. There has been a 45-percent drop in America's favorability rating in Indonesia, a 41 percent drop in Morocco and a 40 percent drop in Turkey.

The United States is now viewed unfavorably by 82 percent of the people in Arab countries, and there has been a 26-point increase in Europe for the view that U.S. leadership in world affairs is undesirable. The report finds that two of major causes for this unprecedented and widespread decline are the occupation of Iraq and the torture and abuse of prisoners.

In addition, the people of the world believe that America's decisions are made unilaterally without regard to international law or standards, making our rhetoric about democracy quite hypocritical.

The administration has told us that the occupation of Iraq is all about spreading democracy in the Middle East. Yet, here we have clear evidence that their policy is failing, because you cannot bomb and blast your way to democracy.

There can be no doubt that the occupation of Iraq has weakened America's

defenses in many, many ways. The only solution is to responsibly redeploy our troops and military contractors out of Iraq. That way we can get back to the business of conducting an effective foreign policy, safeguarding our Nation's security, and working with the international community to bring peace to the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker I stand once again before this House with yet another Sunset Memorial.

It is June 20, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,933 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeals itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes, our entire Constitution. It says, "No State shall deprive any person of life, liberty of property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,933 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 20, 2008, 12,933 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### TENSIONS IN THE WORLD TODAY

The SPEAKER pro tempore (Mr. CUELLAR). Under a previous order of the House, the gentleman from Wash-

ington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, it says something about tensions in the world today when the first thing I want to enter into the RECORD is a reminder of my strong and long-standing commitment to the defense of Israel, the safety and security of the Jewish people, and the absolute right of Israel to exist.

I offer this preamble because I also want to say I am deeply troubled by the news reports around the world today that Israel recently conducted a major military exercise in what many military analysts see as training for a possible strike against Iran.

The United States supplies Israel with billions of dollars in military hardware, training and intelligence, and I believe it is both appropriate and urgent for the U.S. to raise questions about their intentions and to aggressively pursue diplomacy in this region.

We have made such a mess of things in Iraq that it's hard to believe that any nation can think war can achieve peace.

News reports say Israel conducted a massive military exercise in plain sight to send signals to the United States, Europe, and Iran that Israel is prepared to launch a massive military strike against targets in Iran if diplomatic efforts to halt or delay its nuclear program fail.

Almost immediately, Iran retaliated in the press saying any attack against its proud nation with a strong military capability would be met with an equally massive counteroffensive. The media reminds us that Iran has just taken delivery of accurate Russian-made surface-to-air missiles. We are edging perilously close to a hair-trigger moment when someone, somewhere, will do something that turns saber rattling into a provocative military confrontation, and we will be at war again on another front. I am deeply worried by that.

There are those who would have us believe that U.S. military superiority ultimately trumps any nation, any force. We are the most powerful military Nation on Earth, but with power comes responsibility, accountability and leadership.

For all the bombs and guns and missiles we have at our disposal, history is replete with failed policies and missions and dubious figureheads we propped up against the will of the people, and any rational approach to U.S. foreign policy. This includes the history of our U.S. secret involvement in Iran in the 1950s when we and the British worked to overthrow and replace the Iran elected leader, Mohammed Mossadegh, and installed the Shah of Iran. We kept him in office because we wanted a direct pipeline to Iran's oil well.

□ 1330

As the most powerful Nation on Earth, you would think that we could

do a lot more to prevent war than simply wringing our hands while we read the newspapers. And I think we can.

First, we have to abandon the notion that all U.S. policy begins and ends behind the butt of a gun. Now some will stand up and say, Well, that is just Jim McDermott, the doctor, who believes we don't have to use guns to fight for peace. Well, I have some company.

I would like to enter into the RECORD a story carried earlier this week in the Asia Times. It reports on the first conference held by the Center for New American Security. Ambassador James Dobbins, who was special envoy to Somalia, Haiti, Bosnia and Kosovo under President Clinton and special envoy to Afghanistan under the current President Bush said that this was about U.S. policy in Iran: "I reject the theory that the implicit threat of force is a necessary prerequisite to successful diplomacy."

Let me read the news story:

"Looking back on 40 years of U.S. diplomacy, Dobbins, now director of the Rand International Security and Defense Policy Center, concluded that the conventional wisdom about the need to back up diplomacy with your adversaries with force is wrong.

"I can say that most of it was not conducted against a background of threat of force," said Dobbins, "and when the threat of force was introduced, diplomacy failed."

"In a line that got applause from the more than 750 people attending the conference, Dobbins said his solution was to 'deal with Iran.'"

I urge everyone to read this story and I urge the administration and the Congress to start asking tough questions and demanding straight answers while there is still time.

We have seen what strikes in Iraq did back in the 1980s. We saw a strike in Syria a few months ago, and we are going to wake up one morning with another problem on our hands if we don't start asking serious, tough questions of this administration.

[From the Asia Times, Jun. 17, 2008]

DEAL, DEAL, DEAL WITH IRAN  
(By Gareth Porter)

WASHINGTON—The assumption that the United States should exploit its military dominance to exert pressure on adversaries has long dominated the thinking of the US national security and political elite. But this central tenet of conventional security doctrine was sharply rejected last week by a senior practitioner of crisis diplomacy at the debut of a major new centrist foreign policy think-tank.

At the first conference of the Center for a New American Security (CNAS), ambassador James Dobbins, who was former president Bill Clinton's special envoy for Somalia, Haiti, Bosnia and Kosovo and the George W Bush administration's first special envoy to Afghanistan, sharply rejected the well-established concept of coercive diplomacy.

Dobbins declared in a panel on Iran policy, "I reject the theory that the implicit threat of force is a necessary prerequisite to successful diplomacy."

Looking back on 40 years of US diplomacy, Dobbins, now director of the Rand Inter-

national Security and Defense Policy Center, concluded that the conventional wisdom about the need to back up diplomacy with adversaries with force is wrong. "I can say that most of it was not conducted against a background of threat of force," said Dobbins, and when the threat of force was introduced, "diplomacy failed".

In diplomatic dealings with the Soviet Union, however, Dobbins said, "We never threatened to use force."

Dobbins complained that the debate over diplomacy with regard to Iran has been between those who are ready to use military force now and those who "say we should talk with them first". Advocates of diplomacy, he said, have to "meet a high threshold—they have to offer the reversal of all Iranian positions". In effect, they have to deliver Iranian "capitulation", said Dobbins.

Although very different from the Soviet Union as a threat, Dobbins observed, Iran is similar in that "we can't afford to ignore it and we can't overrun it". Real diplomacy in regard to Iran, he argued, would result in "better information and better options".

In a line that got applause from the more than 750 people attending the conference, Dobbins said his solution was to "deal with Iran".

The Dobbins argument represents the first high-profile challenge by a veteran of the US national security community to a central tenet of national security officials and the US political elite ever since the end of the Cold War.

The recently established CNAS has strong connections with former Clinton administration national security officials and the Clinton wing of the Democratic Party. CNAS president Michele A. Flournoy and chief executive officer Kurt M. Campbell both held positions in the Clinton Defense Department. William J. Perry and Madeleine K. Albright, Clinton's secretaries of defense and state, respectively, gave opening remarks at the conference.

The Clinton wing of the Democratic Party and of the national security elite has long associated itself with the idea that the threat of military force—and even force itself—should be at the center of U.S. policy in the Middle East. Key figures from the Clinton administration, including Perry, Albright, former United Nations ambassador Richard Holbrooke, former assistant secretary of state James P. Rubin and former deputy national security adviser James Steinberg, lined up in support of the Bush administration's invasion of Iraq in 2003.

Flournoy and Campbell have already made it clear that CNAS' orientation will be to hew the common ground uniting the national security professionals who have served administrations of both parties. Flournoy co-authored an op-ed with former Bush administration deputy secretary of state Richard Armitage two days before the NCAS conference, and Armitage also introduced the conference.

A paper by Flournoy and two junior co-authors ostensibly calling for a new U.S. "grand strategy" is notable for its reluctance to go too far in criticizing the Bush administration's policies. It argues that the current US positions in Iraq pose the "real threat of strategic exhaustion" and calls for "rebalancing risk", but offers no real alternative to indefinite continuation of the Bush administration's wars in Iraq and Afghanistan.

Instead, it urged the "rearticulation" of goals in both Iraq and Afghanistan by replacing the "maximalist language used in past years" with "pragmatism".

But the choice of Dobbins to anchor a panel on Iran indicates that the Clinton wing of the Democratic Party and of the national

security community now has serious doubts about the coercive diplomacy approach to Iran that has dominated policy thinking since the beginning of the Clinton administration.

A paper on Iran policy co-authored by Campbell and released at the conference reflects a new skepticism toward the threat of an attack on Iran as a way of obtaining Iranian cooperation. It argues that U.S. military threats against Iran "have had the opposite effect" from what was desired, hardening the resolve of Iranian leaders to enrich uranium and giving the Islamic regime greater credibility with the Iran people.

The paper also reflected an unwillingness to dispense entirely with the military option, however, proposing that the United States "de-emphasize, but not forswear, the possibility of military action against Iran".

The paper advised against even taking the military threat off the table in return for Iran's stopping its nuclear program, on the ground that Washington must be able to use that threat to bargain with Iran over "stopping its support for terrorism".

The principal author of the paper, James N. Miller, who is senior vice president and director of studies at CNAS, explained in an interview after the conference that he believes Dobbins' assessment of the problem is "about right". Miller said the threat to use force against Iran to coerce it on its nuclear program "is not useful or credible now".

But Miller said he would not give up that threat, because the next president might enter into serious negotiations with Iran, and Iran might refuse to "play ball" and go ahead with plans to acquire nuclear weapons. If the president had a strong coalition behind him, he said, "The use of force is an option that one should consider."

The idea that diplomatic negotiations with Iran over its nuclear program must be backed by the threat of war is so deeply entrenched in Washington that endorsement of it seems to have become a criteria for any candidate being taken seriously by the national security community.

Thus all three top Democratic hopefuls supported it during their primary fight for the Democratic nomination.

Addressing the American Israel Public Affairs Committee convention in early 2007, Hillary Clinton said that, in dealing with the possibility of an Iranian nuclear capability, "no option can be taken off the table". Barack Obama and John Edwards also explicitly refused to rule out the use of force against Iran if it refused to accept U.S. demands to end its uranium enrichment program.

#### HISTORIC FISCAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Speaker, shh, there's a secret. I have a secret. It's a secret that the leadership in this House doesn't want the people to know; but I'm going to tell you anyway. This Nation, this Federal Government, is in a historic fiscal crisis right now.

It was announced earlier this week that the deficit for this fiscal year which we are in is projected now to reach \$470 billion. Now, Mr. Speaker, for most people when you talk like this, these numbers are so huge they sound arcane. What does that mean.

Well, it is half a trillion dollars which I think most people know is a lot of money. Let me put it in perspective.

If we reach that level by the end of September, this will be by far the largest single year deficit in American history. Let me repeat that. We are currently in a year in which we will likely reach the largest deficit in 1 year in U.S. history.

But it doesn't seem to stop there because also this week the Appropriations Committee released their spending request for the next fiscal year, for fiscal year 2009. And they requested to spend 7.7 percent more than this year; 7.7 percent more. In fact, Mr. Speaker, the appropriations request is made up of 12 separate bills, 12 separate areas of the government. They propose an increase in spending in all 12. They are not proposing to keep the same or reduce spending anywhere in spite of the largest deficit in American history.

And because of the economic doldrums that we are currently in, revenue right now is basically flat. It is not rising very much. And entitlement spending, Social Security, Medicare, Medicaid, is going up by nearly 6 percent a year all by itself automatically if we don't do anything over the next 5 years.

So you don't have to be a rocket scientist to say okay, if revenues are staying the same and we are increasing some spending by 7.7 percent and the rest by nearly 6, the deficit is going to go up. So with the way things are projected, we could have a deficit of \$600 billion, maybe \$700 billion next year. And what are we doing about it in this House, well, we are just trying to make it worse.

Yesterday in a very broad, bipartisan vote, there was a vote to spend an additional \$261 billion over the next 2 years, much of which is not included in the numbers that I just gave you. So \$261 billion more. Deeper debt, bigger deficits.

Now some of the things that were included in that bill yesterday are priorities. One of them was continuing to support the troops in Iraq. I personally support that. But we have to make choices. There have to be priorities. We can't spend on everything. We should support the troops in completing their mission in Iraq, but we should cut something else so we are not making the taxpayer be the loser on all of this.

It seems like every week in this place, in fact I believe every week here we have either added a new program, new spending or a new entitlement. And hardly ever do we reduce the spending on something else to pay for it.

Now we are spending well over \$3 trillion a year in the Federal Government. You would think that some of that \$3 trillion is not something that we absolutely need. And we need to be reducing those things and setting priorities. If this is more important than this, then we spend on this and don't spend on this because we can't spend on it all.

But unfortunately what is happening around here is all right, I have my spending program, and another Member has their spending program, and so what's the compromise? I know, let's spend both. I get to spend what I want to spend and you get to spend what you want to spend, and those are the compromises we have been reaching in this place recently. Great deal. Politicians win; special interests win; taxpayer loses.

Mr. Speaker, this has got to stop. We have to stop the spending, and when we set priorities on things that we want to spend money on, we have to cut something else.

You know, the last thing I have here is: Are we going to have the highest tax rate in the world? Senator OBAMA recently proposed to lift the cap now on Social Security and Medicare taxes for incomes above \$250,000 and repeal all of the tax cuts that were put in place in this century in 2001 and 2003. If both of those things Senator OBAMA has approved become law, the highest tax rate in the United States will be 54.9 percent. It will be the fourth highest tax rate in the industrialized world. We will be exceeded only by France, Sweden and Denmark. Oh, and by the way, all three of those countries are currently moving to reduce their tax rates because they see what that kind of tax burden will do, is doing to their economy and to brain drain from their countries.

Mr. Speaker, I hope that people will not keep this a secret but will tell everybody.

#### WHAT'S IT ALL ABOUT?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, not so many years ago two famous American artists, Josh Stone and Dionne Warwick, created a song called, "What's it all about, Alfie?" Here is how the song began:

"What's it all about, Alfie?

Is it just for the moment we live?

What's it all about when you sort it out, Alfie?

Are we meant to take more than we give?"

On June 19 this week, 2008, the New York Times lead story said quite a bit about taking. The headline reads, "Deals With Iraq Are Set To Bring the Oil Giants Back." I hope every American reads the lead story in the New York Times this week, June 19, a story written by Andrew Kramer.

Here is some of what it says. It says Exxon Mobil, Shell, Total, and BP, along with some other companies like Chevron, and a number of smaller oil companies, are in talks with Iraq's oil ministry for no-bid contracts, I repeat, no-bid contracts to service Iraq's largest fields. The no-bid contracts are unusual for the industry. Many experts consider these contracts to be their

best hope for large-scale increases in production over there. And it talks a lot about the politics of global oil and how other places like Bolivia and Venezuela and Russia and Kazakhstan aren't so friendly to the United States anymore as we become totally dependent on imported fuel. And it says that the biggest prize everybody is waiting for is the development of these new oil fields.

But of course we have to be careful because these mother lodes are threatened by insurgents who don't like the fact that western companies are coveting their resources. And here we live in a country now where gas is over \$4 a gallon. It would be so easy just to take it. And as the song says, are we meant to take more than we give?

