Ms. MATSUI. Mr. Speaker, I would just urge my colleagues once again to reject this conference report, and I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I urge all of my colleagues to support this fair rule and the underlying legislation, where critical dollars will fund our Nation's education system, health care delivery system and numerous other benefits. With this funding, low-income Americans will be better prepared for a long cold winter with the $2 billion funding in LIHEAP. Our seniors will greatly benefit from the money provided allowing CMS to conduct outreach to our Medicare beneficiaries to sign up for the new prescription drug benefit. The $90 million included for Rural Health Delivery is vitally important to rural America. These are all important programs that will improve the way of life for countless Americans.

Mr. Speaker, 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.

CONFERENCE REPORT ON H.R. 3199, USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 595

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 595 waives all points of order against the conference report and against its consideration.

I rise today in support of House Resolution 595 and the underlying conference report for H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Mr. Speaker, I would first like to take this opportunity to thank Chairmen SENSENBRENNER and KING for all of their work in shepherding H.R. 3199 initially in the committee and then on the floor and now through the conference. This conference report demonstrates this Congress's commitment to find common ground in order to move solid and important legislation for the good and safety of the American people. This conference report is the culmination of 4 years of thorough hearings, extensive oversight, representing a collaborative effort to strengthen and fine tune our law enforcement needs and civil security needs as originally provided by the 2001 USA PATRIOT Act.

Like most Americans, I fully cherish and celebrate our constitutionally protected civil liberties, while also recognizing the need for strengthened national security with thorough and proper oversight. And this Congress has demonstrated and will continue to demonstrate a clear commitment to oversight in order to better achieve the essential and proper balance between necessary protective measures and our sacred civil liberties granted to us by the United States Constitution.

As I mentioned, when the House first considered this legislation back in July, Mr. Speaker, H.R. 3199, like most legislation considered before this House, is not perfect. In an ideal world, it would not be necessary, but today's world is sadly far from ideal. Today, America faces a grave threat from enemies who cowardly operate in the darkness of shadows, waiting with the intent to kill innocent people in the name of their hateful ideology. Therefore, we must never again be caught with our guard down.

This Congress must act and must act decisively and deliberately to provide our law enforcement with the tools they need to protect and to save American lives, both here and abroad.

With respect to the provisions of this legislation, Mr. Speaker, this conference report will make permanent many vital law enforcement tools made available for use against suspected terrorists by the USA PATRIOT Act while establishing 4-year sunsets on a few provisions such as section 206, FISA, Foreign Intelligence Surveillance Act, multi-point wire taps, section 215, FISA business record provisions and finally, the Lone Wolf provision.

With respect to section 206, it is important to recognize that the ability to track terrorists through the use of multi point or roving wire taps is essential because it allows law enforcement to follow a terrorist, rather than a telephone.

Mr. Speaker, terrorists are not reliant on two Dixie cups and a piece of string to coordinate and plot terrorist attacks. They have access to a universal and a vast array of communication technologies, and our laws must take this fact into account.

Additionally, this conference report, through section 215, ensures that law enforcement will still have the ability, under thorough and extensive oversight, let me repeat, under thorough and extensive oversight, to seek out information on terrorists without tipping them off and thereby potentially compromising security and costing lives.

Again, Mr. Speaker, it should be emphasized to all Americans that the USA PATRIOT Act did not establish any new law enforcement capabilities but rather extended techniques long available for use against organized crime or drug trafficking to be used against suspected terrorists as well. If these are acceptable tools against some dope-pushing thug, then they should be acceptable tools against terrorists who seek to destroy American lives and rip apart the very fabric of this great Nation.

Without question, this Congress must, and I trust, will continue to remain vigilant with thorough oversight to protect our Constitution, to protect our civil liberties and to protect our national security.

Mr. Speaker, I encourage all of my colleagues to support the rule and the underlying conference report, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I rise today in strong opposition to H.R. 3199. While this conference report makes some improvement to the current PATRIOT Act, it fails to address some major deficiencies, and in many ways, it makes the current situation worse.

The original intent of the PATRIOT Act was to provide our law enforcement officials with the necessary tools to make our country more secure. While maintaining national security is absolutely a necessary responsibility of Congress, it can and must be achieved without compromising our civil liberties.

Unlike the proponents of H.R. 3199, the American people do not believe that security and liberty are mutually exclusive goals. A delicate balance between enhancing security and protecting liberty needs to be present. But unfortunately, this bill before us today falls far short to achieving this appropriate balance.

Mr. Speaker, back in 2001, when the PATRIOT Act was enacted, 16 provisions were sunsetted or authorized for a certain period of time because of their controversial nature and also due to the hurried manner in which they were drafted; 14 of these 16 provisions are made permanent by this conference report. And while three of the most contentious provisions have been sunsetted for 4 years, even that is too long.

Section 215, commonly referred to as the Library Records Provision, grossly expands the Federal government's ability to seize records and investigate citizens' reading habits without any notification.

Section 206, dubbed the Roving Wiretaps Provision, grants the government the power to perform so-called John Doe wiretaps in which they do not have to disclose the phones that will be tapped or even the names of the suspected person.

Section 6001, known as the Lone Wolf Provision, broadly redefines the Foreign Intelligence Surveillance Act's, FISA, standard for the agent of foreign power. The new definition is so expansive that the Government can now define any individual non-U.S. person as a terrorist suspect, even if the individual has no clear ties to a foreign government.

□ 1115

Mr. Speaker, it is more than apparent that these three provisions pose a threat to American citizens' civil liberties. And while I would rather see these provisions removed from the legislation, I am encouraged that a shorter sunset has been placed upon them.

But, unfortunately, Mr. Speaker, shorter sunsets do not do the trick. Sunsets alone do not fix the severe substantive flaws of these sections, and they do nothing to address the deficiencies of the 14 other provisions that are being made permanent by this report. Instead of opting to apply shorter sunset dates to these misguided provisions, Congress should be exploring appropriate ways to fix them. After all, giving the government the power to violate civil liberties is wrong regardless of whether we give the government that power for 1 year or 4 years or for 100 years.

Most notable of the deficient provisions, which was made permanent by the original PATRIOT Act, is section 505, known as the National Security Letters provision, NSLs. These NSLs are administrative subpoenas, issued by high-ranking Department of Justice officials, which force a person to turn over a wide range of personal records. Essentially, NSLs allow the FBI to conduct secret, warrantless searches of any records they deem relevant to national security.

What is most concerning about NSLs are the rate in which they are being issued and the eventual relevancy of the retrieved records. More than 30,000 NSLs are being issued a year, a hundred-fold increase since the enactment of the PATRIOT Act. Meanwhile, only a handful of NSL investigations have ever gone through the judicial process. Moreover, the FBI has surreptitiously gathered information on tens of thousands of Americans. They are maintaining databases on these citizens. And instead of deleting information on NSL recipients once an investigation is completed, the FBI is abusing this power and holding onto personal information of Americans who have never been accused of any crime.

Mr. Speaker, while this conference report does require the Department of Justice to report the number of national security letters they issue, it fails to address the abuse of power and the unconstitutionality of the provision. As determined by a Federal court judge on October 4, 2005, the NSL provision was ruled to be unconstitutional. So instead of reevaluating this provision or at the very least sunsetting it, the NSL provision remains permanent and continues to infringe upon the civil liberties of the American people.

