McDermott	Simpson	Schultz
Miller, Gary	Sires	
Rangel	Wasserman	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1520

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, 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. FILNER. Madam Speaker, on rollcall No. 26, I was away due to a family emergency. Had I been present, I would have voted "yea."

PROTECT AMERICA ACT OF 2007 EXTENSION

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5104) to extend the Protect America Act of 2007 for 30 days, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5104

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

SECTION 1. 15-DAY EXTENSION OF THE PROTECT AMERICA ACT OF 2007.

Section 6(c) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 557; 50 U.S.C. 1803 note) is amended by striking ''180 days'' and inserting ''195 days''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

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.

Madam Speaker, the temporary Foreign Intelligence Surveillance Act law that we enacted in August as a stopgap measure expires on Friday. We passed the RESTORE Act in November to provide some FISA reform. The Senate is at this moment completing the action. This extension will give us time to consider responsible FISA reform in both Houses of the Congress while fully preserving current intelligence capabilities while we do so. I hope that everyone would agree that this is the most responsible approach for protecting our freedom, as well as our security.

I further hope that we would all agree that we need to consider FISA reform responsibly, with the care it deserves, and to preserve the prerogatives of the House to have our own voice heard.

This extension is not a vote on the temporary law that we have been living under since August of last year, nor is it a vote against the temporary bill or against what the Senate is working on. It is a vote for avoiding a headlong rush into possibly ill-conceived legislation. We should all be able to come together on that, and I am confident that we can.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I reluctantly support H.R. 5104, which extends the Protect America Act for 2 weeks.

Last year, the Director of National Intelligence, Admiral McConnell, notified Congress about a dangerous loophole in our ability to collect intelligence information overseas. Director McConnell estimated that the intelligence community was missing two-thirds of all overseas terrorist communications. Congress passed the Protect America Act last August to close this loophole. Unfortunately, the legislation contained an arbitrary 6-month sunset and is currently set to expire this Friday.

After 6 months of waiting, the Democratic majority is now coming perilously close to threatening the safety of every American. But rather than pass a long-term fix to the terrorist loophole, the Democratic majority wants another extension. The White House promised to veto the 30-day extension that the majority was going to bring to the floor yesterday. Today's bill represents a compromise for only a 2-week extension.

The truth is we do not need any temporary extension. In fact, there is a bipartisan bill that we can and should pass today. The Senate Intelligence Committee already has approved a bill to close the terrorist loophole and provide liability protection to the telecommunication companies. That is being blocked by the Democratic majority.

As the deadline draws near, the urgent needs of the intelligence community must be addressed. This is no time for partisanship. This is a time for responsible action.

Any bill must include two critical provisions. First, Congress has the responsibility to enact long-term legislation that allows intelligence officials to conduct surveillance on foreign targets without a court order. A U.S. Army intelligence officer in Iraq should not have to contact a Federal judge in Washington to conduct surveillance on Iraqi insurgents.

Second, Congress must provide liability protection to U.S. telecommunication companies that responded to government requests for information following the terrorist attacks of September 11. Close to 40 frivolous lawsuits against the telephone companies already have been filed. These companies deserve our thanks, not a flurry of meritless lawsuits.

Terrorists have not placed an expiration date on their plots to destroy the American way of life. Congress should not put an expiration date on our intelligence community's ability to protect our Nation.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 2½ minutes to the gentlewoman from California (Ms. HARMAN), the chairperson of the Subcommittee of Intelligence on Homeland Security and a veteran Member of the House on intelligence matters.

□ 1530

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding and commend him for his leadership. I also commend many on the other side, including Mr. HOEKSTRA, for their devotion to getting intelligence right.

I hope we have bipartisan agreement on the subject before us. But, Madam Speaker, I feel compelled to correct the record. Last night in his State of the Union address, the President said: ''If Congress does not act by Friday, our ability to track terrorist threats would be weakened and our citizens could be in greater danger.''

As a Member who worries 24/7 about terrorist threats against our country, I strongly object to that statement. It is inaccurate and yet again a bald-faced attempt to play the fear card and to jam Congress into gutting a carefully crafted, three-decades old bipartisan law called FISA, the Foreign Intelligence Surveillance Act.

FISA, Madam Speaker, does not expire on Friday. Only the hastily cobbled together Protect America Act amendments to FISA expire on Friday.

This country will not go dark on Friday. Our government has aggressively used surveillance tools, and in the past year or so secured warrants in compliance with FISA. Those warrants do not expire on Friday.

As for the claim that citizens will be in greater danger, in my view actions that fail to follow the laws Congress passes and ignore the requirements of the fourth amendment put our democracy in grave danger.

Madam Speaker, security and liberty are not a zero-sum game.

In October, the House passed thoughtful legislation, the RESTORE Act, to replace the flawed Protect America Act. Once the Senate acts later this week and the House has had adequate time to review documents concerning activities of telecommunications firms, we should conference our bill. Fifteen days is a good estimate of how long it will take to send a responsible bill to the President. Let's act responsibly. Vote ''aye.''

Mr. SMITH of Texas. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), who is the ranking member of the Select Committee on Intelligence.

Mr. HOEKSTRA. Madam Speaker, while I will not oppose this bill, even though it has not gone through regular order in the committee process, I continue to have serious reservations about further putting off the critical issue of FISA modernization. I also have significant concern with the failure of the majority to ensure a long-term and effective solution to the critical problem of ensuring that our intelligence community has the tools that it needs to detect and protect potential terrorists.

Last August, Congress acted on an overwhelming bipartisan basis after months of prodding to pass the Protect America Act and close significant intelligence gaps against foreign terrorists in foreign countries. The failure to clarify the authorities of our intelligence professionals on a long-term basis had clearly jeopardized America's ability to detect and prevent potential terrorist attacks and to effectively collect intelligence on foreign adversaries.