Technically, these no-bid deals, more no-bid from this administration, are structured as service contracts. As such, they do not require the passage of an oil law setting out terms for competitive bidding. The legislation has been stalled by disputes among Shiites, Sunni and Kurdish parties over revenue sharing and other conditions inside that country where their parliament is in turmoil and cannot pass a hydrocarbon law. And thus, outsiders come in and are covetous of those resources. The whole process is designed to circumvent the legislative stalemate. I might say, how convenient. How convenient.

And so Americans should ponder the connection between our dependence. Now almost 75 percent of what people pump into their tanks comes from resources from other places, and think about how serious we had best be as a country to become energy independent here at home so we can restore our independence again because every American family that can't afford to drive to work anymore or go on vacation is less free than they were a year ago.

And the year 1998 is very important because that is the year when America began importing over half of what we consume. Every year we become less and less free.

It is really sad what is happening in the world. I mourn for my country as we approach Independence Day that she is not free. And the way we are going to fix this is for Americans to really understand the nature of our predicament.

I would prefer not to send America's finest to wars over oil, but that is exactly what we have done. And it will cost upwards of a trillion dollars already to pay for their deployment. It is important to think about the words to that song: Are we meant to take? I really think we are meant to create. The way this country was born out of people's highest ideals, to create a Nation that could be self-sustaining within its own borders without all these interlocking, foreign entailments that George Washington warned us about over 200 years ago. Maybe some Americans have forgotten, but we shouldn't

forget. We should remember what it means to be free.

Again, June 19, lead story, New York Times, "Deals With Iraq Are Set To Bring the Oil Giants Back." It is required reading for every American who has a heart where freedom beats.

[From the New York Times, June 19, 2008]

DEALS WITH IRAQ ARE SET TO BRING OIL GIANTS BACK

(By Andrew E. Kramer)

BAGHDAD.—Four Western oil companies are in the final stages of negotiations this month on contracts that will return them to Iraq, 36 years after losing their oil concession to nationalization as Saddam Hussein rose to power.

Exxon Mobil, Shell, Total and BP—the original partners in the Iraq Petroleum Company—along with Chevron and a number of smaller oil companies, are in talks with Iraq's Oil Ministry for no-bid contracts to service Iraq's largest fields, according to ministry officials, oil company officials and an American diplomat.

The deals, expected to be announced on June 30, will lay the foundation for the first commercial work for the major companies in Iraq since the American invasion, and open a new and potentially lucrative country for their operations.

The no-bid contracts are unusual for the industry, and the offers prevailed over others by more than 40 companies, including companies in Russia, China and India. The contracts, which would run for one to two years and are relatively small by industry standards, would nonetheless give the companies an advantage in bidding on future contracts in a country that many experts consider to be the best hope for a large-scale increase in oil production.

There was suspicion among many in the Arab world and among parts of the American public that the United States had gone to war in Iraq precisely to secure the oil wealth these contracts seek to extract. The Bush administration has said that the war was necessary to combat terrorism. It is not clear what role the United States played in awarding the contracts; there are still American advisers to Iraq's Oil Ministry.

Sensitive to the appearance that they were profiting from the war and already under pressure because of record high oil prices, senior officials of two of the companies, speaking only on the condition that they not be identified, said they were helping Iraq rebuild its decrepit oil industry.

For an industry being frozen out of new ventures in the world's dominant oil-producing countries, from Russia to Venezuela, Iraq offers a rare and prized opportunity.

While enriched by \$140 per barrel oil, the oil majors are also struggling to replace their reserves as ever more of the world's oil patch becomes off limits. Governments in countries like Bolivia and Venezuela are nationalizing their oil industries or seeking a larger share of the record profits for their national budgets. Russia and Kazakhstan have forced the major companies to renegotiate contracts.

The Iraqi government's stated goal in inviting back the major companies is to increase oil production by half a million barrels per day by attracting modern technology and expertise to oil fields now desperately short of both. The revenue would be used for reconstruction, although the Iraqi government has had trouble spending the oil revenues it now has, in part because of bureaucratic inefficiency.

For the American government, increasing output in Iraq, as elsewhere, serves the foreign policy goal of increasing oil production

globally to alleviate the exceptionally tight supply that is a cause of soaring prices.

The Iraqi Oil Ministry, through a spokesman, said the no-bid contracts were a stop-gap measure to bring modern skills into the fields while the oil law was pending in Parliament.

It said the companies had been chosen because they had been advising the ministry without charge for two years before being awarded the contracts, and because these companies had the needed technology.

A Shell spokeswoman hinted at the kind of work the companies might be engaged in. "We can confirm that we have submitted a conceptual proposal to the Iraqi authorities to minimize current and future gas flaring in the south through gas gathering and utilization," said the spokeswoman, Marnie Funk. "The contents of the proposal are confidential."

While small, the deals hold great promise for the companies.

"The bigger prize everybody is waiting for is development of the giant new fields," Leila Benali, an authority on Middle East oil at Cambridge Energy Research Associates, said in a telephone interview from the firm's Paris office. The current contracts, she said, are a "foothold" in Iraq for companies striving for these longer-term deals.

Any Western oil official who comes to Iraq would require heavy security, exposing the companies to all the same logistical nightmares that have hampered previous attempts, often undertaken at huge cost, to rebuild Iraq's oil infrastructure.

And work in the deserts and swamps that contain much of Iraq's oil reserves would be virtually impossible unless carried out solely by Iraqi subcontractors, who would likely be threatened by insurgents for cooperating with Western companies.

Yet at today's oil prices, there is no shortage of companies coveting a contract in Iraq. It is not only one of the few countries where oil reserves are up for grabs, but also one of the few that is viewed within the industry as having considerable potential to rapidly increase production.

David Fyfe, a Middle East analyst at the International Energy Agency, a Paris-based group that monitors oil production for the developed countries, said he believed that Iraq's output could increase to about 3 million barrels a day from its current 2.5 million, though it would probably take longer than the six months the oil ministry estimated.

Mr. Fyfe's organization estimated that repair work on existing fields could bring Iraq's output up to roughly four million barrels per day within several years. After new fields are tapped, Iraq is expected to reach a plateau of about six million barrels per day, Mr. Fyfe said, which could suppress current world oil prices.

The contracts, the two oil company officials said, are a continuation of work the companies had been conducting here to assist the Oil Ministry under two-year-old memorandums of understanding. The companies provided free advice and training to the Iraqis. This relationship with the ministry said company officials and an American diplomat, was a reason the contracts were not opened to competitive bidding.

A total of 46 companies, including the leading oil companies of China, India and Russia, had memorandums of understanding with the Oil Ministry, yet were not awarded contracts.

The no-bid deals are structured as service contracts. The companies will be paid for their work, rather than offered a license to the oil deposits. As such, they do not require the passage of an oil law setting out terms for competitive bidding. The legislation has

been stalled by disputes among Shiite, Sunni and Kurdish parties over revenue sharing and other conditions.

The first oil contracts for the majors in Iraq are exceptional for the oil industry.

They include a provision that could allow the companies to reap large profits at today's prices: the ministry and companies are negotiating payment in oil rather than cash.

"These are not actually service contracts," Ms. Benali said. "They were designed to circumvent the legislative stalemate" and bring Western companies with experience managing large projects into Iraq before the passage of the oil law.

A clause in the draft contracts would allow the companies to match bids from competing companies to retain the work once it is opened to bidding, according to the Iraq country manager for a major oil company who did not consent to be cited publicly discussing the terms.

Assem Jihad, the Oil Ministry spokesman, said the ministry chose companies it was comfortable working with under the charitable memorandum of understanding agreements, and for their technical prowess. "Because of that, they got the priority," he said.

In all cases but one, the same company that had provided free advice to the ministry for work on a specific field was offered the technical support contract for that field, one of the companies' officials said.

The exception is the West Qurna field in southern Iraq, outside Basra. There, the Russian company Lukoil, which claims a Hussein-era contract for the field, had been providing free training to Iraqi engineers, but a consortium of Chevron and Total, a French company, was offered the contract. A spokesman for Lukoil declined to comment.

Charles Ries, the chief economic official in the American Embassy in Baghdad, described the no-bid contracts as a bridging mechanism to bring modern technology into the fields before the oil law was passed, and as an extension of the earlier work without charge.

To be sure, these are not the first foreign oil contracts in Iraq, and all have proved contentious.

The Kurdistan regional government, which in many respects functions as an independent entity in northern Iraq, has concluded a number of deals. Hunt Oil Company of Dallas, for example, signed a production-sharing agreement with the regional government last fall, though its legality is questioned by the central Iraqi government. The technical support agreements, however, are the first commercial work by the major oil companies in Iraq.

The impact, experts say, could be remarkable increases in Iraqi oil output.

While the current contracts are unrelated to the companies' previous work in Iraq, in a twist of corporate history for some of the world's largest companies, all four oil majors that had lost their concessions in Iraq are now back.

But a spokesman for Exxon said the company's approach to Iraq was no different from its work elsewhere.

"Consistent with our longstanding, global business strategy, ExxonMobil would pursue business opportunities as they arise in Iraq, just as we would in other countries in which we are permitted to operate," the spokesman, Len D'Eramo, said in an e-mailed statement.

But the company is clearly aware of the history. In an interview with Newsweek last fall, the former chief executive of Exxon, Lee Raymond, praised Iraq's potential as an oil-producing country and added that Exxon was in a position to know. "There is an enormous amount of oil in Iraq," Mr. Raymond said. "We were part of the consortium, the four

companies that were there when Saddam Hussein threw us out, and we basically had the whole country.”

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

(Mr. KAGEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1345

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BRADY) is recognized for 5 minutes.

(Mr. BRADY of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. REICHERT) is recognized for 5 minutes.

(Mr. REICHERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

(Mr. SHIMKUS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### REAL ENERGY SOLUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Mr. Speaker, I'm glad that I'm able to be here today with my friend, Mr. SHIMKUS, and I think that he has some travel plans, so I'm going to immediately yield to him. And I can't wait to hear what he's got to say.

Mr. SHIMKUS. I'd like to thank my colleague from Georgia. And, you know, we're fortunate still, in today's high energy prices, to be able to use aviation. Aviation fuel is up. Budget airlines are broke, four of them so far. Baggage handlers are out of work. Ticket takers are out of work.

And part of the problem that America's facing is the high price of energy. And this is not a new debate that we've had since I've been here. And it's interesting how the votes have come down since 1994. And I think the public would really find them astonishing that on

almost every production bill, production means producing something, almost every production bill, whether it's Outer Continental Shelf, whether it's oil shale, whether it's Arctic National Wildlife Refuge, whether it's coal-to-liquid technologies, Republicans vote 90 percent of the time in support of production, and my friends on the other side, the Democrats vote 90 percent of the time in opposition to production.

So since we've had this fight for many, many years, almost decades now, it was Jimmy Carter who set aside the Arctic National Wildlife Refuge for oil and gas exploration. It was President Bill Clinton who vetoed the ability to explore the Arctic National Wildlife Refuge in 1995. Had he not done that, that oil would be here in our country today.

So now we find ourselves in a dilemma. It's Economics 101. It's supply and demand. Limited supply, increased demand, higher prices.

Here's the problem. January 2001, the price of a barrel of crude oil was \$23, just 7 years ago. When the new majority came in in January of 2006, the price of a barrel of crude oil was \$58.31. This was not acceptable. I didn't like this. That's why we passed, in between this time, the 2005 Energy and Policy Act. And on this floor, that bill had the Arctic National Wildlife Refuge in it. Of course it went to the Senate and it went there to die. And they pulled ANWR out.

Today the problem has grown by exponential amounts. Today the price of a barrel of crude oil is \$136.39. So I'd like to keep this debate simple. This is a problem. So what is a solution?

And we're going to hear a lot, we've heard a lot of solutions from the other side. None of their solutions talk about bringing on more supply.

And we've had some great victories this week. FISA, Foreign Intelligence Surveillance Act, funding of the troops, no restrictions, GI bill expansion, great victories that came about through bipartisan compromise on this floor, bills that will get signed by the President. And we're all pretty pleased with the work we did this week.

We can do that with this. There is a congressional majority that would vote for more supply. There's only one hang up. It's the Speaker of the House will not let these bills on the floor.

So you have done a great job, and I used my 1 minute, Congressman WESTMORELAND, to sign your petition. And I want to challenge and encourage all my colleagues, in a bipartisan manner, to come down and sign this petition, this pledge. And I hope the constituents from all over the country ask their congressmen have they signed this pledge.

The pledge is pretty simple. I will vote to increase U.S. oil production and lower gas prices for America. And there I am, right there, just signed it.

Mr. WESTMORELAND. That's about as simple as it gets, isn't it?

Mr. SHIMKUS. It doesn't have to be. This is not a difficult process.

Now, since I signed the pledge, the question is how do we do this?

Well, we know how we do it. These red areas on this map is called the Outer Continental Shelf, OCS. You hear it talked about on this floor a lot. These areas, which is the West Coast, all the West Coast, all of the East Coast, and the eastern half of the Gulf of Mexico, are off limits, off limits. We can't research it, we can't investigate it, we definitely can't find and produce oil and gas. And we know there's billions of barrels of oil and trillions of cubic feet of natural gas, and we don't have access to it because of our policies in this, on this, in this building on an appropriation bill, not even an authorization bill.

And we're going to get a chance to get appropriation bills on the floor, and we're going to raise this issue when this bill comes to the floor, and we're going to challenge our friends on the other side to say, you know what? It's time. This is too much. We need to open up the OCS, the Outer Continental Shelf.

What's another solution?

Well, I live in the State of Illinois, and geologically, the State of Illinois is, if you go down far enough, it's a big, huge field of coal. It's called the Illinois Coal Basin. We have as much energy, BTU, British Thermal Units of energy as Saudi Arabia has of oil.

You hear my friends on the other side, they're worried about Iraq; they're worried about the Middle East; they're worried about our reliance on imported crude oil. You know, if we were in the OCS, if we were using our coal and turning it into liquid fuel, we wouldn't have to worry about the Middle East.

But since we are denied the opportunity to go into the Outer Continental Shelf, we have to have energy. It's their own policy that's forcing us to be involved in these international arenas. You know, I'd like to tell those folks, take a hike; we don't need you. And we have our own energy here.

Mr. WESTMORELAND. If I could just interrupt, claim back my time for just 1 minute in the fact that they want us to use alternative fuels. They want to go to alternative fuels and we do to. We think that is something that we need to be developing.

But this, what you're talking about the, the Outer Continental Shelf, the U.S. coal, the shale oil, those are things that we know we have. And the funny part about what they want us to do about using alternative fuels, there was section 526, if you'll remember, in a defense bill that said that the U.S. government could not use alternative fuels. So, you know, which is it? Do they want us to or not?

And so, you know, that's where we're caught, and that's what a lot of people, I think, to my friend in America, don't understand that we're getting a lot of conflicting things from the majority side right now.

Mr. SHIMKUS. And part of that alternative fuel debate is coal-to-liquid technologies. And this is not just keeping energy costs down. This is a job. This is a job issue.

Mr. WESTMORELAND. A good-paying job.

Mr. SHIMKUS. And people can follow this. You have a coal mine. Good, high-paying jobs. You build a coal-to-liquid refinery. It's not a crude oil refinery. It's its own coal-to-liquid refinery. It was done in World War II by the Germans. It's known technology. U.S. jobs building the refinery, U.S. jobs operating the refinery.