Mr. Speaker, we all must be reminded that privacy is a right guaranteed by our Constitution, not a luxury that we can simply discard when it becomes inconvenient to the government. Shorter sunsets and minimal regulations imposed on the Department of Justice do not cure the serious problems with these provisions. Congress needs to go back to the negotiating table, reevaluate these provisions, and come up with a report that strikes the appropriate balance between advancing security and defending our civil rights.

That is why, Mr. Speaker, I am a cosponsor of H.R. 4506. This legislation, introduced by the ranking member of the Judiciary Committee, Mr. CONYERS, extends by 3 months the 16 provisions of the PATRIOT Act set to expire at the end of this year. Extending the PATRIOT Act in its current form for 3 months would give lawmakers the opportunity to reevaluate these contentious provisions, fix them, and then issue a conference report that actually protects the civil liberties of the people of this country and not hinders them.

I would like to share a quote from an article entitled ''Going Down in History with USA PATRIOT Act,'' which appeared in the November 27 edition of the Massachusetts Republican: ''Unless lawmakers are prepared to revise the USA PATRIOT Act to include modest protections to safeguard civil liberties, they will go down in history as the authors of remarkably bad legislation.''

Mr. Speaker, when we in Congress authorize Federal agencies, it is our responsibility to grant them with an appropriate level of power so that abuse will not occur. It is also our responsibility to demand accountability and conduct appropriate oversight. Sadly, under this Republican leadership, neither responsibility has been fulfilled.

One final observation. We are all, every single Member of this House is committed to protecting our country from terrorism. We must adjust our laws accordingly to deal with any potential threat. But we must not undercut or undermine the protection of our civil liberties. Mr. Speaker, democracy requires courage, and we can protect our citizens from terrorism and at the same time protect their civil liberties. They are not mutually exclusive. I am not convinced that the bill as written will enhance our national security, nor am I convinced that these broad, sweeping powers that we are now giving to our government will not be abused.

In our recent history, we have seen abuse of power. We have seen civil rights leaders in this country, people who have advocated equal treatment under the law for all of our citizens, we have seen these people put under surveillance. They have been wiretapped. We have seen others who have raised their voices in dissent or who have advocated issues that are now viewed as the mainstream, we have seen that they have been spied upon by our own government. So let us not give government more power than is needed.

That is my fear today, that we are going too far, that we are paving the way for abuse, and that if we enact this bill as written, a little bit of the Liberty Tree will die.

Mr. Speaker, I reserve the balance of my time.

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

In regard to section 215, I want to remind the gentleman that section 215, relating to investigators' access to business records, this reauthorization requires a statement of fact showing reasonable grounds to believe that the records or other things sought are relevant to an authorized investigation to protect against international terrorism or espionage. This provides additional safeguards to the original USA PATRIOT Act, which requires the government only to certify that the records at issue were sought for an authorized investigation without any factual showing.

Mr. Speaker, I could continue with that, but I now yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, let me thank my friend from Georgia for yielding me this time.

I listened very, very closely to the remarks offered by my good friend from Massachusetts (Mr. MCGOVERN) and I have to say that every Member of this House is committed to the national security of the United States. That is our number one responsibility, our priority. But I will go so far as to say every single Member of this House is committed to recognizing the civil liberties of the American people.

When this issue came to the forefront just a few weeks after September 11, 2001, the now Director of the Central Intelligence Agency, former chairman of the House Intelligence Committee and vice chairman of the Rules Committee, our very good friend, Mr. Goss, argued that he believed we should begin with permanence at that point, and I argued then that I thought it important that we focus on sunsetting provisions in the USA PATRIOT Act. Why? Because we were looking at this issue literally weeks after the worst attack on our soil.

So, Mr. Speaker, as we moved ahead, we said we should have these sunset provisions, and we put them into place, and they were very important and

helpful. One of the reasons we did it is we wanted to see what kinds of civil liberties were being violated as we focused on our number one priority, that being our national security. And I am very happy to report that, as we look at what has transpired since implementation of the USA PATRIOT Act, it is the following: we have provided every opportunity for any American to raise concern, talk about violations of their civil liberties by going on the Worldwide Web, filing any kind of complaint. And there has not been one instance, not one complaint has been leveled, against the provisions in the USA PATRIOT Act as evidence of violating civil liberties.

I consider myself a small ''l'' libertarian Republican. I want to do everything in my power to ensure that we recognize the rights of our individuals. But we have to remember that this measure is exactly what Mr. MCGOVERN said it should be. It is a delicate balancing act between our goal of recognizing the importance of our national security and at the same time focusing on civil liberties. That is why we see the 4-year sunset for the so-called Lone Wolf provision, for the roving wiretap provision, for the so-called library provision. These measures that are in there are designed to force us to look at them again. But, Mr. Speaker, there is nothing to say that we cannot look at this again, as one of my staff members just said to me, next week if we so choose.

Now, the United States Congress pursues oversight with great diligence. I was shocked last night when the distinguished ranking member of the Rules Committee said that there had been no oversight by the Judiciary Committee of the USA PATRIOT Act. And Chairman SENSENBRENNER, who has done a phenomenal job on this, went through the litany of oversight hearings that have gone on between first implementation of the USA PATRIOT Act and today and will continue, will continue as we see this measure pass.

So, Mr. Speaker, I believe that this does create that fine balancing act that we have recognized, and we do know that at the same time sacrifices have been made. Every single American who travels today has made a sacrifice, because of the fact that we are in the midst of a global war on terror, by virtue of going through the security to get on an airplane. We have had to make sacrifices. Professor Harvey Mansfield of Harvard wrote about the need to make those sacrifices when we are in the midst of war. And we know that this is an ongoing global war on terror; but we cannot, as we pursue that war, move to undermine the great liberties and rights of the American people.

This measure strikes that balance, and I urge my colleagues to support the rule and to support the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, in response to my good friend from California who said there must be sacrifices and sacrifices have been made, I would remind Members of the words of Benjamin Franklin who once said that those who would give up their essential liberties to achieve a measure of security deserve neither.

The tragedy of 9/11 led to the PATRIOT Act, and then it led to a war against Iraq. Fear and suspicion led the U.S. to roll back our civil liberties and attack a nation that did not attack us.

We have become a Nation of leaders, some of whom who have condoned torture and illegal detentions. Fear and suspicion have driven us to that. We need a different type of leadership so the American people could have been spared the effects of 9/11. It could have been different. But, no. We are here today trying to appeal to people to let go of their fear and suspicion because an open, honest review of the FBI's use of the PATRIOT Act would surely find many areas in need of reform.

A careful balance between national security needs and protecting American rights must be struck, but that is not what we have here. Today we are set to pass a whole new round of democracy rollbacks. American citizens are losing more of their free speech rights and privacy rights. The authors of today's bill inserted a very weak and loophole-ridden right to judicial review of government actions. The American public is not served by such minimal accommodation.

Today, the House will ignore more than 400 local communities and seven States that have passed resolutions asking for PATRIOT Act reform. This legislation fails to provide reasonable sunset provisions that guarantee future congressional review. The bill retains 4-year sunsets for only two of the 16 PATRIOT Act provisions and only one of two expiring provisions in the 2004 Intelligence Reform Act. All other intrusive powers are either made permanent or remain permanent.