The Protect America Act expires on Friday, February 1. This temporary extension will now push that date to February 15. While elements of surveillance under the Protect America Act could have temporarily continued without an extension, the failure to act permanently on the lapsing authorities still ultimately threatens the capabilities of the intelligence community to react with speed and agility to new threats and changing circumstances.

We cannot continue to make excuses. We cannot continue to avoid our responsibility to deal with this vital issue. National security should not be on a week-to-week lease. I think both the President and Members on our side of the aisle have made clear that our patience with further delays to this vital legislation will be extremely limited.

Democrats have failed to do their job on this critical national security issue, even after Speaker PELOSI boasted last August that they would act as soon as possible. Their partisanship on this issue clearly has failed. A bipartisan Senate solution, acceptable to the President, has been available for weeks, but has been held up by liberal activists over the issue of retroactive liability for third parties who may have helped the government to detect potential terrorists.

Madam Speaker, columnist Stuart Taylor recently pointed out that holding the private sector hostage to ideological extremism is a ''risky game.'' It is a risky game for our national security and may chill cooperation in future emergencies. He wrote: ''Most Americans would want the telecoms to say yes without hesitation. But the telecoms would have reason to say no, or delay for a few dangerous days to consult their lawyers, if liberals get their way in a battle currently raging in Congress.''

[From the National Journal, Jan. 19, 2008]

HOLDING TELECOMS HOSTAGE: A RISKY GAME

(By Stuart Taylor, Jr.)

Suppose that the next big terrorist attack on our country comes two weeks after a new Democratic president has taken office. Simultaneous suicide bombings devastate 20 schools and shopping malls around the country, killing 1,500 people. The intelligence agencies believe that at least 20 more trained jihadists, including American citizens, are in the United States planning follow-up attacks.

The president is told that the best hope of stopping a second wave of attacks is to immediately wiretap as many calls and e-mails as possible from and to every private citizen who has been to Pakistan or Afghanistan since 1999. These hundreds of domestic wiretaps, with neither warrants nor probable cause to suspect any individual of terrorist ties might well violate the Foreign Intelligence Surveillance Act.

The president nonetheless asks the major telephone companies to place the taps for 30 days while the administration seeks congressional approval. He or she also assures the telecoms in writing that the new attorney general has advised that the Constitution empowers the president to temporarily override FISA during such an emergency—a controversial theory never tested in court.

Most Americans would want the telecoms to say yes without hesitation. But the telecoms would have reason to say no—or delay for a few dangerous days to consult their lawyers—if liberals and libertarians get their way in a battle currently raging in Congress.

The issue is whether to immunize these same telecoms retroactively, as President Bush and a bipartisan majority of the Senate Select Committee on Intelligence (including Chairman Jay Rockefeller IV) urge, from liability for having said yes to Bush's warrantless surveillance program during the unprecedented national crisis precipitated by the 9/11 attacks.

The telecoms face more than 40 class actions seeking hundreds of billions of dollars in damages for their roles in the Bush program, which they agreed to after being assured that the attorney general had deemed the program lawful.

Allowing this litigation to continue would, as a group of highly respected former Justice Department officials wrote in a joint letter to the Senate Judiciary Committee, ''produce perverse incentives that risk damage to our national security,'' because ''both telecommunications carriers and other corporations in the future will think twice before assisting any agency of the intelligence community seeking information.''

This particular group includes Jack Goldsmith, James Comey, Patrick Philbin, and John Ashcroft. They (especially the first three) won bipartisan applause for leading a rebellion in 2004 against overreaching claims of power by Bush, who chose to secretly override FISA not just for a few weeks but for years.

''Given our experiences,'' the former officials wrote, ''we can certainly understand that reasonable people may question and wish to probe the legal bases for such intelligence activities.'' But the proper forum is the congressional oversight process, they asserted, not ''a public lawsuit against private companies that were asked to assist their nation.''

Such leading Democrats as former Sen. Bob Kerrey, former Rep. (and 9/11 commission Co-Chair) Lee Hamilton, and former Attorney General Benjamin Civiletti have also called for immunizing the telecoms.

On the other hand, People for the American Way, like other liberal groups, argues that immunity would ''protect telecoms that knowingly violated law.'' But the telecoms did not violate the law—even if Bush did—according to an October 26, 2007, Senate Intelligence Committee report urging adoption of the immunity proposal as part of an important bill updating FISA.

The committee, after forcing the administration to show investigators the relevant presidential and Justice Department documents, found that the record showed that the telecoms ''acted on a good-faith belief that the president's program, and their assistance, was lawful.'' Courts have for centuries seen such a good-faith belief as grounds for immunizing from lawsuits private parties that heed government officials' requests for help in protecting public safety, especially in emergencies.

And, in fact, hardly anyone in Congress thinks that the telecoms should (or will) be forced to pay huge damages to the plaintiffs, who after all have suffered no real harm. So why are some senators, including Patrick Leahy, the Senate Judiciary Committee's senior Democrat, fighting the immunity proposal?

The real reasons are election-year pressure from liberal groups and the hope that the lawsuits will force public disclosure of information embarrassing to the Bush Administration. Leahy said in a press release that he opposed giving retroactive immunity to the telecoms because that would reduce their incentives to protect privacy and ''would eliminate the courts as a check on the illegality of the warrantless wiretapping of Americans that the administration secretly engaged in for almost six years.''

Leahy may well be right that some aspects of the highly classified wiretapping program were illegal. Indeed, Goldsmith, who took over the Justice Department's Office of Legal Counsel in late 2003 and later touched off the above-mentioned rebellion, has publicly called the still-secret OLC surveillance memos that he inherited a ''legal mess.''