Then you build a pipeline. U.S. jobs. And you ship it to airports and military installations. You know, for every dollar increase in the price of a barrel of crude oil it costs our United States Air Force \$60 million because we are the largest consumer of jet fuel in the world?

And that goes directly to our taxpayers because we have to fund our war machines to protect this country and just to train.

So coal-to-liquid technologies is another way for me to support your call for pledges.

Well, we've got another option here. I love talking about the Arctic National Wildlife Refuge. I already mentioned President Jimmy Carter. I already mentioned President Bill Clinton.

And I've got a little park in my hometown of Collinsville, Illinois called Woodland Park. Maybe it's not even a square mile. And I can understand if the folks in my hometown say, well, we don't want you drilling in that little park. I don't want people drilling in that little park either.

The Arctic National Wildlife Refuge is the size of the State of South Carolina. The drilling platform would be the size of Dulles Airport.

Put it in perspective. Take a football field and put a postage stamp on that football field. That is what we're talking about as far as the Arctic National Wildlife Refuge, and we know we have billions of barrels of oil there. That's not disputed. And it's just a matter of, if I'm going to support your pledge, I'm going to support more supply.

And again, you know, I know I've got a lot of good friends on the other side. I call them "fossil fuel Democrats." They believe in it. They understand the importance of it for job creation and manufacturing and being competitive. And given the opportunity, we would have their vote. I mean, there's 10 percent of them at least I know. I bet there's about 40. Once we get that on the floor, any of these bills, I bet we can get about 40 Democrats' votes.

Mr. WESTMORELAND. And to my friend, reclaiming my time for just a moment. That is the reason that I came up with the petition because there were so many people that were signing petitions on the Internet, drill here, drill now, lower prices, other locations, that I knew we will never get to have a straight up or down vote on

the drilling, onshore, offshore and adding refineries. And so that's the reason I wanted to come up with the petition.

And I appreciate the gentleman making the point. This is the only way the American people will ever know how their congressman feels is by his or her signing this petition, because they will have no chance to have that simple of a vote.

And what this petition says, I will vote to increase U.S. oil production to lower gas prices for Americans. And you know, some things may be too simple for some of these legislators to understand. They keep wanting to make it complicated. It's not complicated, because to sign that pledge and they know that they're never going to get to vote on it. I think it would at least let their constituents know that they have some feeling for them when those people ride up to the gas pump and feel that pain at the pump.

Mr. SHIMKUS. And what I like about this debate is what we're talking about is we want American-made energy. And when you have American-made energy, you have American jobs. And when you have American jobs, you have American taxpayers. And when you have American taxpayers, they're funding the local schools, they're funding the local park districts, they're funding the local counties and the States.

When we say no to energy production in the United States, we're saying no to jobs. We're saying no to our tax base. We're saying no to our schools. In fact, when we say no to production, one of the biggest challenges many school districts are going to have is paying for the increase in diesel costs for the bus companies to pick up kids to go to school this fall because diesel prices have doubled. And that's true across the board, in any job, because everything, this building has an energy variable. And as energy prices go up, the costs to keep the lights on go higher. Taxpayers have to pay more.

And the only way that I get frustrated with this is because it doesn't have to be this way. It does not have to be this way. And I would challenge my friends on the environmental left, give us some standards. Give us some, tell us how clean is clean? We will meet those standards.

□ 1400

But it's a moving target. There's no certainty. No one wants to invest. In fact, there's some people who say we're done with false carbon fuel. We're done with coal. We're done with crude oil. We're going to go all wind, we're going to go all solar, and we're going to be able to meet our electricity demand. And those who follow the market and the electricity demands in this country know that that is impossible because most of these people say no to nuclear.

That's why when we started this debate about 18 months ago, "no" is not an energy policy. You can't say no and say you have an energy policy, and that is unfortunately what we have on the other side.

Mr. WESTMORELAND. And can I read one comment?

This was from Greenpeace. They say, Let's end fossil fuel use. For decades, we have relied on oil, coal, and gas to meet our ever-increasing energy needs. And now we are facing the consequences for our actions in global warming.

You know, 85 percent of our energy consumption today is supplied by fossil fuels. This is the base of the majority party, and this is what is driving our energy policy in Congress today. And I think what the gentleman has gone through, especially with the coal and the shale to oil to liquid, just reiterates the Democrats' position almost precisely what Greenpeace stated on their Web site.

Mr. SHIMKUS. And the lights in this building that we enjoy and the air conditioning in this building that we enjoy is produced from a coal-generating plant. Fifty percent of all electricity in this country is produced by coal. And it's not a dirty word. It is the lowest cost fuel. It provides the highest standard of living. And why do you think India and China are rapidly moving, China building a coal-fired power plant every 2 weeks? Because they want their country and their people to move into the middle class, and they're going to do it through the use of fossil fuels. And that's what has made our country great. And that's their target, and they're not going to be concerned about climate as we know they're not.

I want to thank my colleague for letting me join him in his special order. I have got to now use the great benefits of technology and travel and fossil fuel use and get on my plane and get back to the great State of Illinois.

Mr. WESTMORELAND. Have a safe trip.

Mr. Speaker, thank you for this, and sorry, but he had to take a little trip.

And I want to go back, first of all, and just talk about the petition for a minute and the fact that I had been contacted by several of my constituents, Mr. Speaker, asking me if I had gone on to some of these web pages and signed the petition that said, one said, drill here, drill now, pay less. There were some others. I don't know the particular names. And then I was in a service station/grocery store that had a petition laying on the counter where you paid. It said, Sign this if you want to lower gas prices.

And so what I found is that the American people were doing everything that they could, Mr. Speaker, to let us know, Members of Congress, the people who are sworn to take action to help our constituents, the people were telling us. But there was no way for them to know how we felt about reducing the price of gas because under the new majority, we will never have an opportunity to vote on these things because they know if they brought it to the floor that it would pass and it would hurt their base, the radical environmentalists.

So I tried to come up with something as simple as possible because I believe in simplicity and people can understand the simplicity.

So I came up with my own petition, Mr. Speaker. And this petition was for the 435 Members that have the ability to vote in this House and then the delegates from some of the other territories. And it says, American energy solutions for lower gas prices. Bring onshore oil on line, bring deep water oil on line, and bring new refineries on line.

A lot of people might not realize with the refinery part of it that we haven't built a refinery in this country since 1978, 30 years since we built a refinery. A lot of people would be amazed to know that we import from Canada, Great Britain, Norway, a number of other OPEC nations, 6.9 billion gallons of refined gasoline into this country every year, about the same amount of diesel fuel because we cannot even refine what crude oil that we've got.

So I have made these boards up. I have had them up now, today is Friday, and we have had them up 4 days this week and 1 day last week. And it is so simple that it is confusing a lot of people on this floor. It says, House of Representatives energy petition. I will vote to increase U.S. oil production to lower gas prices for Americans.

Mr. Speaker, I know that you understand that. I understand that. But some people must not understand it because we've only had 170 people sign it. And so if this bill comes to the floor, which I don't think—and by the way, the Speaker said today that she's bringing four energy bills next week, and I'm going to talk about them in a minute and give you some kind of idea how they're going to help.

But this is real simple, it just says that whoever is representing you will vote to increase our U.S. oil production. Because see, we shouldn't be in a position—because to me, we're the greatest Nation in the world. And Mr. Speaker, we shouldn't put the leader of the free world, the President of this country, in a position to where Mr. SCHUMER from the Senate or Ms. PELOSI, the Speaker of the House, is asking him to go hat-in-hand to countries that are basically our enemies and asking them to increase their oil production to use their natural resources for our benefit.

Now, somebody is not thinking clearly. We don't need to put our President in that position. We don't need to be asking anybody anything when in this country in shale oil in the western States we have 1.5 trillion barrels. That's more than Saudi Arabia has. And so why in the world do we want to be in this position?

So I came up with a petition. Right now we have 170 people that have signed the petition. Mr. Speaker, I wanted to give the American people an opportunity, and I know I can't talk to them, but if I could talk to them, if I could address them, I would tell them

for real energy solutions that they would want to go to [www.house.gov/westmoreland](http://www.house.gov/westmoreland) and see if their Congressman has signed this petition.

And when you call them, you might get some dancing, some shuffling around. There is no dancing, there is no shuffling. It's one sentence. One sentence: I will vote to increase U.S. oil production and lower gas prices for Americans. I will be quiet about the petition for a minute. Here is the address.

I will say one thing about one individual that signed this. And his name is NEIL ABERCROMBIE, and he's from the great State of Hawaii. Neil is the only Democrat that has signed the petition. He's the only Democrat that has signed the petition. And he knows that at some point in time, we have got to start. And he knows that the party line that, you know, there's 68 million acres out there that's been leased, and that's true, but there's 2.5 trillion acres that could be leased, Mr. Speaker. But this Congress has passed bans that says you can't. The President has said he's willing to take off the executive order if Congress would move to take off our order. We're not going to move on that.

So I want to congratulate NEIL and all of the people that he represents for him having the courage. And he's given some of the greatest speeches on the floor of this House that I've heard in my 16 years of legislative experience, not just in here but in the State of Georgia. So NEIL, my hat's off to you and you should be congratulated.

I want to talk about for just a couple of minutes, I know I have got several of my colleagues here to join me, but I wanted to talk for a minute about what the Democrats have done so far in the 110th Congress. Because see, back in April, and if you will remember the gentleman, Mr. SHIMKUS, had a thing up about when the Democrats took over this Congress in 2006, that oil was about \$56 a barrel. What happened was when they were running for office, Speaker PELOSI said back in April of 2006, Democrats have a commonsense plan for lowering the skyrocketing price of gasoline.

Now, keep in mind that the skyrocketing price at the time was about \$2.26 a gallon. Man. Did you ever think you would long for the days when gas was \$2.26 a gallon?

Anyway, we have yet to see that secret plan. They have brought out some plans, but I don't think they've really brought out the secret plan yet.

I want to quote a little bit here from the Democrats. They passed a price gouging prevention, and you can see right here. Here is the Democrats' philosophy on lowering the gas prices: Sue OPEC. That's gone a long ways. Launch the seventh investigation into price gougers. The seventh investigation. Mr. Speaker, I think the American people want us to get out of the committee hearing, the investigation mode, and get into the action mode. We're in the fetal position mode right now.

Launch the fourth investigation into speculators, \$20 billion in new taxes on oil producers. Mr. Speaker, that took an economic genius to figure out that raising taxes \$20 billion on a producer or a manufacturer is going to lower the price to the consumer.

Halt oil shipments to the Strategic Petroleum Reserve would save a nickel a gallon. So their price, it brings it down from \$4.08 to \$4.03.

But I want to read you some of the quotes.

This was the Federal Price Gouging Prevention Act, H.R. 1252, that the Democrats in this body passed on May 23, 2007. May 23, 2007, was when this was passed. "This bill has been around for over a year. So let's stop the excuses. American people don't want arguments about that process. They want relief at the pump, and that's what we're doing today. Lookit, today Members of the House have a very simple choice. Vote to stand up with consumers, your constituents, who are paying record gasoline prices, nationwide average, record prices, or vote to protect big oil companies' enormous profits."

□ 1415

That was Representative BART STUPAK on May 23, 2007.

When this was passed, oil was \$65.77. As you saw earlier, it's \$136-and-change now. At the time this was passed, the national average was \$3.22 a gallon. It is now \$4.08 a gallon. So you see the price gouging does not work, Mr. Speaker.

Another comment: "Mr. Speaker, again, the American consumers need us to act, they want us to act, they demand that we do act. Now is the time." Congressman BOBBY RUSH on May 23, 2007. I think that action was just a charade because it has not helped the price of our gas.

And so while we look at these things, we've got to understand that the things that the Democrats are wanting to do does not do it.

Now, let's look over here at what my petition does or at least asks to do on the Republican side. Bring onshore oil online, ANWR, shale, anywhere from 70 cents to \$1.60 a gallon; bring deepwater oil online, OCS, 90 cents to \$2.50 a gallon; bring new refineries online, 15 cents to 45 cents. That would bring it down probably to about \$2.10 a gallon. These are actions. These others are charades.

And so I think the American people, Mr. Speaker, are tired of the charades. But let me just identify one more charade that we've had, and Mr. Speaker, that was when we had H.R. 6022, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008. This was passed on May 13, 2008, and you can see, halt oil shipments to the strategic petroleum, a nickel. So this is the bill.

Here was the quote from Chairman DINGELL: "While there is no guarantee that putting this oil onto the market rather than into the SPR will lower

prices, even such a modest step could potentially prick the speculative bubble now characterizing oil markets."

Mr. Chairman, it didn't prick anything because evidently it made them mad because it has gone up. But let me tell you what will prick that speculative market. What will prick it is when we vote to put a drill bit in the ground, and just by us voting to put the drill bit in the ground, the speculation will stop.

Representative PETER WELCH, the lead sponsor, said this: "When we have reduced oil going into the SPR in the past it has proven to actually have a direct and immediate impact on lowering the price of gas at the pump from 5 cents to 25 cents a gallon.

"And basically the question for us is whether or not, even as we have to proceed with long-term debates about our future energy policy, is this Congress going to be willing to take a short-term step that has the potential to bring down energy prices."

Congressman WELCH, there was not a lot of potential there because prices have gone up.

Representative NICK LAMPSON from Texas, somebody that should know about drilling and the benefits that drilling would do to bring down the price of energy: "This bill provides a quick first step, maybe not much, but at least it's an action on the part of our Congress.

"Suspending the SPR will put an additional 70,000 barrels of oil on the market each day. It could help reduce prices at a critical time for us in our country."

It has not reduced the price at all.

Representative JASON ALTMIRE: "This Congress has to act. And we are going to act today. And we are going to save the American people a quarter on the gallon."

So, when you go into the service station to fill up tomorrow or the next day or tonight, ask them if they've heard that we have passed the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008, because I can promise you your gas will not be 25 cents a gallon less than what it was on the day we passed this.

I'd now like to recognize my friend from North Carolina, the battering ram as some people call her in here, but she's one of the most fierce legislators that I've ever met in my career, and the congresswoman from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank my colleague from Georgia (Mr. WESTMORELAND) for the great leadership he's providing on this issue today and other days here in the Congress. I think it's extremely important to explain to the American people what is not happening in the Congress, even though they are asking us to do things.

Now, I am very much a person of action. I believe in getting as much done as we possibly can. The old saying is, as long as the Congress is not in ses-

sion, the American people are safe. And we often accomplish a lot of negative things here, but on this issue, that is what we have done is accomplish a lot of negative things. We need to be accomplishing positive things.

I think my colleague well-characterized what's been going on as a charade. When I was in the General Assembly in North Carolina, I often gave an award called the Emperor's New Clothes Award because I gave it to bills that didn't do anything but that nobody was willing to say wasn't doing anything. And I think what the Democratically-controlled Congress—and that's what we have to keep saying because many Americans blame both Democrats and Republicans for not doing something—but they have to understand that it is the Democratically-controlled Congress that's creating the problem here. What they've done has been a charade. It deserves the Emperor's New Clothes Award, and I hope most people have read that little book and understand the issue that I'm talking about.

Let me say that these are very recent polls that have been done. Sixty-seven percent of the American people believe drilling should be allowed in offshore wells off the coast of California, Florida and other States. Sixty-two percent believe that the price of gas has gotten so high that we need to begin drilling for oil in an environmentally safe way. And 57 percent support allowing drilling in U.S. coastal and wilderness areas now off limits.