This bill continues to allow roving wiretaps that permit Federal agents to tap communications of a target where neither the target nor the phone is identified. Criminal wiretaps require one or the other, and the 10-day after-the-fact notice requirement is no substitute for privacy safeguards in the criminal wiretaps.

The bill continues to permit sneak-and-peak searches of a person's home or business to remain secret indefinitely. It drops a Senate provision supported by the Chamber of Commerce, conservatives, libraries, civil liberties organizations that set limits on secret court orders for library, medical, and other personal records. Instead, the bill establishes a false right to judicial review. A recipient must challenge before a preselected group of three court judges and go to the expense of hiring a lawyer with a security clearance who the FISA court agrees can appear before it.

So people have to essentially fight for their rights to be free of the scourge of wiretaps and to be free of the scourge of having the FBI reach into their library records, their reading records, their medical records.

Where are we going with this country? It is not the America it used to be. It has become something that is hard to recognize for many Americans.

Vote against this bill.

□ 1130

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

Mr. Speaker, I would like to remind the gentleman that in the original bill that we considered, H.R. 3199, which 43 of his colleagues supported, there were sunset provisions not in two, but in three, sections that were of 10 years' duration. In their motion to instruct the conferees, the request was to abide by the Senate bill, which would lower those to 4 years each. So that is exactly what we are bringing back in the conference report, exactly what they asked for.

Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), my colleague on the Rules Committee.

Mrs. CAPITO. Mr. Speaker, I rise today in support of the rule and the underlying PATRIOT Act reauthorization. I would like to take a minute to highlight two aspects of this legislation that we probably will not hear a whole lot about today, but are very important to me.

I am pleased that the conference report includes the amendment that I introduced and which passed the House 362–66 to increase penalties and update outdated laws to protect our rail and mass transportation systems. This provision, section 110 of the conference report, will ensure that those who conspire to commit attacks against our rail systems or fund such attacks can be prosecuted to the fullest extent of the law.

While no penalties can deter some of these terrorists bent on causing death and destruction, these enhanced penalties on conspirators will hinder the efforts of terrorists to secure and finance their networks.

The attacks on the rail systems in Madrid and in the London Underground have demonstrated the real threat that rail and mass transportation systems face. I would like to thank Chairman SENSENBRENNER and all the Members who supported this important provision to add another layer of protection to America's rail systems.

Also I want to commend the conferees for including anti-meth legislation in the conference report. Methamphetamine is a large and growing problem in rural America. In West Virginia, meth labs have been found in neighborhoods, endangering children and innocent members of the community. Provisions of this bill enhance penalties for those who run meth labs in the presence of children.

This bill also places restrictions on the sale of meth precursor chemicals that are similar to those that the West Virginia legislature passed earlier this year and other legislatures throughout the country. Provisions in this bill require that meth precursors be sold from behind the counter or from a locked cabinet and place better controls on mail order and Internet sales.

Authorization in this legislation will ensure that the Meth Hot Spots grant program will continue. This program has already provided assistance to local law enforcement in many districts, including the Metro Drug Task Force in my hometown of Charleston, West Virginia. Continuing this grant program will enable Congress to continue to help our communities fight the meth problem.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. ZOE LOFGREN).

(Ms. ZOE LOFGREN of California asked and was given permission to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just note the most important thing in the PATRIOT Act is the sharing of information between law enforcement and intelligence. I support that reauthorization. I am a member of the Judiciary Committee, a member of the Homeland Security Committee. The Department of Justice has stonewalled Congress on telling us how they are using these powers.

I am a member of the conference committee. Republicans met secretly and separately away from Democrats on the conference committee. We have failed to cure the problems in the bill, and we have missed an opportunity.

Mr. Speaker, I think it's clear that the primary benefit of the USA PATRIOT Act we passed in 2001 has been the sharing of information between criminal investigators and intelligence officials it enabled. I support authorizing that information sharing capability in the original PATRIOT Act, and I support its reauthorization today. But this conference report on reauthorization of the USA PATRIOT Act fails in important ways.

Following the attacks of 9/11, this Congress passed the USA PATRIOT Act to give our law enforcement and intelligence agencies new powers to fight terrorism. I voted for that law, but only after securing support for sunset provisions that allowed this Congress to revisit these issues under less trying circumstances.

Congress has not done its job in providing the thorough review we need of the PATRIOT Act. Nor has the Bush administration done its job in providing us the information we need to properly evaluate the PATRIOT Act. I have repeatedly sought access from the Department of Justice to the national security letters or NSLs it has issued under section 505 of the act, and underlying materials regarding its use of the material witness statute. I have been seeking access to these materials for over 6 months now, with no response from DOJ. I wrote to them again last month seeking this information, and again received no response. This is vital information about DOJ's actual use of PATRIOT Act powers, information which DOJ steadfastly refuses to provide. Yet with this conference report Congress blindly reauthorizes and makes permanent many of these same powers.

In fact, through the cracks in DOJ's veil of secrecy, we've begun to find some information about the PATRIOT Act. We've found out from whistleblowers that the FBI issues more than 30,000 national security letters each year. These are tens of thousands of letters, never reviewed by a judge, demanding information on countless people, the vast majority of whom may be Americans innocent of any terrorist activity. We don't know how many private lives are being swept up in these NSLs, because DOJ won't tell us.

This bill does not correct the problems with national security letters. It creates a new process for judicial review, but leaves that review subject to an extremely vague standard. There are no requirements for law enforcement to "minimize" its collection of NSLs; that is, there's no requirement for DOJ to segregate the vast amount of information collected on innocent Americans unconnected to any terrorist activity. An audit is provided which would allow DOJ to freely continue stockpiling information on Americans without providing any standard.

This bill also adopts too weak a standard for law enforcement to engage in business records searches under section 215 of the PATRIOT Act. The Senate passed unanimously what I thought was a very reasonable standard for law enforcement to meet in order to conduct these searches. The Senate required that these searches actually be relevant to an ongoing terrorism investigation and related to the activities of an agent of a foreign power. But the conference report adopts a presumption of relevance that would essentially tie judges' hands and force them to grant any requested searches.

Adoption of 4-year, rather than 7-year, sunsets on three provisions regarding business records searches, roving wiretaps, and so-called "lone wolf" terrorists acting as agents of foreign powers is positive. Frankly, I would have liked to see 4-year sunsets applied to more provisions of the PATRIOT Act, such as the provisions regarding NSLs. I believe these sunsets provide Congress an important opportunity to review how the PATRIOT Act is actually being used. Given how reluctant DOJ has been to share information with us, these sunsets really provide the main source of leverage Congress has over the Department of Justice to obtain information we should be provided as an equal branch of government.

Mr. Speaker, I'm very disappointed that this legislation has removed the provisions we passed in the House providing for additional funding for first responders. This is vitally needed funding that local first responders need in the event of another terrorist attack or other disaster. This conference report drops all of these provisions passed by the House.