In my own view, Bush's decision to secretly override FISA for a time immediately after 9/11 was probably a lawful exercise of his war powers. But his legal rationale became weaker and weaker when he continued to override the law for months and years without seeking congressional approval.

It is one thing to say that the president has inherent power to disregard an outdated law during an emergency in which immediate action might save many lives. It is something else to say that the president can secretly continue to disregard that law for several years without ever seeking to amend it. (See my 1/28/06 column.)

But doubts about the legality of Bush's actions are no justification for holding hostage telecoms that relied on the administration's assurances of legality and were in no position to second-guess its assertions that the surveillance program was essential to national security.

Not, that is, unless we want to risk that the telecoms, credit card companies, banks, airlines, hospitals, and other private companies—whose cooperation is essential to finding terrorists before they strike—will balk or delay when the next president seeks their help in an emergency.

And to keep things in perspective, let's remember that even if Bush did violate the law, the terrorist groups targeted by his surveillance program have taken thousands of American lives; that the program itself has apparently caused no serious harm to anyone (except terrorists); and that no evidence exists that Bush or anyone else has ever made

any improper use of any intercepted communications.

Opponents of immunity say that the telecoms have nothing to fear in court if they can show that they acted lawfully. And it does seem most unlikely that the telecoms would ultimately lose; the lawsuits face huge obstacles, including the state secrets privilege and doubts about the plaintiffs' standing to sue, as well as the strong evidence that the telecoms acted lawfully.

But even a remote risk of massive liability for doing the right thing in the past might deter some from doing the right thing in the future. And in the vast, interminable, unpredictable, often perverse meat grinder that high-stakes litigation has become in this country, victory in court would come only after many years of expensive legal battles, uncertainty, downward pressure on stock prices, and publicity damaging to the telecoms' international business interests. This prospect might drive them to accept a nuisance settlement that would yield millions of dollars for the plaintiffs' lawyers and very little for anyone else. Indeed, that's what many plaintiffs' lawyers are hoping for.

Some senators and others have proposed ways to relieve the telecoms of monetary liability while keeping the litigation alive to force a healthy public airing of information about what Bush and his aides did. One such proposal would have the government cover any damage awards; another would place a very low cap on any damages; a third would ask the FISA court to decide whether the telecoms broke the law. Such expedients would be better than no protection at all. But they would not give the telecoms the finality and the relief from litigation costs that they want and deserve.

In any event, it seems unlikely that any kind of litigation against the telecoms will yield much new information about what Bush and his aides did. The main reason is that any such evidence is probably inextricably intertwined with operational details of the surveillance, which are highly (and properly) classified. And lawsuits against the government, which would be unaffected by immunizing the telecoms, would be a more logical vehicle for exposing whatever can properly be exposed.

But the bottom line is that a remote chance of exposing any Bush misconduct is simply not a good enough reason to run even a small risk of losing potentially lifesaving intelligence. And it's simply unfair to hold hostage private companies that thought they were helping to save lives and did nothing wrong.

Partisan political points and the nonexistent rights of radical jihadists shouldn't be more important than giving the most effective tools to the intelligence community to detect and prevent attacks. As soon as the Senate passes this comprehensive bipartisan bill, the House should consider it immediately in order to send a responsible bill to the President as quickly as possible.

There is bipartisan agreement that Congress must act immediately to ensure a long-term effective solution that empowers intelligence community professionals to act with speed and agility against foreign targets, provides retroactive liability protection for third parties who may have assisted the government after 9/11, and ensures that court orders will continue to be required for any surveillance targeting Americans.

We should stop the bipartisan obstructionism and move forward with permanent legislation to fully ensure the protection of the American people and their civil rights.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 3 minutes to the distinguished gentleman from Ohio, Mr. DENNIS KUCINICH.

Mr. KUCINICH. Madam Speaker, I rise today in opposition to H.R. 5104, a 30-day extension of the Protect America Act.

When the Protect America Act was passed by this body on August 4, 2007, I voted against the legislation because it gave legitimacy to the administration's surveillance of Americans without warrants. It is in the best interest of our Nation to allow this temporary law to expire and return to the permanent FISA law until this body can agree on legislation that protects our Constitution and upholds the civil liberties of U.S. citizens.

The FISA Court has ruled to prohibit warrantless spying on Americans when communications between foreign targets overseas are routed through the U.S. The permanent FISA law leaves in place mechanisms to monitor potential terrorist activity with the approval of the FISA Court.

We cannot allow baseless claims of being soft on terror to drive this debate. Those who use fear to gain power for themselves are in effect subverting our Constitution.

We are at a moment in the history of this country where it is absolutely important that Congress must not accept a false choice. We must defend Americans and our Constitution from the politics of fear. We must demand that the President cease his attacks on our civil liberties.

I oppose this legislation, and I will oppose all future attempts by this body to pass fear-provoking legislation that sanctions oppression against the American people.

When our Constitution was written and amended, the fourth amendment said: ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

This fourth amendment has been the bedrock of the freedoms that Americans enjoy from a government that would use its power to go deeply into people's private affairs.

We must stand for our Constitution. We must stand for the Bill of Rights. That is the purpose of my presence at this very moment before this House.

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

Last August, a number of Members with whom I agree lamented the fact that we got jammed by the other body and the clock and ended up with a bad law. Here I am again today trying to stop that same thing from happening again. And yet, in what I can call only in kindness misguided perfectionism, there are those here who would come to the floor to criticize this bill, a 15-day extension. Now it is easy to do that; it is harder to get a good law from both of these bodies at the same time, and that's only what this committee is trying to do this afternoon.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA), who is a member of both the Judiciary and Intelligence Committees.