And let me contrast the opinion of the American public with what the Democrats have done over the years.

In the last 12 or 14 years, there have been many bills put in, one on drilling in ANWR, and 91 percent of Republicans supported that; 86 percent of Democrats opposed it.

Turning coal-to-liquid, which is a good way to be using coal, 97 percent of Republicans supported it; 78 percent of House Democrats opposed it.

Oil shale exploration, 90 percent of House Republicans supported it; 86 percent of Democrats opposed it.

The Outer Continental Shelf, 125 miles off the coast of the country, you're not going to see the wells. You're not going to see the effect, and we can do it without polluting the ocean or polluting our environment in any way. Eighty-one percent of House Republicans supported; 83 percent of House Democrats opposed it.

Increasing refinery capacity, my colleague has done a very fine job of explaining why that's important to increasing supply. Ninety-seven percent of House Republicans supported it; 96 percent of House Democrats opposed it.

So over the last 12 or 14 years, on the bills that have come up on these issues, on average 91 percent of House Republicans have voted to increase the production of American-made oil and gas, while 86 percent of House Democrats have historically voted against it.

We need to increase the supply. I believe that part of the problem is be-

cause the Democrats are so out of touch with what's happening in America. Many of them have been in Washington 50 years or more. They don't go home on weekends. They don't associate with average Americans. They've never worked in a business. They have no idea how all the businesses in America are being affected.

My family runs a nursery and landscaping business. To put a vehicle out on the road, especially one that uses diesel fuel, is costing two-and-a-half times what it cost a year ago, 18 months ago, when the Democrats took over.

All we've gotten from the Democrats are empty promises, and as I said, they deserve the Emperor's New Clothes Award because it doesn't work.

Their latest Emperor's New Clothes Award claim has to do with use-it-or-lose-it, which is already the law of the land. They're blaming the oil companies. They are so good at blaming everybody else and deflecting attention from themselves when they're the ones to blame. They want to blame the oil companies. They want to say the oil companies are making a huge profit. It's not popular to defend oil companies, but right now, the oil companies' profit is about 7.5 cents on the dollar. The average profit of most businesses in this country, the Standard and Poor's businesses, those listed on the stock exchange, is about 8.5 percent. I heard the other day Microsoft is about 21 percent. But I don't see the Democrats going after them.

Generally, they hate business and industry because they think they're the evil people in this country, but thank goodness we have had the oil companies providing the oil and gasoline that we've needed over the years.

So they want to do something called use-it-or-lose-it. Well, you know, folks, the oil companies already have a clause in their contracts. They either drill for oil within 10 years or they lose the lease. Guess who changed the lease time from 5 years to 10 years. The Democrats, back in 1992. Do you ever hear them admit that? No, they don't admit it, but that's what happened.

We already are regulating the oil business tremendously. They are not the problem. It's the Democrats who are the problem. And we can't say that often enough on this floor because not enough Americans are listening. Half the people in the country think Republicans are still in charge. We're not in charge. We're the good guys. We're the ones wanting to produce more American-made products for you to use. We didn't say we had a plan to bring down the price of gasoline, but we do, and our plan will work.

We're still waiting for Democrats to bring their plan. They haven't brought it. We'd love to see it. But as my colleagues said, it's a charade. I like that term, and I want to say it deserves the Emperor's New Clothes Award because, folks, it ain't there.

So I thank my colleague for sharing some time with me today and for

bringing this Special Order to the floor today and helping people understand before the weekend, as you go out there and you are filling up your tanks, you can hold responsible the Democratically-controlled Congress, the do-nothing-to-produce-more-energy Congress for the problems that you're having.

Mr. WESTMORELAND. Ms. FOXX, after these bills come to the floor next week, or if we ever do get a chance to see them, we're going to have to bring back the old truth squad to make sure that the American people, Mr. Speaker, get the truth.

It's now my honor to yield to a friend of mine that came in shortly after I did to Congress, and if I could name anybody in this Congress a taxpayer's friend, I would have to name JOHN CAMPBELL. And so I yield to him.

Mr. CAMPBELL of California. I thank my friend, Mr. WESTMORELAND from Georgia, and you are equally a friend of the taxpayer and a Georgia bulldog in terms of fighting for taxpayers and consumers and for Americans to be more free rather than less free in the future. Thank you for yielding.

I stand here in front of this chart which says that gasoline is \$4.09, which is the national average. As my friend indicated, I'm from California. I can tell you that this last weekend when I was home I paid \$4.91 for premium unleaded.

□ 1430

In California, where we have even more restrictions on refineries and fuel and gasoline than you do nationally, our price is even higher than it is nationally, so we're headed for \$5-a-gallon gasoline in California.

The one thing that's not very well known is it's not going to stop there. Natural gas price has gone up as well. The price of natural gas is now about 50 percent higher than it was just about 6 months ago. Now, in my home State of California, about 95 percent of our heating comes from natural gas and about 50 percent of our electricity comes from natural gas. So my constituents are already being shocked at the gas pump; but come this summer, they're about to be shocked with their electric bill. And come this winter, they will be shocked with their natural gas heating bill.

All these energy prices are going up. They're impacting consumers, and they're impacting businesses. I can't tell you how many business owners I have talked to that are being squeezed by the price of fuel in the costs of their products, whether it's a pizza place that delivers, or whether it is a delivery place that has delivery trucks. It doesn't matter what it is, whatever you get, it got to you because somebody brought it. And when somebody brought it, they used some kind of fuel to do that, and the price of that fuel is up. And those businesses can't pass that price on right now because the

economy is so weak. And so if they pass that cost on, consumers won't pay it and their volume will go down and down, so businesses are being squeezed.

I talked to an owner of a company the other day who has a lot of his employees—we have long commutes, often, in California—and the price of their commute has gotten so high that he's probably going to see if—which, again, is often restricted by State law—the company can go to a 4-day work week or maybe even a 3-day work week in order to reduce the huge costs that his employees have commuting 50, 60, 70 miles to and from work every day. So this is impacting everybody. It's the biggest issue I hear about when I go home.

And so what are we doing? What is this Democratic-led Congress leading us to do? I mean, it's affecting homes, it's affecting businesses, jobs, employment, the economy, everything. And what are we doing here? Nothing. This Democratic-led Congress is doing absolutely nothing on the biggest issue that is facing America today.

A week or so ago we did pass a resolution, though, commemorating the end of the Revolutionary War 225 years ago. Now, that's great. I mean, I'm glad we had an American Revolution, I'm glad we won, I'm glad it ended. But I think we could be doing a little more productive things on the floor of this House with energy and with energy prices.

Now, the Democrats on the other side, they will have you saying, oh, well, we can't do this and we can't do that and we can't do the other. Let me tell you what I think and what we Republicans think we should do: Everything. There shouldn't be anything off the table, basically, in this discussion because of the crisis we're in and because of the magnitude of this situation.

Let me try and break it down into three areas of things that we ought to be doing. And the first is more production and supply and delivery of oil and natural gas. Now, you will hear Democrats say, oh, I heard Senator OBAMA the other day say, oh, that won't affect the price for 5 years; you won't get any of that oil out for 5 years. True, you won't get any of that oil out for 5 years, but markets are anticipatory. Part of the reason that gas prices are so high today is because of the markets anticipating increasing demand in India, in China, and in Brazil that will eat up more supply. If we send a strong message from this House of Representatives that we are going to do everything we can to produce more oil and gas from everywhere we can produce, the markets will react to that. Does that mean it will go back to where it was? No. And that's not the only thing we should do, and it should be one of the clubs we have in our bag that we use to bring these numbers down.

Second, we should be trying to develop all alternative forms of energy

that are out there in order to reduce the demand on the fossil fuels. Now, the first thing we should be looking at is nuclear. Now, you look at France, Japan and Sweden. Sweden, arguably the most environmentally conscious country on Earth, and they get over 80 percent of their power from nuclear. What shocks me, Mr. WESTMORELAND, is that I hear the Democrats say all the time, well, we want to do more nuclear power if it is safe. You always hear the qualification, "if it is safe." Oh, my gosh; you've got three big countries out there have 80 percent. You can go to Italy and a whole bunch of other countries where they're producing a significant amount of their energy from nuclear and no one has had problems.

To say "it is safe," and everyone looks back at Three Mile Island, but that was 40 years ago almost, that would be like looking at a 40-year-old Altair computer and trying to assess whether you could run things with that computer today.

Nuclear technology has progressed every bit as much. And the nuclear technology that exists today is much more efficient and much safer than anything we had a long time ago. And we should be putting up nuclear plants as quick as we can and replacing those natural gas plants, replacing some of those others.

Liquefying coal is another thing we should be doing. We are the Saudi Arabia of coal. We have more coal in the United States than any other country on Earth. And second, by the way, is China. And what are the Chinese doing? Developing their coal and using their coal as quickly as they can. And what are we doing? Nothing. And then we should be looking at other alternative fuels like methanol, ethanol, butanol, all these different possible fuels.

But let's talk about ethanol for a second. You've heard a lot about it. We hear a lot about the subsidies and making it from corn, but the best thing to make ethanol from is sugar. But in this country, we have a huge tariff, I believe it's 75 percent—I could be wrong on that, but I believe it's 75 percent on imported ethanol and imported sugar.

Mr. WESTMORELAND. Fifty-four cents a gallon.

Mr. CAMPBELL of California. Fifty-four cents a gallon. Fifty-four cents a gallon—thank you, Mr. WESTMORELAND—tax on imported ethanol or imported sugar cane to make ethanol. Why? If we think this might be one of our future alternative fuels, why would we tax it more than we tax anything else? It makes no sense. So we should be developing all of those alternative fuels.

Wind and solar, them, too, although they will never be more than 1 or 2 or 3 percent, but we should be developing them as well, and hydrothermal.

And then the third leg of this stool is efficiency. Yes, we need to have more efficient cars. Yes, we need to have

more efficient homes. Yes, we should have more efficient production capacities in business. And yes, we should do all that, too. But we can't do it only on efficiency, we can't do it only on oil production, we can't do it only on alternatives, we need to do all three.

And what so disappoints me about the majority Democrats in this House is some of them want to do one of those, occasionally they want to do two, nobody wants to do all three on the Democratic side. But that's what we need to do.

This is a crisis; it's not going to go away soon. And the American people have the right to have us in this House react and give them the tools they need to get the price of energy down to help them lift this economy.

I thank you for the time, Mr. WESTMORELAND. I yield back to my friend from Georgia.

Mr. WESTMORELAND. Thank you, Mr. CAMPBELL. And I'm going to go back down front and play a little musical chairs here.

Mr. CAMPBELL of California. Okay. Then I will stand here until you get here so we don't have a blank blue screen. Thank you very much.

Mr. WESTMORELAND. Thank you, sir.

You know, I want to just show the American people: We're not going to immediately drill ourselves out of the spot, Mr. Speaker. But in 1995, the Congress passed drilling in ANWR. President Clinton vetoed it. Had he not vetoed it in 1995 we would be getting one million barrels of oil today out of ANWR.

So is this an immediate relief? No. It's immediate relief from, I think, the speculation and the amount of escrowing. But this is an all-of-the-above issue. We've got to start drilling. We've got to start doing alternative fuels. We've got to build refineries. We've got to be doing onshore and offshore drilling. We've got to do coal-to-liquid. There are a lot of things we have to do and not just lay here in a fetal position.

But this is what really burns me up when I think about being dependent on foreign oil. This is a picture of Mr. Chavez from Venezuela and Mr. Castro from Cuba. In a recent interview on al Jazeera, Chavez called for developing nations to unite against U.S. political and economic policies. "What We Can Do Regarding the Imperialistic Power of the United States." "We have no choice but to unite," he said. "Venezuela's energy alliances with nations such as Cuba, which receives cheap oil and are an example of how we use oil in our war against neo liberalism," he said. If you saw it on TV this morning, you saw where he threatened the European nations with no more Venezuelan oil because they passed an immigration law that he didn't like. This guy is not our friend. The bottom, on March 15, 2005, Washington Post; or as he put it on another occasion, "We have invaded the United States with our oil."

Now, I'm fixing to show you something, Mr. Speaker, and I don't know if you can see it or not, but maybe you'll get a look at it. But Mr. Speaker, I'm going to show you something that's really going to burn you up. This is a copy of the check that American families and businesses write to Mr. Chavez. Every day, 365 days a year, we write him a check for \$170,250,000. Mr. Speaker, that's a crime. We could be writing those checks to American men and women with the jobs that we would create if we would use our own natural resources for our own benefit.

So Mr. Speaker, I've got 5 minutes to close. And I want to put up this address, because this address, Mr. Speaker, is for real energy solutions. It's a simple address, [www.house.gov/westmoreland](http://www.house.gov/westmoreland). And you can go to that address, Mr. Speaker—and I hope you will go tonight, Mr. Speaker—and see the names on there that have signed the petition, the commonsense petition, a petition that just says "I will vote to increase oil production to lower the price of gas for Americans." That's as simple as you can get, Mr. Speaker. We had 32,000 hits on this Web site either last night or the night before last. Americans want to know where their Congressman represent.

And Mr. Speaker, let me close by saying this: So many politicians today that the American people hear on TV are talking about change. And I don't know if it's the kind of change that we're thinking about because, as an American citizen, the change that I hope that Congress or that elected officials would have, Mr. Speaker, is a change that they would be honest, that they would be honest with what they tell the American people and not come to Washington and write a bunch of legislation that's very confusing about what it really means.

And I read your excerpts today, Mr. Speaker, that read what some of your colleagues had said about the legislation that they passed and what it was going to do for fuel prices. And some of that legislation was over a year ago, and it has just continued, gas is at \$4.08 a gallon. But Mr. Speaker, if I could talk to the American people, I would tell them this: that there will never really be any change in this country, Mr. Speaker, until the people that get up every morning that are citizens of this land, that look in the mirror, and if that person, Mr. Speaker, that they see in the mirror will not change, then we're not going to change.

And so sometimes it takes effort, Mr. Speaker, from the men and women out there that watch us and listen to us and abide by the laws that we make to take things into their own hands and to let us know how they feel. Over a million people have signed a petition, "Drill Here, Drill Now, Pay Less." We're hearing from them. We need to hear from you.

Mr. Speaker, if I could talk to the American people, I would tell them, your Congressman and your Senator

need to hear from you. You need to know if they're willing to vote to increase the production of oil in this country from our own natural resources, be less dependent on foreign oil and foreign resources, and lower the price of American gas. And you can find out if your Congressman is on that petition or not by going to [house.gov/westmoreland](http://house.gov/westmoreland).

You're going to hear all kind of arguments of why they didn't sign it or haven't signed it, but Mr. Speaker, those arguments are so simple that the argument doesn't even hold up.

So Mr. Speaker, with that, I'm going to yield the well and yield my time here, and just thank you for your patience in listening to the truth that's been brought to you. And thank my friends that have come down tonight, my colleagues that have come down to help me, Mr. Speaker, try to explain to the American people that we're serious about bringing them some relief at the pump.

□ 1445

#### PEAK OIL

The SPEAKER pro tempore (Mr. LOEBSACK). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I am pleased that my colleagues for the last hour helped to make the point that oil is high and gasoline is high because there is an imbalance between supply and demand. There are a lot of differences of opinion as to how we got here, why we're here and what we ought to do to reduce the price of gas.