For these reasons, Mr. Speaker, I urge my colleagues to join me in voting against this conference report. Instead of rushing this bill to conclusion, we should give ourselves the time we need to get the PATRIOT Act right. I, along with some of my colleagues, have introduced legislation that would allow us to reauthorize the existing PATRIOT Act authorities for another 3 months, to take the time we need to correct the many deficiencies still remaining in this conference report. I urge that, instead of voting for a bad bill in order to meet an arbitrary deadline, my colleagues join me in voting for more time to turn this into a better bill.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), a member of the Judiciary and Transportation Committees.

Mr. COBLE. Mr. Speaker, on 9/11, evil terrorists, murderers, if you will, inspired and motivated by fanaticism and hatred attacked our country and nearly 3,000 innocent Americans expired. It would be a simple matter to overreact to such an attack; but our response, for the most part, Mr. Speaker, has been thorough and deliberate.

The Judiciary Subcommittee on Crime, Terrorism and Homeland Security alone conducted nine hearings, coupled with two additional hearings before the full House Judiciary Committee. Other committees as well conducted hearings. So this seems to me refutes the charge that this act has been hurriedly rammed through the Congress.

I spoke earlier on this floor, Mr. Speaker, of a constituent who urged me to lead an effort to repeal the PATRIOT Act. When I asked him to cite examples where civil liberties had been abused, he could offer none. Other opponents of the act have likewise been unable to document evidence of abuses. Some have said, well, these points are irrelevant. They are not irrelevant at all, Mr. Speaker, when you are talking to people who oppose the act, but yet are unable to offer evidence to support their opposition. I think it is relevant, indeed.

Finally, Mr. Speaker, I am going to touch on a point that I think many Americans have inadvertently ignored, and that is the fact that there are in excess of 360 ports in the United States and this bill provides basic and much-needed protection thereto. It is clear that our ports and harbors are significant and appealing targets for terrorist attacks. We cannot afford to leave these areas unprotected or hamstring law enforcement efforts to provide basic security against terrorists.

Mr. Speaker, I am not trying to be a Chicken Little and shouting that the sky is falling, but just because we have not been attacked subsequently since 9/11 does not indicate to me that these terrorists, I call them murderers, they are murderers, are asleep at the switch. They are continuing to plot, and we cannot turn a blind eye to them.

Is this act perfect? No. Not many acts that find their way through this Congress are perfect. But it is a piece of legislation that should be enacted, and I urge support.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the President and his administration continue its rhetoric that anyone calling for a withdrawal of troops or questioning the intelligence that led us into the Iraq war is unpatriotic, while,

on the other hand, using this war as an excuse, a PATRIOT Act was passed that recklessly violates our civil liberties and attacks the very freedoms our troops in Iraq are told that they are fighting to protect.

This administration and the leadership in this very House we are standing in has tried every trick in the book to spread the blame, pass the buck on this misguided war. They continue to filter the debate in our very own country and to discredit those who disagree with them.

This bill they want us to pass today would continue to limit our constitutional freedoms in our very own country. Though they did not seem to care one bit about the facts before 9/11, they now believe the United States will benefit from hoarding insignificant and ill-gotten information on innocent Americans. They believe that this makes us a safer Nation.

If you want to talk about dishonesty, look at this administration's policies that have led us to ignore facts in order to manipulate the very policies that fly in the face of our own honesty, and this is an administration that also pays for ''canned'' news overseas.

The real patriots have been those who stand up and question the misleading intelligence and dishonest tactics that got us into this war, those who have challenged the PATRIOT Act and its impact on the civil rights and civil liberties of every American. Actually, it is patriotic to question how the PATRIOT Act affects the very rights that we live under in this country of ours.

Vote ''no'' on this PATRIOT Act.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I just want to remind my colleagues that prior to 9/11 and before the USA PATRIOT Act in 2001, we had this culture and legal problem where law enforcement could not communicate whatsoever with intelligence. This bill enabled us to finally, finally connect the dots. I think this is very important for all of us to keep in mind.

Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Appropriations Committee.

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I thank the gentleman from Georgia, and I thank the chairman and Chairman SOUDER for not only bringing the PATRIOT Act reauthorization to the floor but including these important meth provisions in this legislation.

In rural east Tennessee, over 10 years ago meth production showed up in a real ugly way and spread like moonshine of 50 years ago, but 100 times more lethal, through the mountains and the hills. We attacked it with a comprehensive State-Federal-local partnership called the Southeast Tennessee Meth Task Force and that grew to the East Tennessee Meth Task Force, and now it is a statewide, state-of-the-art, frankly, national model for how to combat this problem; and we were second in the country last year in lab seizures.

One of the innocent results here, though, of fighting meth and the production of meth are the children that are left in these homes. My colleague from Tennessee, a Democrat from Nashville, JIM COOPER, wrote legislation, and I was the original Republican cosponsor, that creates a provision funded at $20 million a year for the next 2 years to deal with the children that come out of these meth homes.

Over 10,000 children nationally between 2000 and 2003 came out of these meth homes and became wards of the State. In my State, 750 alone so far are wards of the State. There was no social service network for these children. This creates that.

So we are not just attacking the problem, but we are dealing with the aftermath of this deadly plague on America called methamphetamine production. It is so responsible to include it.

A second on the PATRIOT Act. In ordinary circumstances, it might not be necessary. These are extraordinary circumstances, and it has been necessary. The facts do not lie. If you listen to the testimony of the attorneys general and the prosecutors and you hear the cases, you know the PATRIOT Act has definitely kept our country safer, safer, since September 11.

We need to reauthorize it. We need to be realistic. We cannot just pander or engage in mythological discussions. Deal with the realities. We have to do certain things and communicate better. The law enforcement personnel have to have the tools and equipment to safeguard our country from these terrorists. This is the reality that we face today. We can change this later if we need to. Today, we need to reauthorize it and keep the teeth in Federal law enforcement and keep the terrorists out of our country.

□ 1145

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong opposition to this conference report. All of us are in agreement that the United States government must do everything it can do to effectively fight terrorism and protect the American people from another terrorist attack. There is no debate about that. But some of us believe that with strong, well-trained and well-funded law enforcement, we can in fact protect the American people without undermining the constitutional rights that make us a free country.

In that regard, I am happy to say that there has been a very strong coming together of Members of Congress and Americans from very different political perspectives, people who usually agree on nothing but who have come together to protect the Constitutional rights of the American people as we fight terrorism.

We should be very proud that, on this issue, such diverse groups as the ACLU, the American Conservative Union, the Gun Owners of America, the U.S. Chamber of Commerce, the American Library Association and the American Book Sellers Association have come together to say to Congress, please support the Senate version. And this is a message that I hope all Members heed.

The simple fact of the matter is that the original Senate bill is a far better piece of legislation than what we are looking at today, and that is the legislation that we should pass.

Mr. Speaker, day after day, we hear the Republican leadership telling us about the virtues of small and limited government, about how we have got to deregulate almost everything and get government out of our lives. In that regard, are my Republican friends really comfortable with allowing the FBI to access Americans' reading records, gun records, medical records and financial records without judicial approval; allowing the FBI to search someone's home without probable cause and without telling that person about the search; allowing the FBI to serve a librarian or a bookstore owner with a section 215 order demanding records without having to provide facts that a person whose records are being sought is involved in a terrorist investigation?

Please vote no on this conference report.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER), a member of the Education and Workforce Committee.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, reauthorizing the PATRIOT Act before it expires on December 31 is literally a matter of life or death because it is helping us to win the war on terrorism.