Mr. ISSA. Madam Speaker, 1 minute is just the right amount of time to deal with an issue that is as simple as this: we cannot allow our enemies abroad to have secrets, and we must maintain the secret of how we discover, uncover, reveal, and react to their attempts to hide their activities, including the attempt to kill Americans. That's what this is all about. That's what we are looking for within the next 15 days. I am supportive of this bill because I want to make sure that we cover these two points.

It is not enough to simply attack your enemy when he attacks you. We clearly have to know what he intends to do, including when he communicates with his operatives in America from overseas; and we very clearly need to not let our enemies, through discovery in more than 40 lawsuits leveled against all of our communications companies, uncover what they may or may not have done.

I want to make sure that we understand: it is not just what communications companies may have done. We do not want our enemies to know what they may not have done.

Mr. CONYERS. Madam Speaker, I am pleased to yield to the distinguished majority leader of the House of Representatives, STENY HOYER, 1 minute.

Mr. HOYER. I thank the distinguished chairman for yielding.

I rise in support of this particular extension. I do not rise and did not rise in support of the underlying bill that we are extending. And I think the gentleman from Ohio raised some valid points, as the chairman thinks he raised valid points as well.

But the issue here is really one of allowing this body an opportunity to pass a bill that speaks to the constitutional issues that have been raised, as well as the substantive issues raised by Mr. ISSA in what we all want to do: protect America and Americans.

Today the House is voting on a 15-day extension, nothing more, nothing less. Before we do that, I want to remind my colleagues that this body has already passed legislation to reauthorize FISA.

On November 15, 2½ months ago, this body passed the RESTORE Act, a bill that modernizes the technologically outdated Foreign Intelligence Surveillance Act of 1978, gives the intelligence community the authority to intercept critical foreign communications, and

protects our fundamental constitutional rights.

The bill was skillfully assembled by two of our best chairmen, JOHN CONYERS and SILVESTRE REYES. Those chairmen join me today in support of this short-term extension for several reasons. First, despite the body's efforts over 2½ months ago, the Senate has yet to complete its work on its own FISA legislation. This week they failed to get cloture on either alternative. We are going to await its bill and look forward to an undoubtedly challenging, but productive, conference. This will take some time.

Second, on the question of immunity, which the President has so highly touted, our committees have been asking for 8 months to see the legal documents pertaining to the President's terrorist surveillance program. And we have received 8 straight months of denials. The White House only offered this access last Friday. It is reasonable to conclude that for the committees to carry out its own responsibilities and constitutional duties, it needs some time to do that.

This afternoon, our Judiciary members will be read-in to the program, and only next week will they begin to digest the hefty stack of documents that, in turn, will help them make a judgment on what, if any, immunity is merited. My position has been that in order to give immunity, we need to know what we are giving immunity for and what the justification for the actions were. Again, we need time for this important review. This extension gives us that time.

Finally, let me say to my colleagues that even if we were unable to do this extension, and this is very important, even if we were unable to do this extension, February 1 were to come and go without any new legislation, no one should fall victim to those fear-mongers who suggest that our intelligence community could ''go dark.'' It would not. That is simply not the case.

The authorizations issued under the Protect America Act are in effect for up to one full year. So any requests that have been made and authorized up to this point in time from August on would be in effect at least through next July even if they had been authorized in August. The authorization issued under the Protect America Act will help protect us to that extent.

This means that all of the surveillance in effect today will remain in effect for least 6 more months. Even the administration's own Assistant Attorney General for National Security, Kenneth Wainstein, acknowledged this, saying that if the PAA were allowed to expire, intelligence officials would still be able to continue eavesdropping on already approved targets for another year.

□ 1545

In fact, out of an abundance of caution, last Thursday, when I announced the schedule for this week, I urged the administration, if it had any authorizations, it needed to proceed on that for fear that we might not extend this act. I think we'll do that today, so that fear will not be realized.

For those new threats that develop after February 1, let us not forget that the underlying statute still gives the administration 3 days' worth of emergency authority to immediately begin surveillance without going to the Court, no lesser court. The Court, by the way, now has no backlog.

I encourage my colleagues to support this legislation. It is simply much like a CR, which is not a judgment on the merits of a particular appropriation bill one way or the other. It is simply a judgment that the congressional will ought to be done, that we ought to make our judgment based upon a conference report, with the Senate having passed a bill, which it has been unable yet to do.

So I urge my colleagues to support this bill, not because you support the underlying bill, but because you share with me and with Mr. CONYERS and Mr. KUCINICH and Mr. ISSA and all the others who have dealt with this bill a concern about protecting our country and protecting our Constitution.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGREN), who is a member of the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, first of all, let me say I rise in support of this bill. Unfortunately, we are at this occasion where we have to have this short-term extension.

But let me just say a couple of things in response to what the majority leader said. In the first instance he said that if we don't have the Protect America Act, but we have the underlying bill, it will work well enough to deal with the problems in an emergency situation. Unfortunately, that's contradicted by the head of our intelligence services. The reason we are here is because it doesn't work.

Secondly, the majority leader said the RESTORE Act, the so-called RESTORE Act that we passed in November is a bill that we passed that should take care of these problems. It is a bill that does not work, and I will give you just one example of its difficulty.

In section 2(a)(2), treatment of inadvertent interceptions, it grants greater protections to Osama bin Laden than it would to an American citizen heard inadvertently in the United States. That happens to be a fact. We've debated it on this floor. Not a single person on that side of the aisle has been able to contradict that. And even the chairman of the Constitutional Law Subcommittee has come to me and said we are right; a huge mistake was made. And yet that was the bill that was passed here and that we are told and the American people are being told needs to go forward.

Frankly, the bill we passed in August, the Protect America Act, is nothing short of a legislative LASIK surgery. We had the head of the intelligence services of the United States come to us and say we were blinded so that we could not see over 60 percent of the legitimate terrorist targets in the world because of an interpretation of the law impacted by the new technology; that is, the way communications are transmitted. It was at his request that we looked at this. We did that in August. We've opened our eyes. We've been able to look at those targets, those legitimate targets around the world. And if we do not act today we will close our eyes once again.