The next chart is really an historical one. This whole saga begins in 1956 when a geologist of the Shell Oil Company gave a talk to a group of physicians on the 8th day of March in San Antonio, Texas. And he made a prediction which was an audacious prediction then. At that time, the United States was the king of oil. We were producing more oil, using more oil and exporting more oil than any other country in the world. Here we were in 1956. He predicted that just 14 years later, in 1970, the United States would reach its maximum oil production. That was sheer heresy then. Nobody believed him. He was ridiculed. But right on schedule, 14 years later, in 1970, the United States peaked in oil production.

Now he was predicting this for only the lower 48 States, which is shown here, Texas plus the rest of the United States. Then we found a lot of oil in Alaska. We found some oil in the Gulf of Mexico. And we learned more and more how to get oil from natural gas liquids. By 1980, looking back, you can see, gee, M. King Hubbert was really right, wasn't he? We did reach maximum oil production in 1970. I'm going to keep coming back to that.

The next chart shows this same curve. If you will look at the red lines, that is up to 1970 and after 1970. The yellow triangles represent the prediction of M. King Hubbert for the lower 48. The red diamonds are what we actually produced because we found additional oil in Alaska and the Gulf of Mexico that he did not include in his prediction. But notice that that just produced a blip in the slide down the other side of Hubbert's peak. And there was a lot of oil. Alaska alone for several years was one-fourth of our total production of oil.

This chart is presented by Cambridge Energy Research Associates to convince you that M. King Hubbert didn't know what he was talking about. Now if you were a statistician, you might be convinced. But for the average American, they don't see this yellow triangle curve being meaningfully different from the green squares. And the intent of this presentation by CERA was to convince you that you really shouldn't believe M. King Hubbert when he predicted that the world was going to be peaking in oil about now because he was wrong about his prediction of peaking in 1970. I would think just about everybody would say, gee, he got it pretty right, didn't he? He predicted this, and this is what it was, and that seems to follow pretty closely.

Now what do we mean by "peaking?" By "peaking" we mean that the oil field, the country, the world, whatever universe you're looking at, has reached its maximum production for producing oil. And this happens in each individual oil field. And that is how M. King Hubbert was able to so accurately make his predictions because he noticed in an individual oil field that the production of oil increased and increased until you reached a high point at about which half the oil was pumped, and the last half logically is going to be harder to get than the first half, and so it's going to be less and less oil as you went down the other side. He predicted that the United States would peak in 1970. We did right on schedule.

And then in 1979, he predicted that the world would be peaking about now. And here we have the data from the two entities, the IEA and the EIA, that track the use, production and consumption of oil. And as you can see, they are in reasonable agreement. And for roughly the past 3 years, oil production in the world has been flat. By the way, if they were drawing this chart today, it would be a much taller one. They would have to change the scale for the price of oil because they had it here about \$95 a barrel. Now it's way off the top of the chart, off 130 something dollars a barrel. But these two curves are still plateaued.

The next chart is a quote from what I think will shortly be recognized as perhaps the most insightful speech given in the last century. That speech was just found a few years ago and was

put on the Web. And you can get it by doing a Google search for Hyman Rickover, the Father of our Nuclear Submarine and energy speech, or you can go to our Website, and there is a link there.

It really was a very prophetic speech. Remember, that was 51 years ago, the 14th day of this past May, to a group of physicians in St. Paul, Minnesota. And these are some of the things he said in that speech. And I hope you will pull it up and read the whole speech because it's really very insightful and very prophetic. There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy 500 million years ago, he says, and took eons to grow to their present volume. The world as a whole and our country included has appeared to behave as if these fossil fuels were inexhaustible. The plea now to reduce prices is simply to drill more.

What we will see shortly is that, as everyone will know, if you stop and think about it, that oil is finite. It is not infinite. There is a limited supply. The only thing that can be argued is how limited is that supply? He says, in the face of the basic fact that fossil fuels are finite, now our behavior has been a denial of this reality. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one regard: The longer they last, the more time do we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Have you noticed anybody anywhere doing what he suggested here? I really love this next paragraph because I think it really describes us, I'm sorry to say. Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare. I have 10 children, 16 grandchildren and 2 great grandchildren. When I am asked to vote to drill in the Arctic National Refuge and our public lands and offshore, I remind them of the fact that I have these children, grandchildren and great grandchildren. And I ask them, wouldn't it be nice if I left a little oil for my kids, my grandkids and my great grandkids? When they appeal to me to vote to drill in these places, I ask them, if you can pump ANWR tomorrow, what would you do the day after tomorrow? And there will be a day after tomorrow.

The next chart is another quote from Hyman Rickover. I suggest that this is a good time to think soberly. This is 51 years ago. I think this is a good time to think soberly about our responsibilities to our descendants, those who will ring out the Fossil Fuel Age. He may be the first person that I can find who recognizes that there would be a Fossil

Fossil Fuel Age. In the 8,000 years of recorded history, Hyman Rickover noticed that the Age of Oil would be but a blip in the history of man. Wow. What a time it has been. We might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safe margin for the necessary adjustments which eventually must be made in a world without fossil fuels.

And one day, friends, there will be a world without fossil fuels. Now that is not tomorrow. And we are not running out of oil. Half of all the oil that will ever be recovered is yet to be recovered. What we're running out of is our ability to pump this oil as fast as we would like to use it. We now are, I believe, at the top of Hubbert's peak. We will have a lot of oil pumped in the future, as much as all the oil we have pumped in the past. But it will be ever harder and harder to get. Less and less of it will flow. And it will come at higher and higher costs.

The next chart really helps us to put this in a perspective. I haven't gone back the 8,000 years that Hyman Rickover mentioned. I have gone back only 400 years in history because it wouldn't matter because if I went back the rest of the 8,000 years, the use of energy would not be as wide as the baseline here, and so it would still look like this chart.

This shows the beginning of the Industrial Revolution. It shows that it started with wood, then, coal, and then gas and oil. And wow, did it take off with gas and oil. Now we're going to see this curve in several other charts. In most of those charts we will have expanded the abscissa, so that this curve will look a little different.

What we have here is the incredible increase in the rate of the use of oil up through the Carter years. Every decade up through the Carter years we used as much oil as we had used in all of previous history. Now that is an incredible statistic. What that means is that when you use half of the oil, that only 10 years remain. Now that is not going to be 10 years of increasing rate and then you're going to be fall off a cliff, because that is not the way we can pump the oil.

The next chart introduces us to another reality that we really need to be cognizant of. Not only is there a limited amount of oil in the world, but how it's distributed in the world is important. The world according to oil. This is what your planet would look like if the size of the Nation was relative to how much oil it had in reserves. Saudi Arabia dominates the landscape. It should. It has about 22 percent, a bit more than one-fifth of all the reserves in the world. Iraq, Kuwait, Iran, second, third and fourth, have huge amounts of oil. Russia and Venezuela have large amounts of oil. Russia now I think is the number one exporter in the world. They don't have the most oil in the world. But they are very aggressively pumping it. We're very aggressively pumping oil by the

way. Here we are, the United States, with 2 percent of the oil in the world, and we are producing 8 percent of the oil in the world.

It is an interesting depiction here. It shows some really interesting things. The first and third largest suppliers of oil to our country are Canada and Mexico. Mexico just slipped to number 3. They used to be number 2. Now that has been taken up by Saudi Arabia. But notice that Canada and Mexico together have about as much oil as we. Canada doesn't have much oil. They can export oil because Canada doesn't have very many people. And Mexico's people are too poor to use it. So they can export oil. I read one account that said within 8 years, Mexico, our third largest supplier, will be an importer of oil. Notice that Venezuela dwarfs everything else in our hemisphere.

□ 1500

Another really interesting thing here is the size of China and India. Here they are, China and India, and together, they don't have as much oil as the United States, with more than 2.3 billion people and with rapidly growing economies.

The next chart looks at this distribution of oil, where it is in the world another way, and you could have seen most of this from that chart. Here we look at the 10 largest reserves of oil in the world. Who owns them? Ninety-eight percent of those big 10 are owned by countries, not companies. Luke Oil, in Russia, is kind of independent, and they have only 2 percent.

Now, who produces the oil?

In this country, we focus on the big 4, and some people think they're gouging us. We have legislation now to look at whether they're gouging us or not. But 78 percent of all of the oil in the world is produced by those in the top 10—this is 78 percent of the top 10—by the 98 percent of the top 10 who have the oil. The big oil companies produce only 22 percent of the oil, and the amount of oil that they own isn't even large enough to show up in the top 10. Notice they don't even show here.

The next chart is another way of looking at these realities. These numbers, by the way, inspired 30 of our leading citizens—Boyden Gray and Jim Woolsey and McFarland and 27 others, who are some retired four-star admirals and generals—to write a letter to the President, saying, "Mr. President, the fact that we have only 2 percent of the world's oil reserves and use 25 percent of the world's oil and import two-thirds of what we use is an entirely unacceptable national security risk. You really have to do something about that."

Subsequent to that, in a State of the Union message, the President noted very correctly that we're hooked on oil. That's a good analogy. We are as hooked on oil as the drug addict is hooked on his drug. The President made that very clear. We are less than 5 percent of the world's population—1

person in 22—and we use 25 percent of the world's oil.

As I mentioned before, we pump 8 percent of the world's oil, which means we're pumping our oil fields four times faster than the average in the world.

The next chart is one where, if you only had one chart to look at, this chart has more information on it than any other chart that I have seen relative to oil and relative to where we are and where we'll probably be.

Here is the curve that you saw before. It was a very steep curve, do you remember? I said that you would see it in subsequent charts, and here it is again. We have really spread it out here. Before, it went 400 years. Now it goes 100 years, 1930 to 2030. You will see here the recession that occurred in the 1970s.

There is an old saying: It is an ill wind that blows no good.

The good thing that came out of those oil price spike hikes in the 1970s was the reality that, gee, we could use this oil more efficiently. Boy, we've really done that. There was a recession that resulted in an actual drop in the demand for oil. Then we came out of that recession, and we were focused on efficiency. Your air conditioner is probably three times as efficient now as it was then, and so is your freezer.

So now we are growing our economies at the same rate we were growing them before, actually faster, because China and India were not really involved then in using huge amounts of energy. Now the growth is much slower. So let's be thankful for those oil price spike hikes in the 1970s, because it alerted us that we really could do better, and we really are doing better.

These bars here show when we found the oil, and we found most of it a long time ago. There were some huge finds back in the 1950s and some really, really big finds in the 1960s to 1970s. Notice that, from about this point on down, from 1980 particularly on down, it's down, down, down, down. This is with ever better techniques for discovering oil—3-D seismic and computer modeling. On the average, every year, we have found less oil than we've found the year before.

Now what will the future look like?

It's obvious on this chart that, ever since about 1980, we have not found as much oil as we're using, so now we've been dipping into the reserves. This area here, which is volume of oil, has been made up with using some of the reserves we found back here. So what will the future look like? There are two things that will determine what the future looks like:

One is how much oil we find and the rate at which we use the reserves we already have.

Now, you can make a judgment as to how much oil we will find in the future. I, personally, wouldn't have drawn this line. It won't be smooth like that; it will be up and down, but I wouldn't have drawn that line quite that high. I think it comes in a little lower if

you're looking at that, but let's assume that that's what it is.

The difference between what you find and what you're using is going to have to be made up by dipping into the reserves back here. So you make your own judgment as to what the future would look like, and that will depend upon the rate at which we use these reserves and the amount of new reserves that we find.

The next chart shows a projection of discoveries, which is totally inconsistent with the chart we just saw. This is a projection of discoveries by the Energy Information Agency. This is a very interesting and kind of bizarre thing that has happened. The USGS does some computer modeling, looking at: Gee, where will we be in the future? How much oil will we find? They do some computer modeling, and they put a lot of inputs, different ones, into the computer, and then they get results out.

They took the mean frequency of that, and they compiled some data which said that the mean of what we're going to find—the F, they said—looks like this number. Well, somehow, when that got to the Energy Information Administration, that F became a P for probability. They make use of that, which, from a statistician's perspective, is just bizarre.

They make the statement that the 50 percent probability is the mean—of course it is not—and that the 50 percent probability is more probable than the 95 percent probability. This is fairly old. This is several years old now, as you can see, but they made a prediction way back here that the 50 percent probability green line is the amount of oil we were going to find in the future. We've been finding it at this rate. This is the discovery rate. They said, somehow, it's going to turn around, and it's going to go back up following that green line.

The 95 percent probability is the yellow line there. Well, obviously, 95 percent probable is more probable than 50 percent probable, and it's no surprise that the actual data points have been following the 95 percent probability.

The next chart is from one of four reports that your government has paid for and has pretty much ignored. Two of these reports came out in 2005. This is a quote from the first of those done by SAIC, a very large, prestigious, international organization. This was paid for by our government. It's called the Hirsch Report, after Robert Hirsch, who was a principal investigator on the report. Another one came out a little later in 2005 from the Corps of Engineers, and it says essentially the same thing that this report says. Then in 2007, two additional reports came out—one from the Government Accountability Office and, later in the year, another from the National Petroleum Council.

All four of these say essentially the same thing in different words, that the

peaking of oil is a certainty; it is either present or imminent with potentially devastating consequences. Now, that's the message of all four of these reports.

This is a quote from the first of those reports: "World oil peaking is going to happen. World production of conventional oil will reach a maximum and decline thereafter."

That happened in our country in 1970. It is inevitable. It will happen in the world. Oil is finite. The amount of oil in the world is not infinite. There will be a time when we reach the maximum production of oil, after which, it is going to be harder and harder to get, and less and less will be available at ever-increasing costs. That maximum is called the peak. A number of competent forecasters project peaking within a decade. Others are less certain when peaking will occur. There are a lot of things, a lot of complexities, that determine that: Geopolitical things, the economies of the world. A lot of things affected it. Technology affected it.

Oil peaking presents a unique challenge. Then they make a statement, a stunning statement. The world has never faced a problem like this. You cannot go back in history and find any precedent for this problem. The world has never faced a problem like this. Without massive mitigation more than a decade before the fact—and apparently from the data we just showed you, the fact is upon us. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary.

Previous energy transitions—wood to coal and coal to oil—were gradual and evolutionary. Oil peaking will be abrupt and revolutionary. The things that have been happening in the last few months are quite revolutionary. I was surprised at how quickly food shortages developed around the world.

The next chart is another quote from the first of these four reports that your government has paid for: "The peaking of world oil production presents the world with an unprecedented risk management problem. As peaking has approached, liquid fuel prices and price volatility will increase dramatically."

Wow, that's exactly what has happened, isn't it? It will increase dramatically.

This, I believe, is the 46th time that I have come to the floor. I began, I think, on the eighth day of March in 2005. When I first came here, oil was 50-couple dollars a barrel. Now it's about \$135 a barrel. Gasoline, I think, was less than \$2 a gallon. Now it's over \$4 a gallon. So it is true that these prices have increased dramatically. The economic, social and political costs will be unprecedented, they say.

The next chart—and I show this chart because it really depicts this very clearly. I have two charts to address this problem. I just want to make the point that drilling for oil is not the ultimate solution. This chart assumes

that we are going to find as much more oil as all the reserves that now can be pumped. That's incredible. You will remember that chart of the oil that we found going down, down, down. What is going to turn that around? This chart assumes that we're going to find as much more oil as all of the oil that is yet to be recovered. This is that curve. I told you you'd see it again in several charts. Here it is again, the dip in the 1970s, and here we are a little after 2000.