Since we passed the PATRIOT Act in 2001, we have convicted 212 terrorists, and we have frozen $136 million in terrorist assets. Passing the PATRIOT Act is purely a matter of common sense. Is it not common sense that we give law enforcement the same tools to go after terrorists as they now have to go after Mafia dons and drug dealers? Is it not common sense that we can now share data between the intelligence community and the law enforcement community? Is it not common sense that we can now track deadly terrorists even though they cross jurisdictional lines or switch cell phones?

Now, some Members of Congress want to postpone this legislation or even filibuster it. The worst thing that these critics can say about the PATRIOT Act is that supposedly law-abiding citizens will have their book store and library habits monitored. That is a totally bogus allegation. In reality, a prosecutor seeking this information must go before a federal judge, get a

court order and prove that it is a matter of international terrorism. Now, how many times has that happened since we first passed the PATRIOT Act in 2001? Exactly zero according to the U.S. Attorney General.

I urge my colleagues to vote yes on the PATRIOT Act and yes on the underlying rule.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, true patriots need not hide behind the flag nor apply phony titles to cover the misguided purposes of their legislation.

From its origin, this grossly misnamed PATRIOT Act has cloaked its weaknesses by implying that its opponents are ''un-patriots'' as in ''unpatriotic.'' This is all part of a troubling pattern: secret prisons, sneak and peek searches, gag orders, redefining torture to exclude cruel and degrading punishment, extraordinary rendition, combing through library records, and even attempting to misuse our military to spy on religious groups.

These acts debase our American values. This bill should be rejected because it fails to strike the proper balance between the security we demand and the liberties that we cherish.

Yes, Vice President CHENEY has suddenly emerged from his secure, undisclosed location and taken pause from his campaign to preserve torture in order to enthusiastically embrace today's bill. But intrusive, invasive powers in the hands of a few with little oversight and no accountability is a formula for wrongdoing. We should not surrender our liberties to any Administration. Retreating to such abusive tactics is weakness, not strength.

We should not add even more powers to an Administration that has so often been willing to abuse its existing power, nor should we add more authority to an Administration that has acted in authoritarian ways. Real patriots understand that an all-powerful government can undermine our security just as surely as a dangerous religious fanatic.

And all of this is occurring when the bipartisan 9/11 Commission, the citizens' commission that this Administration fought every step of the way, is giving the Administration and this Republican Congress one F after another for not protecting our families. Instead, we get this kind of legislation.

Mr. Speaker, authoritarianism is not born full-bodied. It is conceived in small injustices, which tolerated over time become irreversible. Benjamin Franklin understood when he said, ''Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.''

This much is certain, each day of this Administration brings more news of both deaths of true patriots abroad and more abuses of our values by those who claim to be patriots at home. This is an Administration where the ends always seem to justify the means. But their ''ends'' too often betray our safety, and their ''means'' forsake our values.

To those who promote this misguided act, pull down your false colors; raise the American flag of freedom. Reject this bill.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

I want to remind the gentleman from Texas that this latest 9/11 Commission so-called report card gave us an F for failing to reveal the amount of intelligence spending to the terrorists. So if that is the kind of report card he is talking about, then I am proud of that F.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this rule but in opposition to the underlying bill, the so-called PATRIOT Act, the USA PATRIOT Act.

I supported the PATRIOT Act when it was first passed and would do so again. I support the war on radical Islam. Our country is under attack and under grave threat. But my original support was based on the inclusion of 4-year sunsets in those sections of the PATRIOT Act, those sections that drastically expanded the police and investigative powers of the Federal Government.

That is what was included in the original PATRIOT Act. Instead, the current legislation before us makes permanent the expansion of police powers which were meant to be only temporary until this war was over. Of the 16 sunset provisions, sections sunsetted in the original 2001 bill, the current conference committee report establishes 4-year sunsets on only two of those 16. The rest of the expanded police powers are being made permanent, the most drastic permanent expansion of these powers being section 213, the sneak and peek section; the section 205, the secret search section; and section 214, which permanently eliminates probable cause needed for the use of eavesdropping devices.

I would support redoing the PATRIOT Act as originally came forward. As the war on terrorism continues, I can support these expanded powers. However, this effort to use the war as a way to alter forever the balance of personal liberty and legitimate restraints on government power should be defeated. Long after the war on terrorism is won, under permanent sneak-and-peek rules, American citizens will have their homes and businesses searched without court order and without legal notification for a month after that search is conducted. Long after the threat of Islamic extremism is over, under permanent secret search rules, Americans will have their business records, phone records, credit records and computer files seized without a judge issuing a warrant based on probable cause. Long after the crisis we face today, under permanent eavesdropping rules, American citizens will have their phone conversations monitored without a warrant.

There is no excuse in peacetime to give our police and our investigative agencies wartime powers, and that is what we are doing here. There have been a few improvements in the bill but not enough improvements, as far as I am concerned, for us to support it. My central theme has always been based on the need for periodic review by Congress of all those dramatic expansions of police power that we are giving our government now in order to win this war on terrorism. This is best achieved by sunsets. We should not live in peacetime under the extraordinary laws passed during times of war and crisis. Emergency powers of investigation should not become the standard.

Let me just note that I think people will rue the day if we give the Federal Government this permanent power over our lives.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I am deeply disappointed that the conference report, among other things, today does not include an amendment that I offered with Mr. SWEENEY to alter the first responder funding formula in the original PATRIOT Act. This provision would have allocated precious Homeland Security resources on the basis of risk. Under the original PATRIOT Act, zero percent of formula grants are distributed on the basis of risk. Under the House proposal, at least 84 percent and up to 100 percent of funding would be risk-based, ensuring that we spend our resources to address the greatest threats our Nation faces. This long overdue change has been approved by the House on three separate occasions, including in a stand-alone bill that passed by a vote of 409 to 10 in May. While the Senate has rejected this commonsense reform, the administration supports it, as does the 9/11 Commission. In a recent report, the Commission gave the government an F for failing to allocate funding where it is needed but stipulated that we can earn an A if the House provisions in the PATRIOT Act reauthorization bill are accepted. As Commission Chairman Kean stated last week, ''It is time for senators to exercise leadership and do the right thing for our Nation's security by passing the risk-based funding reform in the PATRIOT Act.''

The Senate failed to exercise leadership. We have therefore missed a golden opportunity to improve our Nation's security. We cannot back down from this fight, and we must demand that the Senate accept our proposal in any future Homeland Security legislation. I hope my colleagues will join me.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in support of the PATRIOT Act and, in particular, title VII of that report, the

Combat Methamphetamine Epidemic Act of 2005. This is certainly the biggest, and last night we passed Chairman BOEHLERT and Congressman GORDON's environmental meth bill, but this is the biggest comprehensive bill on meth that we have ever had in front of the United States Congress, and it is important that we pass this.

