

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)
Braleigh (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
Hinchee
Hinojosa
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
Loftgren, 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
Fox
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)