This chart was made a few years ago. This red line here is the mean of 2 percent growth and 2 percent decline with what they say is the mean, the expected value, of 3 trillion barrels of oil. You will see data that varies a little bit, but it is the amount of oil that most experts believe will ever be pumped. Now, discovered oil that will ever be pumped is about 2 trillion barrels. This has it at 2.28 trillion barrels. This predicts we're going to find, roughly, 800,000 more barrels. Almost half of all of the oil that we have ever found they predict is going to be found in the future. Even if we do that, that pushes the peaking of oil out, they say, on this chart to only 2016. Wow, that's not very far out.

Now, they have another line here which says, if you extend this growth further and assure that you're going to have a very rapid decline, then you can push the point out to 2037.

The next chart looks at these same data. Here, they have, roughly, the 2 trillion again. I told you the numbers would vary a little bit. Here is the 2 trillion again. This is 1.92 trillion. We would have peaking about now if that had occurred. This is from CERA again. CERA believes that we will find as much oil as all the oil that is yet to be pumped, and they don't show me further on. I have no idea what that curve will do and how abruptly it will fall after that, but even with their predictions, they are pushing the peak out only—well, you can see it here—to about 2030, which was the peak on the other chart.

Unconventional oil. This may be a good time to spend just a moment talking about unconventional oil. We, actually, have some huge reserves of unconventional oil.

□ 1515

The most exploitable of these reserves is in Canada, it's the tar sands of Canada, and they are huge, 1.5 trillion barrels of oil. That's more oil potential there than yet all the oil yet to be recovered in all the fields of the world. And they are producing about 1 million barrels a day.

So why aren't we sanguine and the future going to be rosy? Because what they are doing there, they know they cannot continue to do it, it's not sustainable. They are using natural gas, which will run out, and then they may have to build a nuclear power plant.

They are using water, which is a limited water supply. I understand they

are now using a shovel which lifts 100 tons. They dump it into a truck which hold 400 tons, and they hook that with natural gas, maybe using more energy than they get out of the oil, but, never mind, the natural gas is stranded. By that we mean that there is not many people to use it.

Natural gas is very hard to move from one place to another. It's stranded and so it's cheap. Economically they are producing this, I understand \$18 to \$25 a barrel and it's bringing \$135 a barrel. That's a really good profit margin.

But the profit margin you really need to be looking at here is the energy profit margin. How much energy do you put in, and how much energy do you get out?

Well, soon, when they have exploited this above ground, my understanding is it ducks under an overlay and then they are going to have to decide how to develop it in situ. They don't know yet how to do that.

We have in our country huge potential reserves. It's not quite oil, but with some manipulation it can be made into oil. These are the so-called oil shales of our west. We have there at least probably 1.5 trillion barrels of oil again. But, so far, no one has found any economically feasible way to develop these potentially enormous reserves.

Now, we use, in the world, about 84, 85 or so million barrels of oil a day. In our country we use 21 million barrels of oil a day. Each barrel of that oil—and when I first saw this number, I couldn't believe it—each barrel of that oil has the energy equivalent of 12 people working all year.

I thought, wow, that can't be true, just a barrel of oil, 42 gallons. Then I thought how far that gallon of gasoline at \$4 a gasoline, by the way, still about the same price as water in the grocery store, how far that gallon of gasoline took my Prius. It takes me 48 miles.

Now I can pull my Prius 48 miles, but that would take a long time with come-alongs and cables and guardrails and trees and so forth to pull it along that 28 miles.

What that means is that until very recently, when oil prices spiked up, I can remember when oil was \$10, \$12 a barrel. When oil was \$12 a barrel you could buy the life-style improvement of one person working for you all year for \$1.

At \$12 a barrel, one barrel is the work equivalent of 25,000 man-hours of 12 people. No wonder Hyman Rickover in his speech said that the poorest of people live better than ancient kings. This has enabled us to establish an incredible quality of life.

When I look back at this, you know, I keep asking myself the question, why didn't somebody, when we found this incredible wealth under the ground, stop and ask, what can we do with this to provide the most good for the most people for the longest time?

That is not what we did. What we did was no more responsibility than the kids who found the cookie jar or the

hog who found the feed-room door open. We have just been pigging out. A lot of my colleagues would like to continue doing that.

What they want to do is drill. I have 10 kids, 16 grandkids, two great grandkids. I want to drill, but I want to use what we get from drilling to invest in alternatives. My wife has a great—and I see I am joined by a great friend, and I am going to yield to him in just a moment—my wife has a great observation on all of this. She uses that old country and western—it's too late now to do the right thing.

We have blown 28 years. I say that because by 1980 we knew really well of a certainty that M. King Hubbert was right about the United States peaking in 1970. By 1980 we knew that, no question about it. He predicted in 1979 that the world would be peaking about now. I keep asking myself the question, why haven't we done something about it?

I thank you, friend, for joining us. I am happy to yield to you.

Mr. YOUNG of Alaska. I thank the gentleman for yielding. I want to congratulate the gentleman for bringing this to the floor of the House many times and trying to explain to the public what peak oil mean. I have to say I was a doubter, and over the period of time that you have explained this to me I became a believer.

It looks, as you have said before, as the population growth, the consumption factor and what we have available. It's sad that we haven't addressed this issue.

Now I am one of the ones that believes in drilling as you mentioned but I also agree with you that now we should step forward and solve the problem for the future today.

We can do this with all the efforts—because if we don't, like you say, your grandchildren and your great grandchildren and possibly your greater grandchildren are going to face a great dilemma.

I am confident, as this Congress goes forth, or the people demanded that we will find solutions to this. But right now it has been too easy to buy oil from overseas, not realizing we were running out. We got accustomed to it, like you say, going to the cookie jar and not looking down the road.

Again, I want to thank the gentleman.

I mean, you are doing a great favor for this Nation to try to awaken the people that, yes, we can drill and we can solve the problem, and we may lower the prices temporarily.

But what we ought to be doing is utilizing some of our oil now and taking the revenues that are generated and put it into that—and I reluctantly say this—from Alaska, but into the bridge to the future, so that we will have those alternative forms of energy.

We can move products with other than fossil fuels. We can manufacture with other than natural gas.

There are a lot of things that we just must do. Again, I want to thank the

gentleman for doing this, and I am pleased to be part of your effort and hopefully, as time goes by, this Congress will wake up. Right now, they are not. But you keep doing it and maybe the public will wake them up.

Mr. BARTLETT of Maryland. Thank you, sir. I am really honored you came to join me.

You mention doing things. The thing that you mentioned is right on our chart here. I was very pleased. I think I may be the only original cosponsor on your bill to drill in ANWR and use all of the revenues to invest in alternatives.

Because I have said for all the years now that I have voted "no" for drilling in ANWR, that because of my kids, my grandkids, and great grandkids and their future that I would vote to drill in ANWR when we used all the revenues we get from ANWR to invest in alternatives.

Your bill does that, and so I was proud to sign on. By the way, I will note that there will be some environmental impact in ANWR. There is always an environmental impact. When I go out the door and step on my grass there is an environmental impact. But I think that my walking on the grass is justified.

It's obviously a trade-off. If you have a dollar and you spend it for a Coca-Cola you can't spend it for a candy bar. So everything we do in life is a trade-off. I think that the environmental damages that will be done in ANWR will be minimal compared to the advantages of our country and our civilization resulting from the monies that we are going to spend on the developing alternatives.

Mr. YOUNG of Alaska. If the gentleman will yield just one more time, you are absolutely right. There is nothing that we do that doesn't have an environmental impact. The only thing we can do to stop having an environmental impact is stop living.

We can face up to that, what can be done, and we have done that, is to do it as safe as possible, and that can be done. But the trade-offs, if we don't drill, and take those dollars and put them in renewable sources of energy, the trade-off is a disaster environmentally.

I have said this, if you want to see a disaster where they haven't been able to develop, as they should, their fossil fuels, et cetera, go to the countries that cut every tree down, because it's the only source of power they have.

You go to Ethiopia, you go to other countries of Africa. There is no living thing that can be burning because there is no other forms of energy. That's what I don't want to see this Nation—let's look for, as you mention, let's recognize it as an invite. Material oil will run out, let's use the revenues now and plan for the future and have availability of energy.

If we do it now, then we are going to be in good shape in the future. Not you and I, but you and your grandkids.

Mr. BARTLETT of Maryland. Thank you, sir. I am honored you came to the floor to join me.

Here is a list of the things I have been personally involved in, the Senate 2821, Senators CANTWELL and ENSIGN, passed it 88-8. It's a bill that extends renewable energy tax credits.

Our companion bill to that, H.R. 5981, simply picks up the Senate bill. If we pass that bill in the House, then it goes directly to the President.

This is a bill I was just talking about with my good friend, DON YOUNG, renewable domestic resources, ANWR, I am happy to be I think the only original cosigner of that bill. I am honored that he gave me that opportunity.

Peak Oil Caucus and resolution, I started the Peak Oil Caucus with my good friend, TOM UDALL.

H. Res. 12 is a resolution that says that the Congress recognizes that there is such a thing as peak oil. I mean, how can you not recognize that the sun comes up and the sun comes down. Of course, there is such a good thing as peak oil.

I proudly supported a new law not yet fully supported by our administration, ARPA-E. This is patterned after the enormously successful DARPA that has brought a lot of things to fruition. We wouldn't have an Internet if it weren't for DARPA. We wouldn't have pilotless airplanes if it weren't for DARPA.

I want an ARPA-E. We are going to have very limited resources, very limited time. What are we going to invest it in? There are some things that businesses with its short sight and the next quarterly report just can't invest money in. That's what DARPA has been doing for years with such enormous success, just investing in these things that are really risky but have enormous payoff. That's what DARPA has done very successfully. That's what I hope ARPA-E will do too.

I voted to increase CAFE standards. I was driving to work the other day and one lane in front of me was an SUV with one person in it. In the lane next to it was a Prius. By the way, I bought the first one in Congress and the first one in Maryland, now driving a second one. There were two people in the Prius, and I noted to myself, the people in that Prius are getting six times the miles per gallon, per person, as compared to the people in that SUV.

We have enormous opportunities for conservation, and there is only one thing that will reduce the price of oil tomorrow. Drilling will not do it, because no oil will flow for years after we start drilling.

As a matter of fact, it will make the problem a bit worse tomorrow, because it takes energy to drill, and that will simply compete for additional energy. Only one thing will reduce the price of oil tomorrow, and that's use less of it. There are only two ways we will get there.

One of those the market will provide, and that is if we wait until oil gets so

high that it destroys the world's economies, and then those economies will collapse and the demand for oil will collapse, demand destruction, they call it, and then the price will drop. That's a very painful way to get the price down.

The only other way to get I down, by reducing demand, is to simply voluntarily reduce demand. We have a lot of opportunities to do that.

Let me run through this chart. I have a self-powered farm. If a farm can't produce all its own energy and a little bit left over for somebody else, we are in trouble for the future, aren't we, as we run down this other side of this fossil fuel curve.

Tax credits for hybrids, I would like to expand that so that more people would be encouraged to buy them, to give more tax credits for those.

Then the DRIVE Act, the DRIVE Act would require that all of our cars, for about \$100 extra—maybe less than that with our max production—would be flex-fuel cars and they could use any fuel. By the way, every car produced in Brazil today is a flex-fuel car. They look just like ours. They cost just a trifling more to do. Who knows what the fuel in the next 16 years will be. A fleet turns over every 16 years, roughly. So we ought to be prepared for that. We really do need flex fuel cars.

The next chart, and this one points out another reality of the world in which we live, and this is who owns the oil? Now, we have looked at that another way previously, but this looks at the countries that are buying oil.

You can see a dollar sign there in a few places, not very—I have to look to find them, by the way, but I really don't have to look to find the symbols for China. They are everywhere. They are everywhere.

They are Russia, they were going to buy Unocal in our country. They are heavily invested in south—not only are they buying oil, they are buying goodwill. Do you need a soccer field? Hospital, how about roads? So China is out there very aggressively buying oil all over the world.

□ 1530

The next chart, and I would like to put where we are in context and look at all of the power we are using. We have been looking just at transportation. That is where the real challenge comes in the future.

This looks at U.S. energy consumption by sector. Electric power, transportation, and we have been talking primarily about liquid fuels. So 2 or 3 percent of this is produced by diesel, but we are using gas. And gas is not thought of as a liquid fuel, but you will see the city buses running on gas, and so it is appropriate to look at that.

Here is transportation, industry, residential and commercial.

The next chart looks at the reality of the future. It is very obvious that oil is finite, that it will not be here forever. Hyman Rickover was the first that I

know of who in a very dramatic way called our attention to that.

We will eventually transition. Geology will ensure it. We will transition from fossil fuels to renewables. We have some finite resources to help us do that. We have already talked about the tar sands and the oil shales. I have no idea how much we will get from those. I don't know how much money I might win in the lottery, but I don't plot my future on future winnings in the lottery. And I am going to win no money in the lottery because I don't play the lottery.

So we need to have a plan B. Coal. In a few minutes I will have a chart that looks at coal. We have a lot of coal compared to the rest of the world. Our fabled 250 years of coal is not really 250 years. The National Academy of Sciences recently looked at it. They say we haven't looked at coal since 1970, and we have been using a lot of coal since 1970. They said we now probably have 100 years of coal at current use rates. But be very careful when someone says "current use rates."

We have great difficulty in understanding the exponential function. When Albert Einstein was asked after nuclear energy, what is going to be the next great force in the world?

He said the most powerful force in the world is the power of compound interest. Just 2 percent growth, so anemic that our stock market doesn't like it and it tends to shudder when you only have 2 percent growth, 2 percent growth doubles in 35 years. It is four times bigger in 70 years, eight times bigger in 105 years, and 16 times bigger in 140 years. That is just 2 percent growth. And so this 100 years at current use rates could easily shrink to 25-30 years with increased use rates.

Then we have nuclear. I am a fan of nuclear. It has been very safe. We produce roughly 20 percent of our electricity with it. And France produces 75-80 percent with it. We use a light water reactor using fissile uranium, and that will run out. Then we can go to breeder reactors and as the name implies, breed fuel, and we won't run out of that. But we do buy some problems with that of transporting weapons grade material for further use.

But those I think are solvable problems. The only one that gets us home free is nuclear fusion. That's harnessing the power of the hydrogen bomb. By the way, we have a great nuclear fusion plant, it's called the sun. That is how it produces its energy.

I happily vote for the \$250 million a year that we spend on fusion, but I think the odds of commercializing that are relatively small. I would be delighted if we are able to do that, but I would not count on that. You have to have a plan B.

Now we look at the renewable sources. And by and by, all of our energy will come from sources like these and maybe a couple more that we might add to it. Solar and wind and true geothermal. A lot of people talk

about geothermal where you are hooking your air conditioner to ground temperature. Gee, do that please because what you are trying to do in the summer when you air condition your house is heat the air outside when it is already 100 degrees outside. It is easier to warm up the ground which is 56 degrees; and in the wintertime, 56 degrees looks pretty warm compared to the 10 degrees it might be outside.

But the geothermal I am talking about is tying into the molten core of the earth. They do that in Iceland. I don't see a single chimney in Iceland.