The fact of the matter is, the strangeness of this institution, of only allowing the Protect America Act for 6 months, then coming and saying, Well, the new bill ought to be limited to 30 days, or 15 days, is really something we ought to examine.

Does anyone suggest that the threat out there is a 6-month threat, a 15-day threat, a 30-day threat? It is an almost permanent threat that we see out there. We need legislation that will give us certainty, that will allow us to keep our eyes open, to gather the intelligence necessary to protect our homeland.

You can argue about the Iraq war all you want. This goes to the essence of protecting us against the terrorists who would bring the war to our shores, who have already brought the war to our shores. This goes to the effectiveness of the techniques that are used in today's new technology.

We were asked by Admiral McConnell to do the job. We did the job in August, with the exception of not giving the protection to those communications companies who actually responded to a patriotic request to help in this fight.

For some reason, my friends on the other side believe in the reverse Good Samaritan act: Don't help us; be worried. But bring your attorneys when asked.

Mr. CONYERS. Madam Speaker, it is with great pleasure I recognize a distinguished member of the Judiciary Committee, ADAM SCHIFF of California, for 2 minutes.

Mr. SCHIFF. Madam Speaker, last year the President and the Director of National Intelligence pushed for legislation that would make it easier for the NSA to collect intelligence on Americans and groups abroad. Among other things, the administration's legislation would allow warrantless eavesdropping of virtually all communications of Americans with anyone outside the U.S., so long as the government declared that the surveillance was directed at people reasonably believed to be located outside the U.S.

I opposed the bill when it was considered by the House and instead joined with Chairman CONYERS and Chairman REYES in support of a responsible alternative that would have met the needs of the Director of National Intelligence

without compromising the privacy of law-abiding Americans in ways that don't improve our security. The proposal included robust oversight and audit provisions designed to determine the impact of these changes on Americans. Unfortunately, Congress was forced hastily to pass the administration's version before adjourning in August. Nonetheless, Congress provided the law would sunset in 6 months to ensure that modifications were quickly made.

Over 2 months ago the House returned to this debate by passing the RESTORE Act, legislation that updated FISA, provided these effective surveillance tools while ensuring robust oversight. Importantly, the RESTORE Act also provided protections to ensure that communications of U.S. persons were not acquired without some court involvement or supervision, provisions that were left out of the proposal passed in August.

The other body has also drafted legislation aimed at modifying the bill that passed out of the House in August to provide oversight and additional protections. Unfortunately, they haven't completed their work. Some very thoughtful proposals like that by Senator DIANNE FEINSTEIN offer fresh ways to break the impasse over some very difficult issues. The proposals that they are debating and attempting to finalize have a number of notable departures from the House-passed version. With the August bill set to expire in 3 days, it's necessary for us to seek a temporary extension in order to ensure this House has a role in crafting its revision. The impending deadlines necessitate an extension, and I'm proud to support that very modest extension.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING), who is a distinguished member of the Judiciary Committee.

Mr. KING of Iowa. Madam Speaker, I rise in support of this 15-day extension to the FISA law, but I ask the question, why are we here? And the reason we are here is because of a court decision that I think appropriately defined the letter of the language in the 1978 FISA law. But because the technology changes, that court decision was made. And that opened up this can of worms, this Pandora's box of who's concerned about whose civil liberties versus how we provide this balance in our intelligence. And I would point out that this is a two-front war that we're fighting: One is in the Middle East, successfully I will add, and the other one is the surveillance that protects us domestically here at home and provides for our military to have the tools to work with overseas. That is the highest constitutional responsibility that we have. We have congressional oversight. We can look into this and see what's going on with the FISA law anyway, but the effort to protect our retroactive liability of those companies that cooperate with our intelligence community is essential. We will lose our ability to do surveillance if we lose the ability of the companies to cooperate with us. And this is not a trial lawyer's issue; it's a national security issue.

Mr. CONYERS. Madam Speaker, we reserve our time at this point.

Mr. SMITH of Texas. Madam Speaker, may I ask how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Texas has 8 minutes remaining. The gentleman from Michigan has 9½ minutes remaining.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to my colleague from Texas (Mr. GOHMERT) who is the ranking member of the Crime, Terrorism, and Homeland Security Subcommittee of the Judiciary Committee.

Mr. GOHMERT. Madam Speaker, it seems what we're experiencing here and have been for the last 6 months is just the eternal optimism. I love that in the Democratic majority. But it's like the fellow that fell off the tall building and at each floor was heard to say, ''I'm doing okay so far.'' The trouble is, you're going to have the day of reckoning. And here we had the 6-month extension back August 4. Now, we've heard the majority leader come in and say, Well, it was basically, in so many words, it was the White House's fault because they could have given us this information about the immunity of the companies, and that's what's held this up. But if you go back to August 4 and the vote that did not have the immunity in it, there were 41 Democrats that voted for it and 181 Democrats that voted against it and 9 didn't vote. It was the Republicans that passed this. It didn't have anything to do with immunity. It had to do with one group wanted to make sure our intelligence protected us and had the tools they need, and the other was more concerned about the rights of terrorists.

Now, I would submit to you that this isn't about 6 months. It's not about 15 days. We could put it off 30 days, another 6 months, but the day of reckoning is coming. And our enemies that want to destroy our way of life, they don't think in terms of 15 days, 30 days. They think in terms of generations, and they've got to be defeated.

So I understand and I appreciate my dear friend, Mr. KUCINICH, and the concerns about civil liberties. I'm concerned about them, too. But when it involves, as this act does, a foreign terrorist on foreign soil, and I know the concern is, Well, what if they call an American citizen? And I'll leave you with this: I would submit to you, if your friends are getting calls from foreign terrorists on foreign soil, again, tell them to tell the terrorists not to call them at home and they'll be okay.