I want to thank a number of people. It is impossible to thank everybody who has been involved in this, but I would like to thank Chairman SENSENBRENNER of the Judiciary Committee for his co-sponsorship and his willingness to put this in a conference report. If we did not have this in a conference report, it would not see the light of day. We have had the pharmaceutical companies attack this bill. We have had the Mexico and China lobbies attack this bill. We have had the pro-drug groups attack the law enforcement provisions. It would not go through the other body. It is not even clear we can move it to another bill at this point. Yet, it is the only bill standing, and it is a bipartisan effort to try to address this scourge that is crossing the country. I thank Chairman SENSENBRENNER; also Majority Leader ROY BLUNT, who has been an early leader in this charge; Chairman BARTON of the Energy and Commerce Committee for his willingness to have this move on this conference report; Chairman HYDE of the International Relations Committee because it has International Relations jurisdiction and for his support; Chairman YOUNG of the Transportation and Infrastructure Committee; Chairman COBLE of the Judiciary Subcommittee on Crime; Chairman FRANK WOLF of the Appropriations Subcommittee on Science, Commerce, Justice and State, because, without all of their help, we would not have this bill in front of us.

I would also thank the several Members who have worked so hard to make this comprehensive anti-meth legislation happen. In particular, I would like to thank Representatives MARK KENNEDY, DARLENE HOOLEY of Oregon, DAVE REICHERT and JOHN PETERSON, because they provided much of the content of this comprehensive bill and their consistently strong leadership on the House floor.

I would also like to thank the four co-chairmen of the Congressional Meth Caucus, Congressmen LARSEN, CALVERT, BOSWELL and CANNON, for their staffs' assistance in putting this together so we could have a bipartisan effort.

Congressman TOM OSBORNE has crusaded on this House floor and across the country on behalf of anti-meth legislation, as has Congressmen BAIRD, WAMP, BOOZMAN, KING, GORDON and so many others. This would not be happening today if we did not have this bipartisan coalition, and I hope it becomes law.

Mr. Speaker, I rise in support of the conference report to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005, and in particular of title VII of that report, the Combat Methamphetamine Epidemic Act of 2005. I believe this bipartisan legislation is a vital first step in our renewed fight against the scourge of methamphetamine trafficking and abuse, and I hope the House will support its passage.

I would probably take an hour if I tried to thank each of the Members and staff who helped with this legislation, so I will have to mention only a few. First, I'd very much like to thank Chairman SENSENBRENNER of the Judiciary Committee for his cosponsorship of the Methamphetamine Epidemic Elimination Act, H.R. 3889, one of the two bills that was incorporated into today's legislation, and for his leadership in ensuring that anti-meth legislation would be added to the conference report. I would also like to thank Majority Leader ROY BLUNT, Chairman BARTON of the Energy and Commerce Committee, Chairman HYDE of the International Relations Committee, Chairman YOUNG of the Transportation and Infrastructure Committee, Chairman COBLE of the Judiciary Subcommittee on Crime, and Chairman FRANK WOLF of the Appropriations Subcommittee for Science, Commerce, Justice, and State, for their invaluable assistance and support in bringing this bill to the floor for a vote today.

I would also like to thank several Members who worked so hard to make comprehensive anti-meth legislation happen. In particular, I'd like to thank Representative MARK KENNEDY, Representative DARLENE HOOLEY, Representative DAVE REICHERT, and Representative JOHN PETERSON for providing much of the content of this bill, and for their consistently strong leadership on the House floor on meth issues. I would also like to thank the four co-chairmen of the Congressional Meth Caucus, Representative RICK LARSEN, Representative KEN CALVERT, Representative LEONARD BOSWELL, and Representative CHRIS CANNON, for their and their staffs' assistance and support. And to every other Member who has cosponsored either H.R. 3889, or the other major bill incorporated in this conference report, the Combat Meth Act of 2005, H.R. 314, I express my deep appreciation.

I don't have to tell any of you how serious a threat meth is for our communities; pick up almost any newspaper or magazine these days and you can read about it firsthand. As chairman of the Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources, I have held 11 hearings on the meth epidemic since 2001, not only in Washington, DC, but in places as diverse as rural Arkansas, Ohio, Oregon, and Indiana, suburban Minnesota, island of Hawaii, and urban Detroit. There are regional and local variations on the problem, of course, but one thing remains constant everywhere: This is a drug almost unique in its combination of cheapness, ease of manufacture, and devastating impact on the user and his or her community.

There are three aspects of the meth epidemic that I believe need to be emphasized as Congress prepares to enact this legislation. First, meth presents unique challenges to Federal, State, and local law enforcement. The small, clandestine meth labs that have spread like wildfire across our Nation produce toxic chemical byproducts that endanger officers' lives, tie up law enforcement resources for hours or even days, and cost tremendous amounts of money to clean up. That, combined with the rise in criminal behavior, child and citizen endangerment, and other effects, have made meth the number one drug problem for the Nation's local law enforcement agencies, according to a study released over the summer by the National Association of Counties.

Second, the damage this drug causes is not confined to the addict alone; it has terrible effects on everyone around the user, particularly children. Another survey by the National Association of Counties found that 40 percent of child welfare agencies reported an increase in "out of home placements because of meth in the past year." This abuse unfortunately includes physical and mental trauma, and even sexual abuse. Sixty-nine percent of county social service agencies have indicated that they have had to provide additional, specialized training for their welfare system workers and have had to develop new and special protocols for workers to address the special needs of the children affected by methamphetamine. Community health and human services, as well as child welfare services such as foster-care, are being overwhelmed as a result of meth.

Finally, the meth threat is not confined to the small, local labs, but extends well beyond our borders to the "super labs" controlled by large, sophisticated Mexican drug trafficking organizations, and the international trade in pseudoephedrine and other precursor chemicals fueling those super labs. Three-quarters or more of our Nation's meth supply is controlled by those large organizations, and over half of our meth comes directly from Mexico.

The Combat Methamphetamine Epidemic Act will be the first legislation enacted by Congress that addresses all three of these critical aspects. Previous acts of Congress have addressed meth production and precursor chemical diversion, while others have provided assistance to State and local agencies; for the first time, however, we are tackling domestic and international chemical diversion, assistance to State and local agencies, child and family welfare issues, and the criminal production of meth.

The conference committee has filed a detailed section-by-section analysis of the legislation, so I will only briefly mention the highlights of this bill. Among other things, the act would:

Require all pseudoephedrine, ephedrine, and phenylpropanolamine products to be stored behind the counter or in a locked cabinet; impose a daily and a monthly purchase limit; require purchasers to show I.D. and sign a logbook; and require training of all employees handling the products;

Close a number of loopholes in existing import, export, and wholesale regulations of meth precursor chemicals, including import and manufacturing quotas to ensure no oversupply leads to diversion; and regulation of the wholesale "spot market";

Require reporting of major meth precursor exporters and importers, and would hold them accountable for their efforts to prevent diversion to meth production;

Toughen Federal penalties against meth traffickers and smugglers;

Authorize the "Meth Hot Spots" program, as well as increase funding for drug courts, drug endangered children programs, and programs to assist pregnant women addicted to meth.

Each of these steps is vital to our success in the fight against meth, and I hope that the House will support them.

Mr. Speaker, this bill was a true compromise—both between the two parties, and between this House and the other body. Of all the many Members of Congress who worked on this legislation, no one got everything he or she wanted. But what we did get was an excellent bill that will re-energize our fight against methamphetamine. Every one of us, Republican or Democrat, urban or rural, has a stake in the outcome of that fight. We have to stop the meth epidemic from spreading, and we need to start rolling it back. I believe that this legislation will be an important step in that process, and I urge my colleagues to vote for its passage.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. I rise today in opposition to the PATRIOT Act reauthorization conference report. As a former Federal prosecutor and New Mexico's Attorney General, I am familiar with both the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. I am also a strong supporter of civil liberties and believe that our Constitution must be guarded against encroachment even in the name of security.