Ocean energy, an incredible amount of potential energy in the oceans, but hard to harness. We are working at it.

Agricultural resources, soybean and biodiesel. Just a word about those. I am a big fan of agriculture. I come from a farming background. I hope that agriculture will play a meaningful role, but it will not be a huge role.

The National Academy of Sciences has said that if we used all of our corn for ethanol and discounted for fossil fuel input, it would displace 2.4 percent of our gasoline. They said if we used all of our soybeans for diesel and discounted for fossil fuel input, it would displace 2.9 percent of our diesel. These are trifling numbers.

They noted that as far as corn ethanol is concerned, using all of our corn, we use only a part and now we are driving up the price of corn, wheat and soybeans because we diverted land, and droughts drove up the price of rice and so now there is hunger around the world and we are partly to blame for that. They said that if you tuned up your car and put air in your tires, you could save as much gas as using all of our corn for ethanol.

Methanol that you might get from wood, biomass, and the huge interest now that I think is a bit overly optimistic is on cellulosic ethanol. I am an old dirt farmer. Let me just note something that I think is intuitive. I can't imagine that we would get a whole lot more energy from our wasteland that wasn't good enough to plant anything on than we could get from all of our corn and all of our soybeans which would produce, for corn, replace 2.4 percent of our gasoline, and for soybeans, 2.9 percent of our diesel. I can't imagine we are going to get a whole lot more than that from our wastelands that aren't good enough to grow anything on. If you want to mine those and rape them of their organic materials for the next couple of years, you might get a meaningful amount. But sustainably, at least to some measure, this year's weeds grow because last year's weeds died and are fertilizing them. Now we will get something from cellulosic ethanol.

There are two bubbles that have broken already. The first big bubble that was going to be our savior was hydrogen. Remember that one? I think people figured out that hydrogen is not an energy source; it is an energy carrier. You will always use more energy producing hydrogen than you get out of it.

Why hydrogen. Because if we have a fuel cell where we can burn it and use it at least twice as efficiently, and when you use hydrogen you get water and that is pretty clean. So it is a great candidate for a fuel cell. We are at least two decades away from a fuel cell.

The second bubble that broke is the corn ethanol bubble. I am predicting that the cellulosic ethanol bubble will break. We will get something from cellulosic ethanol, but it will not be the huge amounts people are predicting we might get.

Waste to energy, great idea. And there is a good plant here in Montgomery County, but what you are burning there is largely a waste stream, the result of profligate use of fossil fuels. For the moment it is a good idea; but long term in an energy-deficient world, you are not going to waste so much. Remember, I grew up during the Depression: Waste not, want not. That is certainly not our motto today when you look at our landfills.

Gas hydrates. I want to mention that because there is more potential energy there than all the other energy sources I have talked about. These are little, frozen modules on the bottom of the ocean. There are huge potential amounts of energy there. But let me note that there are huge potential amounts of energy in the tides. The moon lifts the whole ocean two or three feet. When I carry two 5-gallon buckets of water, they are heavy. The problem with that energy and the tides and the problem with the energy in the gas hydrates is that it is very scattered and diffuse. Energy to be useful must be concentrated. And we will get something out of all of those, but it will not be enormous amounts.

This chart looks at a very interesting reality, and that is we are very much like the young couple that had their grandparents die and left them a big inheritance and now they have established a lavish lifestyle where 85 percent of all of the money they spend comes from their inheritance and only 15 percent from their salary. And they look at the inheritance, and it is going to run out before they retire, and so obviously they have to do something. They have to spend less or make more. That is precisely where we are because 85 percent of all of the energy that we use comes from fossil fuels, coal, petroleum and natural gas; only 15 percent from renewables, a bit more than half of that from nuclear. Here are the renewables we saw on the other chart. This is 7 percent. So solar was 1 percent of 7 percent; so 0.07 percent. Big deal.

And I am a big fan of solar and it is growing at 30 percent a year, but when you use 21 million barrels of oil a day, that is an incredible amount of energy. It is a huge challenge to find alternatives that will produce that amount of energy.

The next chart shows us the U.S. electricity generated by fuel source,

and notice some of this we can use in cars. In fact, we can use a lot of the coal. Natural gas, buses run on natural gas. If you had electric cars, you could do it with nuclear. And the others are much smaller. Hydro is 6 percent a year or so depending on how much rain we have.

The next chart shows electricity generation by renewables, and this blows up the renewables part of it. The wood, wind, waste, geothermal and the solar. This is 1 percent up here. The total amount we use is 100 times higher. So you see solar down there, it is just trifling. I think it will be huge in the future. The most aggressive country in the world for solar is Germany, and they have poor sunlight compared to the United States. But they recognize that they have to do something to transition.

The next chart, and I want to spend just a moment on this chart because the reality is this should have led people to understand we weren't going to get all we could want from corn. This bottom part, this is the amount of energy that goes into producing corn. Almost half is natural gas that is used to make nitrogen fertilizer. Before we learned how to do that, the only nitrogen fertilizer came from barnyard manure and guano. Guano is the droppings of birds and bats, and if we wait another 10–20,000 years, we will have some more. But that is gone now. It was a big industry doing that.

The amount of energy that goes into producing ethanol from fossil fuels is incredible. This just looks at the energy that goes into producing. Indeed, there are some who believe that we use more energy producing ethanol than we get out of ethanol. Our Department of Energy believes it is probably 80 percent, and the National Academy of Sciences use that number, too. Probably 80 percent of the energy that you get out of ethanol was put in there with fossil fuels.

I would like to put up the chart that we began our discussion of things that could be done, and I would like to say in my closing moments that I feel very exhilarated by this. There is no exhilaration like the exhilaration of meeting and overcoming a big challenge. This is a huge challenge. The American people are the most creative, innovative people in the world. If they really understood what we needed to do, they would do what the people of my generation did, and I am 82 years old. I was born in 1926. I lived through World War II. Everybody had a victory garden. We had Daylight Savings Time so you could work another hour in the victory garden. We didn't do that because somebody told us we had to, we did it because we knew we needed to do that.

I think the American people, properly challenged, if they really understood the challenge, I think the American people would rally, and I think we could once again become a major exporting country, not just exporting ideas to other people who then do the

manufacturing. I want to do the manufacturing here and be a manufacturing and exporting country. We are the most creative, innovative society in the world.

Mr. Speaker, what we need is a program that has the total commitment of World War II. Everybody in America needs to be involved. We need to have the technology focus of putting a man on the moon, and we need to have the urgency of the Manhattan Project. We are capable of that. The American people are waiting for that.

The solutions that are now suggested to us are only partial solutions. I am kind of glad with my 10 kids and 16 grandkids and 2 great-grandkids that we didn't drill every place that we might have drilled. Now there is a little oil for them, and they will be involved in this transition.

So I hope, Mr. Speaker, with more knowledge of where we are, that the American people will rally to the challenge and the United States will be what it has been in the past, a leader in technology, and a major manufacturing and exporting country.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today on account of business in the district.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of official business.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of attending family business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. CAMPBELL of California) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, today.

Mr. POE, for 5 minutes, June 27.

Mr. JONES of North Carolina, for 5 minutes, June 27.

Mr. CAMPBELL of California, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 27.

#### SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

S. Con. Res. 91. Concurrent resolution honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces, to the Committee on Armed Services.

#### ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced here signature to enrolled bills of the Senate of the following titles:

S. 188. An act to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

S. 254. To award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. To award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. To authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

#### ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, June 23, 2008, at 12:30 p.m., for morning-hour debate.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Donald J. Cazayoux, Jr., Steve Chabot, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Insee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank"

Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNeerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Oliver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sanchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Jackie Speier, Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie

Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C. W. Bill Young, Don Young.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7235. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dairy Product Mandatory Reporting [Doc. #AMS-DA-07-0047; DA-06-07] (RIN: 0581-AC66) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7236. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenoxaprop-ethyl; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2007-1107; FRL-8366-6] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7237. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutolanil; Pesticide Tolerances [EPA-HQ-OPP-2007-1021; FRL-8365-6] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7238. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0392; FRL-8581-7] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7239. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0342; FRL-8581-7] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7240. A letter from the Director, Regulatory and Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama; Prevention of Significant Deterioration and Nonattainment New Source Review; Correction [R04-OAR-2007-0532-200810(c); FRL-8579-6] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7241. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2006-0127; FRL-8569-9] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7242. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Update of Continuous Instrumental Test Methods: Technical Amendments [EPA-HQ-OAR-2002-0071; FRL-8568-7] (RIN: 2060-AP13) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7243. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [EPA-HQ-OAR-2006-0699; FRL-8568-8] (RIN: 2060-AO90) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7244. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [EPA-HQ-OAR-2006-0699; FRL-8569-1] (RIN: 2060-AO90) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7245. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; California; Ventura Ozone Nonattainment Area; Reclassification to Serious [EPA-R09-OAR-2008-0435; FRL-8568-3] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7246. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules and Alternative Monitoring Plan for Mandan Refinery; Delegation of Authority for New Source Performance Standards [EPA-R08-OAR-2007-0617; FRL-8570-2] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7247. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Environmental Protection Agency, entitled "Control of Emissions of Air Pollution From Locomotive Engines and Marine Compression-Ignition Engines Less Than 30 Liters per Cylinder," pursuant to 5 U.S.C. 801(a)(2)(A); to the Committee on Energy and Commerce.

7248. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Department of Health and Human Services, Food and Drug Administration, entitled "Substances Prohibited From Use in Animal Food or Feed," pursuant to 5 U.S.C. 801(a)(2)(A); to the Committee on Energy and Commerce.

7249. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of a draft bill that would amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974; to the Committee on Energy and Commerce.

7250. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on orders that designate new types of information to be protected as "Safeguards Information"; to the Committee on Energy and Commerce.

7251. A letter from the General Counsel, National Oceanic and Atmospheric Administration, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Civil Procedures [Docket No. 040902252-6040-02; I.D. 092804C] (RIN: 0648-AS54) received June 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7252. A letter from the Secretary, Department of Health and Human Services, trans-

mitting the report entitled "Third Report to Congress on the Evaluation of the Medicare Coordinated Care Demonstration" in response to the requirements Section 4016(c) of Public Law 105-33, the Balanced Budget Act of 1997; jointly to the Committees on Energy and Commerce and Ways and Means.

7253. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Department of Health and Human Services, Centers for Medicare and Medicaid Services, entitled "Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Update for Rate Year Beginning July 1, 2008 (RY 2009)," pursuant to 5 U.S.C. 801(a)(2)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7254. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's "June 2008 Report to the Congress: Reforming the Delivery System"; jointly to the Committees on Energy and Commerce and Ways and Means.

7255. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill, "To authorize certain maritime programs of the Department of Transportation, and for other purposes"; jointly to the Committees on Transportation and Infrastructure, Armed Services, Ways and Means, and Natural Resources.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 4044. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; with an amendment (Rept. 110-726). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6052. A bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes (Rept. 110-727 Pt. 1); ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 6275. A bill to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; with an amendment (Rept. 110-728). Referred to the Committee of the Whole House on the State of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 6052 referred to the Committee of the Whole House on the State of the Union.

#### REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 554. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; with an

amendment; referred to the Committee on Judiciary for a period ending not later than July 18, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 554. Referral to the Committee on Agriculture extended for a period ending not later than July 18, 2008.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. COSTELLO, Mr. MICA, Mr. PETRI, and Mr. BLUMENAUER):

H.R. 6327. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. ACKERMAN, Mr. DELAHUNT, Mr. SHAYS, and Ms. ZOE LOFGREN of California):

H.R. 6328. A bill to develop a policy to address the critical needs of Iraqi refugees; to the Committee on Foreign Affairs.

By Mrs. CUBIN:

H.R. 6329. A bill to expedite the construction of new refining capacity on brownfield sites in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Mr. LARSON of Connecticut, Mr. MCHUGH, Mr. ALLEN, Mr. UDALL of Colorado, Mr. CARNEY, Mr. KILDEE, Ms. SUTTON, Mr. HINCHEY, Mr. COURTNEY, Mr. DONNELLY, Mr. ALTMIRE, Mr. FATTAH, Ms. SCHWARTZ, Mr. DEFAZIO, Mr. VISCLOSKEY, Mr. WELCH of Vermont, Mrs. DAVIS of California, Mr. BISHOP of New York, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. INSLEE, Mrs. CAPPS, Mr. BAIRD, Mr. THOMPSON of California, Ms. HIRONO, Mr. WILSON of Ohio, Mr. MCGOVERN, Mr. CHANDLER, Mrs. MCCARTHY of New York, Mr. MICHAUD, Mr. HILL, Mr. PATRICK MURPHY of Pennsylvania, Ms. RICHARDSON, Mr. HODES, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. PASCRELL, Mr. ROSS, Ms. SOLIS, Mr. DOYLE, Ms. BALDWIN, Mr. CONYERS, Mr. DELAHUNT, Mr. PASTOR, and Mr. CAPUANO):

H.R. 6330. A bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently

determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself and Mr. DINGELL):

H.R. 6331. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN (for himself, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. BECERRA, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. LEE, Ms. MATSUI, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. BACA, Mr. BERMAN, Ms. BORDALLO, Mr. BUTTERFIELD, Mr. CARSON, Ms. CLARKE, Mr. CLEAVER, Mr. COSTA, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. ORTIZ, Mr. PAYNE, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. SCOTT of Georgia, Mr. SERRANO, Ms. SOLIS, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WU, Mr. PASTOR, Mr. RANGEL, Mr. RODRIGUEZ, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SIRES, Mr. THOMPSON of Mississippi, Ms. WATERS, and Mr. WATT):

H.R. 6332. A bill to authorize additional appropriations for summer youth employment activities under the Workforce Investment Act of 1998 for fiscal years 2008 and 2009; to the Committee on Education and Labor.

By Mr. FRANK of Massachusetts (for himself, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. KANJORSKI, and Mr. CLEAVER):

H.R. 6333. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 6334. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Ms. CORRINE BROWN of Florida:

H.R. 6335. A bill to provide for the transfer to the Government of Haiti of the real property of the former United States Embassy in Port-au-Prince, Haiti; to the Committee on Foreign Affairs.

By Mr. DELAHUNT:

H.R. 6336. A bill to extend the authority for the Cape Cod National Seashore Advisory Commission; to the Committee on Natural Resources.

By Ms. KILPATRICK (for herself, Mr. COHEN, and Mr. BACA):

H.R. 6337. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Energy and Commerce.