We need to pass this. We need to give our intelligence the tools they need.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS). He is a former chairman, now ranking member of the National Security Subcommittee of the Government Oversight and Reform Committee. He is also a senior Republican member of the Homeland Security Committee as well.

Mr. SHAYS. Madam Speaker, the Cold War is over and the world is a more dangerous place. Our strategy is no longer containment reaction and mutually assured destruction. That went out the window on September 11. It is detection, prevention, preemption, and, when necessary, even unilateral action.

As the 9/11 Commission points out, we are not combating terrorism as if it's some ethereal being. We are confronting Islamists terrorists, real people who would do us harm. If you want to deal with the consequence of a terrorist attack, write a weak FISA law. But if you want to detect and prevent a terrorist act, write a law that works and help insure the communication industry works with us.

The SPEAKER pro tempore. The gentleman from Michigan advises that he is ready to close.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS). He is the ranking member of the Constitution, Civil Rights, and Civil Liberties Subcommittee of the Judiciary Committee.

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Mr. FRANKS of Arizona. Madam Speaker, jihadist terrorism is an existential threat to human peace. Our Terrorist Surveillance Program is the most powerful tactical weapon we have against terrorists. If we knew where every terrorist in the world was tonight, we could end the war on terror within weeks. Director of National Intelligence, Mike McConnell, has repeatedly asked this body to update this critical tool, and he has been met only with stalling from Democrats.

This tool only allows us to target America's enemies on foreign soil with electronic surveillance, and it continues to protect those that are on foreign soil including, Madam Speaker, if Osama bin Laden was in a hotel on Capitol Hill, we could not target his phone or e-mail with electronic surveillance without a FISA warrant.

This continues to protect Americans. And if we cannot pass this critical legislation in the day in which we live, we not only fail our primary purpose as a Congress; we fail the American people in future generations.

Madam Speaker, we need to pass this.

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

The Senate Intelligence Committee has already approved a bipartisan bill to replace the Protect America Act. It contains important provisions to help the intelligence committee gather foreign surveillance and provides liability protection to telecommunications

companies that assisted the government after the terrorist attacks on 9/11.

The Democratic majority has a duty to end political gamesmanship with America's national security and immediately pass legislation that gives our intelligence community the tools they need to protect us.

Madam Speaker, given the rapidly approaching Friday deadline, today I ask that my colleagues support a temporary extension; but, of course, that's with the understanding that we come back immediately and pass a good bill that is long term, that gives liability protection to the telephone companies, and that doesn't force us to get a court order to listen to Osama bin Laden when he makes a cell phone call from a cave in Pakistan to initiate attacks on the United States.

I hope that any bill that we consider in the coming days will have those provisions in them.

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

Mr. CONYERS. Madam Speaker, I yield myself the balance of my time.

I rise, first, to thank the Members of the House for this very reasonable debate, and I want to thank particularly my colleagues on the other side. Ranking Member SMITH has been excellent in helping us work out, as closely as we can with reservations, nothing is perfect, but I appreciate the spirit with which he has come to the floor today.

The extension is not a vote for the temporary law that we have been living under since August. It is not a vote against the temporary bill or against what the Senate is working on. It is a vote only to avoid a head-long rush into possibly ill-conceived legislation. And I think we have all been able to come together on that.

I'm grateful to our leadership and to the Members on the other side of the aisle for the discussion that brings us here this afternoon.

Mr. PAUL. Madam Speaker, I rise in opposition to the extension of the Protect America Act of 2007 because the underlying legislation violates the U.S. Constitution.

The mis-named Protect America Act allows the U.S. government to monitor telephone calls and other electronic communications of American citizens without a warrant. This clearly violates the Fourth Amendment, which states:

''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

The Protect America Act sidelines the FISA Court system and places authority over foreign surveillance in the director of national intelligence and the attorney general with little if any oversight. While proponents of this legislation have argued that the monitoring of American citizens would still require a court-issued warrant, the bill only requires that subjects be ''reasonably believed to be outside the United States.'' Further, it does not provide for the Fourth Amendment protection of American citizens if they happen to be on the other end of the electronic communication where the subject of surveillance is a non-citizen overseas.

We must remember that the original Foreign Intelligence Surveillance Act was passed in 1978 as a result of the U.S. Senate investigations into the Federal government's illegal spying on American citizens. Its purpose was to prevent the abuse of power from occurring in the future by establishing guidelines and prescribing oversight to the process. It was designed to protect citizens, not the government. The effect seems to have been opposite of what was intended. These recent attempts to ''upgrade'' FISA do not appear to be designed to enhance protection of our civil liberties, but to make it easier for the government to spy on us!

The only legitimate ''upgrade'' to the original FISA legislation would be to allow surveillance of conversations that begin and end outside the United States between non-U.S. citizens where the telephone call is routed through the United States. Technology and the global communications market have led to more foreign to foreign calls being routed through the United States. This adjustment would solve the problems outlined by the administration without violating the rights of U.S. citizens.

While I would not oppose technical changes in FISA that the intelligence community has indicated are necessary, Congress should not use this opportunity to chip away at even more of our constitutional protections and civil liberties. I urge my colleagues to oppose this and any legislation that violates the Fourth Amendment of the Constitution.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong opposition to H.R. 5104. I do so because there is no reason to extend the Protect America Act. Should the Protect America Act expire, our intelligence community will not be left in the ''dark,'' as some suggest. Rather the FISA courts will simply return to operating under the original FISA law, a law which protected the civil liberties of all Americans while also granting the President the tools he needs to conduct an aggressive campaign against terror.