On October 24, 2001, a justified sense of urgency resulted in an unjustifiably rushed vote on the PATRIOT Act.

□ 1200

Many of us had little time to study the bill which became law. A bipartisan bill was junked by the majority's Rules Committee in the middle of the night. Since this legislation was enacted, over 385 cities, towns, and counties in 43 States passed resolutions concerning the PATRIOT Act. In New Mexico alone, 10 cities and four counties have adopted resolutions calling for reform. I have received thousands of letters from Americans worried about excessive government power without judicial oversight.

I had hoped during the conference committee Senate provisions granting more congressional oversight and constitutional protections would have been kept in this bill. The Senate version contained greater restrictions on the government's power and required higher standards for record demands.

However, the conference report is more of the same. It extends for 4 years two of the most controversial provisions of the bill, including the section granting law enforcement authorities unprecedented powers to search library and bookstore records without probable cause or the need for search warrants.

This bill also makes permanent 14 provisions of the PATRIOT Act that were set to expire this year. This bill has serious problems.

National security letters are out of control, with no meaningful oversight. It has been reported that 30,000 national security letters are issued every year. These letters allow the government to collect almost limitless sensitive, personal information without judicial approval. We should target this government power against terrorists, not against innocent Americans.

I will vote against this bill today, not because I oppose the PATRIOT Act in its entirety but because I believe that the needs of law enforcement can be met without eroding our liberties.

Mr. GINGREY. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Madam Speaker, the crippling reach of methamphetamine abuse has become the Nation's leading drug problem today, and this is according to a survey by 500 sheriffs departments in 45 States.

It is cheap to buy. It is easy to make. It is available everywhere. It is highly addictive. Oftentimes it is addictive after just one use. So it is currently replacing cocaine and heroin in many parts of the country. It leads to increased crime, child abuse, increases in the jail population. In many parts of the country, almost 40 to 50 percent of the jail population is due to methamphetamine abuse.

However, the main problem anymore is not the mom-and-pop meth lab out in the countryside. It is the superlabs. Right now 60 to 85 percent of the meth in the United States is coming from superlabs in Mexico, and this is really hard to trace. It is hard to get at.

The one thing that is needed to make methamphetamine is pseudoephedrine or ephedrine, and this is manufactured in only six or seven locations around the world: Czechoslovakia, Germany, China, southeast Asia and so on. This bill would make it more difficult for meth manufacturers to obtain the pseudoephedrine necessary for producing the drug in these superlabs.

H.R. 3199 includes language the House passed earlier as part of the Foreign Operations authorization bill. It identifies and publicizes the five countries which have the highest rate of diversion of pseudoephedrine to manufacturers of meth. We can get the invoices from these manufacturers. The Department of State could then use its existing authority to reduce or eliminate U.S. foreign aid to those countries which are most contributing to the meth problem. This is one thing that gets people's attention, when you take their foreign aid away, because they are producing meth that is being used in these superlabs.

It is a good bill. It gets to the source of the problem. I want to thank Chairman SENSENBRENNER and particularly Chairman SOUDER for their hard work on this bill, and I urge support of the underlying legislation.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

Listeners should realize that truth is not required in debate on the floor of the House. The chairman of the Rules Committee stood up here and said there has not been one complaint about the use of the PATRIOT Act, or the abuse. He should talk to Brandon Mayfield from Portland, Oregon, who was considered to be a perpetrator of the Madrid bombing and they used the PATRIOT Act to accumulate the nonevidence about him. The government has subsequently apologized, and he sued the government, but I guess that is not a complaint.

Maybe we are not hearing the complaints because librarians, bookstore owners, and business owners can themselves be prosecuted if they tell anybody that there was an unwarranted gathering of records about innocent Americans from them. So, yeah, I guess there is sort of a dearth of complaints.

Then there is the other gentleman. He said, well, we can change this later. We heard that when we passed the first PATRIOT Act, which no Member of the House of Representatives had read, at 10 o'clock in the morning with one copy available on each side of the aisle. We said it sunsets; you can change it later. Now is later. It is time to change it. Guess what? They say well, no, we can't change it now; we might change it later after we make it permanent now. Before it was temporary; we are going to change it later. Now, it is permanent, maybe we will change it later.

Come on. Let's be honest about this debate. You are jamming this through on behalf of the White House and the Attorney General. They want this. It is bad legislation. It threatens the civil liberties of Americans, and I believe it will impinge on our investigation and finding of terrorists.

These national security letters, 30,000 national security letters, gathering huge amounts of data about the lives of innocent Americans. In the past, that would have to be discarded. Now they say, well, we're going to keep it; but don't worry, all the information we're going to accumulate about people, innocent Americans, is going to go into a databank; but it will only be available to the Federal Government, State government, local governments, tribal governments and appropriate private entities. I guess there is one person in America who might not be able to tap into this databank.

This is going to create such a huge haystack of irrelevant information about the lives of innocent Americans that the FBI, who had one terrorist in hand, Musawi, and had an agent in Arizona pointing at the plot, could not even see their hand in front of their face. Now we are going to create a huge mountain of irrelevant data about innocent people and this is somehow going to improve how they perform in finding terrorists in America? I don't think so.

Then the most cynical thing about this bill is to take a meritorious bill

that deals with methamphetamine precursors and trafficking, that passed separately in this House of Representatives, which I supported, and they are going to include it as part of this legislation in a cynical ploy to somehow basically force, bully, or trick people into supporting the underlying legislation with its unwarranted attack on the Bill of Rights, the Constitution of America, the foundation of our government, the gathering secretly of information about innocent Americans, and the permanent retention of that information for no good purpose.

This is bad legislation. The time has come to change it. It should be defeated, and we should change it now.

Mr. GINGREY. Madam Speaker, I reserve the balance of my time for the purpose of closing.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Madam Speaker, I thank the gentleman from the great city of Worcester, Massachusetts, for yielding.

Madam Speaker, I rise in opposition to the conference report on H.R. 3199, the so-called USA PATRIOT Act, because we have not taken meaningful steps to eliminate or correct the most egregious sections of this act.

In particular, it is disappointing that the conference agreement does not include a meaningful judicial review mechanism for FISA wiretaps, under the Foreign Intelligence Surveillance Act, as applied against U.S. citizens.

Given that the power that today's surveillance technology gives to government and given the broad powers that we have given to intelligence agencies under this act, the absence of post-execution judicial review in today's conference report constitutes one of its most critical shortcomings.

Madam Speaker, in order to ensure that the powers granted by the PATRIOT Act are not susceptible to abuse, our government must always operate with meaningful oversight, checks and balances.

After all, it is the maximum transparency and active judicial review which is our ultimate weapon in combating both governmental abuse and overreaching by governments to restrict the individual freedoms of our citizens.

For these reasons, I ask my colleagues to oppose the this version of the PATRIOT Act reauthorization.

Mr. MCGOVERN. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MCGOVERN) has 2½ minutes remaining. The gentleman from Georgia (Mr. GINGREY) has 2¼ minutes remaining.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute 20 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, I want to thank the gentleman for yielding and for his leadership.