By Mr. KLEIN of Florida (for himself, Mr. MILLER of Florida, Mr. HASTINGS of Florida, Mr. BOYD of Florida, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. STEARNS, Mr. BILIRAKIS, Ms. CASTOR, Mr. BUCHANAN, Mr. KELLER, Mr. MAHONEY of Florida, Mr. WELDON of Florida, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, and Mr. MICA):

H.R. 6338. A bill to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the "Army SPC Daniel Agami Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. TOM DAVIS of Virginia, Ms. NORTON, and Mr. HOYER):

H.R. 6339. A bill to amend title 5, United States Code, to provide additional leave for Federal employees to serve as poll workers, and to direct the Election Assistance Commission to make grants to States for poll worker recruitment and training; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. KING of New York, Mr. FOSSELLA, Mr. MCNULTY, Mr. REYNOLDS, Mr. TOWNS, Mr. MCHUGH, Mr. KUHL of New York, Mr. ENGEL, Mr. WALSH of New York, Ms. CLARKE, Mr. BISHOP of New York, Mr. ACKERMAN, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. ISRAEL, Mr. WEINER, Mrs. MALONEY of New York, Mrs. GILLIBRAND, Mr. CROWLEY, Mr. ARCURI, Mr. HINCHEY, Mr. RANGEL, Mr. HALL of New York, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Ms. SLAUGHTER, Mr. NADLER, and Mr. HIGGINS):

H.R. 6340. A bill to designate the Federal building and United States Courthouse located at 300 Quarropas Street in White Plains, New York, as the "Charles L. Brieant, Jr. Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. VAN HOLLEN (for himself, Ms. DELAUNO, Ms. SUTTON, Mr. WEXLER, Mr. SCHIFF, Mr. BECERRA, Mr. WELCH of Vermont, Mr. HIGGINS, Mr. DELAHUNT, and Mr. GRIJALVA):

H.R. 6341. A bill to amend the Commodity Exchange Act to provide for regulation of energy derivatives, and for other purposes; to the Committee on Agriculture.

By Mr. WILSON of Ohio (for himself, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. HOBSON, Mrs. SCHMIDT, Mr. REGULA, Ms. SUTTON, Mr. SPACE, Ms. PRYCE of Ohio, Ms. KAPTUR, Mr. LATOURETTE, Mr. LATTA, Mr. TURNER, and Mrs. JONES of Ohio):

H.R. 6342. A bill to designate the facility of the United States Postal Service located at

440 2nd Avenue in Gallipolis, Ohio, as the "Bob Evans Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. GIFFORDS:

H. Con. Res. 375. Concurrent resolution to honor the goal of the International Year of Astronomy, and for other purposes; to the Committee on Science and Technology.

By Mr. BERMAN (for himself, Ms. LEE, Mr. ACKERMAN, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. WOLF, Ms. ZOE LOFGREN of California, Mr. BURTON of Indiana, and Ms. GIFFORDS):

H. Res. 1290. A resolution joining the Office of the United Nations High Commissioner for Refugees in observance of World Refugee Day and calling on the United States Government, international organizations, and aid groups to take immediate steps to secure urgently needed humanitarian relief for the more than 2,000,000 people displaced by genocide in the Darfur region of Sudan; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself and Mr. ORTIZ):

H. Res. 1291. A resolution expressing gratitude for the contributions of the American GI Forum on its 60th anniversary; to the Committee on Veterans' Affairs.

By Ms. ESHOO (for herself, Mr. MARKEY, and Mr. DOYLE):

H. Res. 1292. A resolution establishing a national goal for the universal deployment of next-generation broadband networks to access the internet and for other uses by 2015, and calling upon Congress and the President to develop a strategy, enact legislation, and adopt policies to accomplish this objective; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. NADLER, Mr. COHEN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, Mr. SCOTT of Virginia, Ms. LINDA T. SANCHEZ of California, Ms. JACKSON-LEE of Texas, and Ms. SUTTON):

H. Res. 1293. A resolution commemorating the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has become known as "Freedom Summer"; to the Committee on the Judiciary.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

324. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 108 expressing gratitude for the sacrifices made by our veterans; to the Committee on Veterans' Affairs.

325. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 146 expressing opposition to H.R. 5509 and S. 2674 relative to Veterans Disability Benefits; jointly to the Committees on Veterans' Affairs and Armed Services.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. EDDIE BERNICE JOHNSON of Texas introduced a bill (H.R. 6343) for the relief of

Jose de Jesus Ibarra, Monica Ibarra Rodriguez, and Cristina Gamez; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. KLINE of Minnesota.  
 H.R. 96: Ms. MCCOLLUM of Minnesota.  
 H.R. 278: Mr. CANNON.  
 H.R. 550: Mr. GOODE and Mr. JONES of North Carolina.  
 H.R. 552: Mrs. DAVIS of California.  
 H.R. 579: Ms. HIRONO.  
 H.R. 643: Mr. SALI.  
 H.R. 789: Mrs. DAVIS of California.  
 H.R. 1070: Mr. CAPUANO and Mr. MICHAUD.  
 H.R. 1134: Mr. HONDA.  
 H.R. 1193: Mr. JOHNSON of Illinois.  
 H.R. 1474: Mr. OLVER.  
 H.R. 1514: Mr. COLE of Oklahoma.  
 H.R. 1655: Ms. DELAURO.  
 H.R. 1738: Mr. CARDOZA and Ms. HOOLEY.  
 H.R. 2045: Ms. DEGETTE.  
 H.R. 2054: Mr. CANNON.  
 H.R. 2164: Ms. KAPTUR.  
 H.R. 2205: Mr. BLUNT.  
 H.R. 2208: Mrs. MYRICK, Mr. BOEHNER, Mr. SMITH of Nebraska, Mr. BONNER, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. BOUSTANY, Mr. CAMP of Michigan, Mr. KUHL of New York, Mr. LAMBORN, Mr. BLUNT, Mr. MCHUGH, Ms. GINNY BROWN-WAITE of Florida, Mrs. CUBIN, Mr. ADERHOLT, Mr. GOODLATTE, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CALVERT, Mr. REHBERG, Mr. STEARNS, Mr. TIBERI, Mr. ROSKAM, Mr. MCKEON, Mr. TERRY, Mr. SESSIONS, and Mr. GINGREY.  
 H.R. 2329: Mr. PICKERING.  
 H.R. 2370: Mr. LYNCH and Ms. JACKSON-LEE of Texas.  
 H.R. 2588: Mr. KLINE of Minnesota.  
 H.R. 2721: Mr. MELANCON and Mr. ELLISON.  
 H.R. 2880: Mr. POE.  
 H.R. 3098: Mr. KANJORSKI.  
 H.R. 3187: Mr. PRICE of North Carolina.  
 H.R. 3195: Mr. SHERMAN, Mr. SESSIONS, and Mr. LAMPSON.  
 H.R. 3267: Mr. TERRY.  
 H.R. 3273: Mr. MCDERMOTT and Mr. LAMPSON.  
 H.R. 3282: Mr. BLUMENAUER.  
 H.R. 3289: Mr. OBERSTAR and Mr. MICHAUD.  
 H.R. 3457: Mr. BOREN.  
 H.R. 3769: Mr. TIM MURPHY of Pennsylvania.  
 H.R. 3820: Mr. PAUL.  
 H.R. 3874: Mr. PETRI and Mr. DAVIS of Illinois.  
 H.R. 4189: Mr. SHIMKUS.  
 H.R. 4296: Mr. PLATTS.  
 H.R. 4464: Mr. GALLEGLY.  
 H.R. 5435: Mr. PASTOR.  
 H.R. 5575: Mr. HODES.  
 H.R. 5698: Mr. MORAN of Virginia.  
 H.R. 5709: Mr. SOUDER.  
 H.R. 5737: Mr. LAHOOD.  
 H.R. 5772: Ms. WATERS.  
 H.R. 5793: Mr. BILBRAY.  
 H.R. 5874: Mr. TOWNS.  
 H.R. 5901: Mr. CONYERS and Ms. SOLIS.  
 H.R. 5935: Mr. COSTELLO.  
 H.R. 5951: Mr. CLEAVER.  
 H.R. 5971: Mr. JORDAN and Mr. SCALISE.  
 H.R. 5979: Mr. GONZALEZ.  
 H.R. 5984: Mr. BILIRAKIS.  
 H.R. 6025: Mr. BURTON of Indiana.  
 H.R. 6045: Mr. PORTER, Mr. HARE, Mr. AL GREEN of Texas, Mr. TIM MURPHY of Pennsylvania, Mrs. MILLER of Michigan, Mr. KELLER, Mr. GALLEGLY, and Ms. KILPATRICK.  
 H.R. 6076: Ms. GIFFORDS.  
 H.R. 6078: Mr. CARNAHAN, Mr. GUTIERREZ, and Mr. SHAYS.

H.R. 6091: Mr. ALLEN.  
 H.R. 6106: Mr. SHIMKUS and Ms. GRANGER.  
 H.R. 6108: Mrs. BIGBERT.  
 H.R. 6127: Mr. SKELTON, Mr. BERMAN, Mr. MCNULTY, Ms. CLARKE, Mr. HINOJOSA, Mr. HINCHEY, Mr. WEINER, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. FARR, Mr. MORAN of Virginia, and Mr. WOLF.  
 H.R. 6130: Mr. THORNBERRY and Mr. LA TOURETTE.  
 H.R. 6134: Ms. GRANGER.  
 H.R. 6140: Mr. LINDER.  
 H.R. 6163: Mr. WELCH of Vermont.  
 H.R. 6171: Mr. CAPUANO and Mr. COSTA.  
 H.R. 6180: Mr. CARNEY.  
 H.R. 6207: Mr. WAMP, Mr. LATTA, Mr. FEENEY, and Mr. DUNCAN.  
 H.R. 6209: Ms. MATSUI and Mr. LARSON of Connecticut.  
 H.R. 6210: Mr. COSTELLO and Ms. GIFFORDS.  
 H.R. 6239: Mrs. BOYDA of Kansas.  
 H.R. 6258: Mr. TOWNS.  
 H.R. 6261: Mr. SOUDER.  
 H.R. 6264: Mr. WALZ of Minnesota, Mr. RAHALL, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. MEEK of Florida, Mrs. BOYDA of Kansas, Mr. HOLT, Mr. CARNEY, Mr. BLUMENAUER, Mr. DEFazio, Mr. DONNELLY, Ms. MATSUI, Mr. DOYLE, Mr. BRADY of Pennsylvania, Ms. LINDA T. SANCHEZ of California, Mrs. MCCARTHY of New York, Mr. FARR, Mr. HODES, Mr. PASCRELL, Mr. OLVER, Mr. LINCOLN DAVIS of Tennessee, Mr. PAYNE, Mr. COSTELLO, Ms. HOOLEY, Mr. BOSWELL, Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. BISHOP of New York, Mr. SERRANO, Ms. SHEA-PORTER, Mr. PERLMUTTER, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. JACKSON of Illinois, Mr. RYAN of Ohio, Ms. RICHARDSON, Ms. ESHOO, Ms. BERKLEY, Mr. GUTIERREZ, Mr. BECERRA, Mr. REYES, Mr. TAYLOR, Mr. BERRY, Mr. DAVIS of Illinois, Ms. HIRONO, Mr. ABERCROMBIE, Mr. DICKS, Mr. PASTOR, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. DELAHUNT, Mr. KENNEDY, Mr. STUPAK, Mr. CARNAHAN, Mr. CLEAVER, Mr. CLAY, Mr. SPACE, Mr. MURPHY of Connecticut, Mr. YARMUTH, Mr. HALL of New York, Mr. SPRATT, Mr. HIGGINS, Ms. SLAUGHTER, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. LEWIS of Georgia, Mr. CAPUANO, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. MOORE of Wisconsin, Mr. HARE, Mr. NADLER, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. DOGGETT, Ms. CLARKE, Mr. MCDERMOTT, Ms. KAPTUR, Ms. WATSON, Mr. MCNERNEY, Mr. CHANDLER, Mr. LYNCH, Mr. MOLLOHAN, Mr. SIREN, Mr. WILSON of Ohio, Mr. PALLONE, Mr. ALTMIRE, Ms. CASTOR, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Mr. ROTHMAN, Mr. FATTAH, Mr. BRALEY of Iowa, Ms. SUTTON, Mr. COHEN, Mr. LOEBBACH, Mr. ISRAEL, Mr. MICHAUD, Mr. KUCINICH, and Mr. MCHUGH.  
 H. R. 6272: Mr. KING of New York.  
 H.R. 6274: Mr. POE and Mr. KING of New York.  
 H.R. 6282: Mrs. MALONEY of New York.  
 H.R. 6299: Mr. KING of New York and Mr. MARCHANT.  
 H.J. Res. 89: Ms. GRANGER.  
 H.J. Res. 93: Mr. CAPUANO, Mr. MCGOVERN, and Mr. BLUMENAUER.  
 H. Con. Res. 137: Mr. EHLERS and Mr. TOM DAVIS of Virginia.  
 H. Con. Res. 214: Mr. TOWNS and Mr. RUSH.  
 H. Con. Res. 244: Mr. ANDREWS.  
 H. Con. Res. 296: Mr. SHUSTER, Mr. REHBERG, Mr. SCALISE, Mr. SHULER, and Mr. LINCOLN DAVIS of Tennessee.  
 H. Con. Res. 321: Ms. SCHAKOWSKY.  
 H. Con. Res. 333: Mr. CANTOR and Mr. ROSKAM.  
 H. Con. Res. 342: Mr. BOREN.  
 H. Con. Res. 369: Mr. MILLER of North Carolina.

H. Res. 672: Mr. DOOLITTLE and Mr. ENGLISH of Pennsylvania.

H. Res. 883: Mr. HOLT.

H. Res. 970: Mr. COSTELLO, Mr. SHADEGG, Mr. LAHOOD, and Mr. WHITFIELD of Kentucky.

H. Res. 1006: Mr. ENGLISH of Pennsylvania.

H. Res. 1069: Mr. WEINER, Mr. KUHL of New York, and Mr. HASTINGS of Florida.

H. Res. 1093: Ms. WOOLSEY.

H. Res. 1191: Mr. GENE GREEN of Texas.

H. Res. 1229: Mr. LYNCH, Ms. HIRONO, and Mr. HONDA.

H. Res. 1231: Mr. BUYER, Mr. HIGGINS, Ms. MOORE of Wisconsin, Mr. PETERSON of Minnesota, Mr. MITCHELL, Mr. LAMBORN, Mr. SOUDER, and Mr. CARDOZA.

H. Res. 1232: Mr. GRIJALVA, Ms. LEE, Mr. CUMMINGS, and Mr. BAIRD.

H. Res. 1245: Mr. BISHOP of New York, Mr. HIGGINS, Mr. PASTOR, and Mr. WEXLER.

H. Res. 1278: Mr. DONNELLY.

H. Res. 1282: Mr. DEAL of Georgia, Mr. SESSIONS, Mr. SHUSTER, Mr. HENSARLING, Mr.

UPTON, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. WELLER, Mr. GERLACH, Mr. MCCOTTER, Mr. BURGESS, Mr. NEUGEBAUER, Mr. TERRY, Mr. SULLIVAN, Mr. ROGERS of Alabama, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. GRAVES, Mr. TIBERI, Mr. KELLER, Mr. GOHMERT, Mr. THORNBERRY, Mr. SHIMKUS, Mr. BROWN of South Carolina, Mr. WESTMORELAND, Mr. PORTER, Mrs. EMERSON, Mr. HASTINGS of Washington, Mr. CONAWAY, and Mr. FLAKE.

H. Res. 1283: Mr. HARE, Mr. BACHUS, and Mr. BRALEY of Iowa.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3192: Ms. ZOE LOFGREN of California.

H.R. 6041: Mr. BRADY of Texas.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

281. The SPEAKER presented a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to a Resolution requesting that the Congress of the United States provide the necessary services, both physical and psychological as required by all veterans; to the Committee on Veterans' Affairs.

282. Also, a petition of the Council of the City and County of Honolulu, Hawaii, relative to Resolution No. 08-113 urging the President of the United States and the Congress of the United States to pass S. 1315, the Veterans' Benefits Enhancement Act of 2007; jointly to the Committees on Veterans' Affairs and Armed Services.