As many of my colleagues have argued today, the original FISA law, which passed in 1978 needs to be updated. It was passed to address surveillance concerns at a different time in our Nation's history, when some of the technological strides we have made since, were simply unimaginable. As a member of the Intelligence Committee, I strongly support efforts by the Speaker and leaders of both parties to work together to update FISA. However, I cannot in good conscience vote in favor of a one-month extension of the Protect America Act. I cannot do so because the reality is that the Protect America Act does not make Americans any safer—rather it allows the Government to pursue an enormous and untargeted collection of international communications without court order or meaningful oversight by either Congress or the courts. Furthermore, it is one of the most damaging pieces of legislation against civil liberties I have seen in my eight years in the U.S. Congress.

I feel so strongly that the Protect America Act is an affront to our values, that in my opinion it is in the best interest of all Americans that this misguided bill be allowed to expire rather than extended for even one more day.

In order to understand why I feel so strongly, let me take a moment to outline some of the most abhorrent provisions in the bill we are considering extending:

First, it allows the Attorney General to issue program warrants for international calls without court review. This provision removes the FISA court, which has overseen the process for 30 years and instead places the Attorney General in charge of determining the legitimacy of surveillance. Needless to say, this is an enormous responsibility and we must all question the wisdom of placing so much authority on the shoulders of one Administration official.

Secondly, it includes no provisions to prevent ''reverse targeting,'' the practice whereby surveillance is conducted on a foreign person in order to hear their conversations with a person in the United States who is the actual target. Under the Protect America Act, these conversations can be heard, recorded and stored without a warrant.

Lastly, the Protect America Act reduces the oversight capabilities of Congress by requiring the Attorney General to provide to Congress only the information the Justice Department sees fit to report. This provision removes an important check upon America's secret surveillance program.

Taken together, the Protect America Act represents a significant infringement on each American's civil liberties and allows for a potentially dangerous abuse of power by our government. I urge each of my colleagues to vote against its extension and allow the original FISA law to be reinstated. Doing so will allow the Congress time to work on a bipartisan update of the FISA and in the meantime give the intelligence community the tools they require while also protecting the rights and liberties of all Americans.

Mr. UDALL of Colorado. Madam Speaker, I will reluctantly support this short extension of current law dealing with electronic surveillance related to efforts to counter the threat of terrorism.

My support is reluctant because I did not vote for the current law, which I think does not properly balance the need to counteract that threat with protection of Americans' rights and liberties. But today I will support a brief extension of that law—scheduled to expire in two days' time—for several reasons.

First, 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.

Last August, I voted for a bill (H.R. 3356) to provide such an update. Unfortunately, while that bill was supported by a majority of the House, it did not receive the two-thirds vote required by the procedure under which it was considered, and so was not adopted. Its defeat resulted from the opposition of the Bush Administration—supported by all but 3 of our Republican colleagues—which was demanding instead that the House approve a different version. Regrettably, that tactic succeeded and the result was passage of the current law, which I did not support.

Then, last November, I again voted for a bill to update FISA, H.R. 3773, the ''Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective'' (or RESTORE) Act.

That bill is not perfect, but as I said then I did not insist on perfection because I thought the House should act to correct the shortcomings of the temporary law enacted last

year and because in my opinion the RESTORE Act would give the Administration the authority it says it needs to conduct surveillance on terrorist targets while restoring many of the protections that the temporary law has reduced.

The House passed the RESTORE Act on November 15th, and we have been waiting for the Senate to act. President Bush has criticized the House-passed bill because it does not grant retroactive immunity from lawsuits for telecommunications companies that assisted in the Administration's secret surveillance program without being compelled to do so by a warrant. As I said in November, I think it might be appropriate to consider that, but not until the Bush Administration has responded to bipartisan requests for information about the past activities of these companies under the program. I have not been ready to grant immunity for the companies' past activities while we don't know what those activities were.

Recently, the Administration has finally relented and is allowing appropriate review of documents on this subject. But that review is not yet complete—and so the second reason I support this legislation is to allow the review to continue before Congress is required again to act on this subject. This would not be necessary if the Administration had not been so resistant to the idea of properly informing Congress and providing the relevant information, but now it is needed.

Finally, because the Senate has been slow to act, I think the current law should be extended briefly to provide a reasonable opportunity for any differences between the House-passed bill and whatever the Senate may approve to be resolved through careful and thorough discussion rather than in the kind of exaggerated haste that too often leads to unsatisfactory results.

Therefore, despite what I think are the very real flaws of the current, temporary law, I will support this measure to extend it for an additional 30 days.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today with great concern to H.R. 5104, to extend the Protect American Act of 2007 for 30 days. I thank the distinguished chairman of the Judiciary Committee and I applaud him for his consistent and impeccable commitment to civil liberties and civil rights.

Madam Speaker, this administration has the legal responsibility to protect the American people. Let no one come to this floor and suggest that what we are doing today is going to save lives, because last year we passed legislation that indicated that foreign-to-foreign communication had no barriers, no barriers for those who are seeking intelligence.

Yet when an American was involved, the Bill of Rights, the fourth amendment, civil liberties with the underpinnings, and therefore a court intervened. Extending the Protect America Act for 30 days in the hopes that the Senate will produce a version that we are satisfied with is not a sufficient reason for violating the civil rights and liberties of the American people.

Homeland security is not a Republican or a Democratic issue. It is an issue for all Americans—all of us. Not one of us who sang ''God Bless America'' on the steps of this House will allow anyone to undermine the security of America.

The original legislation offered by the House Majority gave the Administration everything that they needed. However, the legislation that ultimately triumphed, and which this bill today would extend, is a disgrace to the United States constitution. By passing this bill today, we are compromising the Bill of Rights. We are telling Americans that no matter what your business is, you are subject to the unscrupulous, undisciplined, irresponsible scrutiny of the Attorney General and others without court intervention.

