

FISA DEBATE AND VOTES

Sounds like we've got two votes coming up—two roll call and two voice votes.

Feingold: Use limit. Gives FISC option to limit use of data collected illegally.

Bond: Recommend veto, reading from Mukasey/McConnell letter directly.

Jello Jay: This amendment would prevent dissemination of any US person data. No need to add another penalty. Amendment gives statute court whether non-disclosure is required. I oppose this amendment strongly.

Reid: Resume Feingold amendments, and time until 5:25 be for debate, and then vote.

Bond: Four minutes each for next vote.

Feingold: Respond to burden bc require govt to identify info about US persons. Kick in only if govt proposes to disseminate information, in which case minimization already requires govt to identify US person information. My amendment imposes no addition burden.

Bond: Makes no sense to exclude information simply because [it was illegally gathered]. Calls for roll call.

DiFi hanging out with Jello Jay by the table.

Yes (39): Akaka, Baucus, Biden, Bingamen, Boxer, Brown, Byrd, Cantwell, Cardin, Casey, Conrad, Dodd, Dorgan, Durbin, Feingold, Feinstein, Harkin, Kennedy, Kerry, Klobuchar, Kohl, Lautenberg, Leahy, Levin, **Lincoln**, McCaskill, Menendez, **Mikulski**, Murray, Nelson-FL, Reed, Reid, Salazar, Sanders, Schumer, Stabenow, Tester, Webb, Whitehouse, Wyden [no Obama or Clinton]

No (56): Alexander, Allard, Barasso, **Bayh**, Bennett, Bond, Brownback, Bunning, Burr, **Carper**, Chambliss, Coburn, Cochran, Coleman, Collins,

Corker, Cornyn, Crapo, Craig, DeMint, Dole, Domenici, Enzi, Ensign, Graham, Grassley, Hagel, Hatch, Hutchison, Inhofe, **Inouye**, Isakson, **Johnson**, Kyl, **Landrieu**, Lieberman, Lugar, Martinez, McConnell, Murkowski, **Pryor**, Roberts, **Jello Jay**, Sessions, Shelby, Smith, Snowe, Specter, Stevens, Sununu, Thune, Vitter, Voinovich, Warner, Wicker[no McCain]

Reid: Leahy and Specter, recognized for up to 20 minutes on Tuesday, post-cloture.

Feingold: Bill pretends to ban reverse targeting, so long as govt has interest, however minor, in foreigner they're targeting. Amendment says govt needs court order when acquiring communications within the US. DNI said reverse targeting unconstitutional. This just codifies.

Jello Jay: This says if we're targeting folks overseas that in effect we have to get FISA approval for each and every time it happens. Amendment causes enormous problems. would hamper operations bc every single person would have to have court order. Technical details are classified. Concern is that it would restrict against foreign neighborhood or city. Unnecessary. I urge defeat.

(This may be inaccurate.)

Bond: Explicit prohibition in current bill. Senator Feingould wants to replace this, require mental gymnastics. This significant purpose throws a different concern. Would recommend veto if adopted. We have a bipartisan bill. Is it cocktail thirty yet?

Yes (38) : Akaka, Baucus, **Bayh**, Biden, Bingamen, Boxer, Brown, Byrd, Cantwell, Cardin, Casey, Conrad, Dodd, Durbin, Feingold, , Harkin, Kennedy, Kerry, Klobuchar, Kohl, Lautenberg, Leahy, Levin, McCaskill, Menendez, **Mikulski**, Murray, Nelson-FL, Reed, Reid, Sanders, Schumer, Stabenow, Tester, Webb, Whitehouse, Wyden [no Obama or Clinton]

No (57): Alexander, Allard, Barasso, Baucus, Bennett, Bond, Brownback, Bunning, Burr, **Carper**,

Chambliss, Coburn, Cochran, Coleman, Collins,
Corker, Cornyn, Crapo, Craig, DeMint, Dole,
Domenici, Enzi, Ensign, **Feinstein**. Graham,
Grassley, Hagel, Hatch, Hutchison, Inhofe,
Inouye, Isakson, **Johnson**, Kyl, **Landrieu**,
Lieberman, **Lincoln**, Lugar, Martinez, McConnell,
Murkowski, **Pryor**, Roberts, **Jello Jay**, **Salazar**,
Sessions, Shelby, Smith, Snowe, Specter,
Stevens, Sununu, Thune, Vitter, Voinovich,
Warner, Wicker [no McCain]

Reid: Tuesday, no morning business, vote on FISA.