This is not the day to play politics. It is too important to balance civil liberties along with the homeland security and the protection needs of America. I feel confident that the House FISA Bill does do that. I am disheartened by the other body for their failure to recognize that we can secure America by securing the American people with fair security laws and by giving them their civil liberties. I find the Senate language extremely troublesome, and I am extremely disappointed that we could not reach common ground based on the original language passed by this House.

I would ask my colleagues to defeat this so that we can go back to the bill that protects the civil liberties of Americans and provides homeland security. I ask my colleagues to support the Bill of Rights and National Security.

Had the Bush Administration and the Republican-dominated 109th Congress acted more responsibly in the 2 preceding years, we would not be in the position of debating legislation that has such a profound impact on the national security and on American values and civil liberties in the crush of exigent circumstances. More often that not, it is true as the saying goes that haste makes waste.

Madam Speaker, the legislation before us is intended to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell, by amending the Foreign Intelligence Surveillance Act, FISA. But in reality it eviscerates the Fourth Amendment to the Constitution and represents an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led by an Attorney General whose reputation for candor and integrity is, to put it charitably, subject to considerable doubt.

Madam Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing and I am far from persuaded that it needs to be jettisoned or substantially amended. But given the claimed exigent circumstances by the Administration, let me briefly discuss some of the changes to FISA I am prepared to support on a temporary basis, not to exceed 120 days.

To give a detailed illustration of just how superior the RESTORE Act, which the House passed October, is to the ill-considered and hastily enacted Protect America Act, I wish to take a few moments to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

The Jackson-Lee Amendment added during the markup made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the Administration to follow and the FISA court to enforce in preventing reverse targeting.

''Reverse targeting,'' a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the ''real'' target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the Administration to obtain a regular FISA warrant whenever a ''significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States.'' The current language in the bill provides that a warrant be obtained only when the Government ''seeks to conduct electronic surveillance'' of a person reasonably believed to be located in the United States.

It was far from clear how the operative language ''seeks to'' is to be interpreted. In contrast, the language used in my amendment, ''significant purpose,'' is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson-Lee Amendment provides a clearer, more objective, criterion for the Administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

First, I am prepared to accept temporarily obviating the need to obtain a court order for foreign-to-foreign communications that pass through the United States. But I do insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States.

The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a ''basket warrant'' without making individual determinations about foreign surveillance.

There should be an initial 15-day emergency authority so that international surveillance can begin while the warrants are being considered by the Court. And there must also be congressional oversight, requiring the Department of Justice Inspector General to conduct an audit every 60 days of U.S. person communications intercepted under these warrants, to be submitted to the Intelligence and Judiciary Committees. Finally, as I have stated, this authority must be of short duration and must expire by its terms in 120 days.

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 nothing on the public record about the nature and effectiveness of those programs, or the trustworthiness of this Administration, to indicate that they require any legislative response, other than to reaffirm the exclusivity of FISA and insist that it be followed. This could have

been accomplished in the 109th Congress by passing H.R. 5371, the "Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act," "LISTEN Act," which I have co-sponsored with the then Ranking Members of the Judiciary and Intelligence Committees, Mr. Conyers and Ms. HARMAN.

The Bush administration has not complied 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, the legislation before us is not necessary. The bill which a majority of the House voted to pass last year is more than sufficient to address the intelligence gathering deficiency identified by Director McConnell. That bill, H.R. 3356, provided ample amount of congressional authorization needed to ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans. That is why I supported H.R. 3356, but cannot support H.R. 5104.

I encourage my colleagues to join me in voting against the unwise and ill-considered reauthorization of the Protect America Act of 2007.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5104, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A Bill to extend the Protect America Act of 2007 for 15 days.''.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1528, NEW ENGLAND NATIONAL SCENIC TRAIL DESIGNATION ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 940 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 940

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. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, 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 Natural Resources. 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 Natural Resources 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 recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1528 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 California (Mr. CARDOZA) 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 California (Mr. DREIER). 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 940.

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 as much time as I may consume.

Madam Speaker, House Resolution 940 provides for consideration of H.R. 1528, the New England National Scenic Trail Designation Act, under a structured rule. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Natural Resources. The rule makes in order two Republican amendments submitted to the Rules Committee by the ranking member of the Subcommittee on National Parks, Forests and Public Lands, Mr. BISHOP of Utah. 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 recommit, with or without instructions.

Madam Speaker, the bill before us today, H.R. 1528, amends the National Trails System Act to designate most of the MMM Trail System as the New England National Scenic Trail.

The MMM Trail System extends from the Massachusetts border with New Hampshire through western Massachusetts and Connecticut toward the Long Island Sound. The highly popular trail system has existed for over 50 years and is predominantly managed and maintained by volunteers.

The trail system travels through important historical landmarks and harbors a range of diverse ecosystems and natural resources, including mountain summits, waterfalls, and critical habitats for endangered species.

In a recent feasibility study, the National Park Service recommended that the trail system be designated as a national scenic trail, with some adjustments and rerouting for a total of 220 miles. However, this study has been out since the spring of 2006; and while no changes are expected, it has been trapped in a giant morass of bureaucratic red tape that has not been finalized.

H.R. 1528 is simply about cutting through this red tape and getting Federal recognition and administrative support for a trail that is already extremely popular and well managed.

H.R. 1528 includes specific language protecting private property rights, and landowner cooperation in the national scenic trail designation is entirely voluntary. All landowners affected by the trail have the opportunity to have the trail rerouted around their property.

Furthermore, since no Federal land is involved, Federal designation of the land has no impact on State or local laws currently in place, including those governing hunting, fishing, or trapping or local zoning or other land use issues.

Madam Speaker, this designation is widely supported. It is supported by