Madam Speaker, I rise in total opposition to this rule and to the reauthorization of this unpatriotic act. We should be repealing these undemocratic provisions, not expanding government's reach into the private lives of the American people.

Since 2001, the PATRIOT Act has been used more than 150 times to secretly search private homes, and nearly 90 percent of those cases had nothing to do with terrorism.

Americans have rejected provisions in this legislation like sneak-and-peek searches, national security letters, and roving John Doe wiretaps.

Under this renewal, we will see more of the same. Private residences, libraries, businesses, medical records, not even your DNA, are safe from the PATRIOT Act.

I now understand why many have called this bill yet another Big Brother attack.

Requiring an A on the 9/11 Commission recommendations instead of Ds and Fs is how we protect the American people from terrorist attacks, not taking away our civil liberties, which this unpatriotic bill does.

Preserving medical privacy, the right to read and congressional oversight should not be partisan issues, Madam Speaker. Our constituents deserve better. I hope that we all vote ''no'' on this rule and vote ''no'' on this very unpatriotic PATRIOT Act as they call it.

Mr. GINGREY. Madam Speaker, I yield to myself 15 seconds and want to remind the gentlewoman from California that under this reauthorization, the USA PATRIOT Act, we are not utilizing powers that were not already granted to the Federal Government in regard to crime prevention and drug lords and organized crime. We are just applying it now to terrorists.

Madam Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, may I inquire of the gentleman from Georgia how many more speakers he has?

Mr. GINGREY. I have no more speakers.

Mr. MCGOVERN. Madam Speaker, I will close for our side.

Madam Speaker, this bill overreaches. It paves the way for abuse and is a potential threat to innocent, law-abiding citizens. We are not a police state, and what makes us different from so many others is our freedom and our respect for basic civil liberties and our respect for privacy.

I understand the urge of some to embrace this legislation; but let me remind you that every time you chip away at our civil liberties, you give the terrorists a victory. You take away something that is essential to who we are as Americans.

Let us adjust and enhance our laws accordingly, to give law enforcement officials what they need; but let us not give them more than what they need.

This bill puts us on a dangerous path. There are over 150 provisions in this bill that are noncontroversial, that everybody agrees on, that will help track down terrorists and criminals; but there are a few provisions that so cross the line that they threaten our privacy and our civil liberties and do not make us safer.

We can defend our country; we can protect our people without trashing the Constitution.

With that, Madam Speaker, I urge my colleagues to vote ''no'' on this bill.

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

Mr. GINGREY. Madam Speaker, I will close this debate by again thanking Chairmen SENSENBRENNER and KING for their work on this important conference report.

This bill is a testament to our open legislative process. Conservatives, liberals, moderates, Democrats, Republicans, Independents, the ACLU, the Department of Justice and various other organizations have all had the opportunity to voice their thoughts and concerns on the underlying bill.

I believe, Madam Speaker, the final product is solid and legal, does not violate our constitutional rights guaranteed by the fourth amendment, and will serve as an important framework to fight terrorism, protect civil liberties and thereby further strengthen America.

Again, I want to encourage all of my colleagues on both sides of the aisle to support both the rule and the underlying bill.

Madam Speaker, 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.

□ 1215

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 595, I call up the conference report on the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to rule XXII, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 8, 2005, at page H11279.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report to accompany H.R. 3199 currently under consideration.

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

There was no objection.

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

Madam Speaker, my staff has prepared for me an opening statement on this bill, and I am going to put the opening statement in the RECORD and not read it, because after listening to the debate on the rule that was just concluded, the amount of misinformation and misleading information that has been placed in the CONGRESSIONAL RECORD relating to the USA PATRIOT Act is just absolutely astounding.

First of all, let me say that when the original PATRIOT Act was enacted in October of 2001, there were expanded powers that were given to law enforcement in 16 sections, and I was the person that insisted upon a 4-year sunset being placed on each and every one of the powers of law enforcement that were expanded. I was successful in that effort, and we have had this sunset, during which time the Judiciary Committee has conducted vigorous oversight.

I have heard allegations that have been made on the other side of the aisle that there has been no oversight by the Judiciary Committee and that we were lacking and that we were negligent in doing the oversight. Madam Speaker, this is the written record of the oversight that has taken place over the last 4 years. I would submit that there has been no other provision of current law that has been subjected to as extensive oversight as the Judiciary Committee has done on a bipartisan basis on the USA PATRIOT Act.

How have we done this oversight? We have done this oversight through letters to the Department of Justice, usually cosigned by the gentleman from Michigan (Mr. CONYERS) and myself. And when the Department of Justice has been nonresponsive, we have been like the crabby professors asking them to do it again and again until they get it right and to disclose the information that Congress is entitled to.

The Judiciary Committee has done oversight through hearings beginning in 2003. Those records are open to the public. The Judiciary Committee and its Subcommittee on Crime, Terrorism and Homeland Security has done oversight through briefings. Those briefings have been open to Members of both parties.

And when we came up to the reauthorization process, I would remind you, Madam Speaker, and the Members of the House of Representatives, that I strongly opposed a premature striking of the sunset or extending the sunset in the last Congress. And I said that, when the time came to do the reauthorization, the Judiciary Committee would deal with the reauthorization on a section-by-section basis. We did that. I fulfilled that promise. There were 12 hearings, and I am going to insert into the RECORD the chronology of those hearings and who testified at those hearings, many of whom were witnesses that the minority asked to have testify and who did.

Now, what came out of this? It came out of the testimony, including participation by minority witnesses, that 14 of the 16 sunsetted sections were noncontroversial, and as a result, both the committee and this House and the other body made those sections permanent because there was no need for a sunsetted review. A few minutes ago, we heard allegations that this was irresponsible. The record shows that this was the responsible thing to do.

The two sections that were passed in 2001 that were not made permanent related to section 215, the business records or so-called library provisions, and the so-called multipoint wiretaps or roving wiretaps in section 206. In both section 215 and in section 206, we have put in this conference report additional restrictions that protect civil liberties. They have been subjected to a 4-year sunset, as requested by the Senate, rather than the 10-year sunset in the House-passed bill. And if anybody is interested in going into detail as to what those additional protections consist of, I will be happy to do that at a later time.

The other provision that is sunsetted in this bill was not put in the original USA PATRIOT Act, it was put in the intelligence bill that was enacted about a year ago. That involved expanding law enforcement powers in the so-called lone wolf terrorist. That is also subjected to a 4-year sunset so we can see what happens in terms of how the Justice Department and law enforcement deals with the issues.

Now, what did all of this oversight disclose? First of all, it disclosed that none of the 16 provisions where law enforcement powers were expanded has been declared unconstitutional by any Federal Court whatsoever. There was a finding of unconstitutionality relative to the National Security Letters provision of law. But the National Security Letters provision of law was not passed in the PATRIOT Act. It was passed in 1986, 15 years before September 11, in a bill that was written by a member of the other body who has been very critical of this conference report.

We are concerned about National Security Letters. And this conference report, even though the National Security Letters provisions were not contained in the PATRIOT Act, put restrictions on National Security Letters so that there would be increased disclosure and a potential judicial review process.

Now, we have heard an awful lot about delayed notification warrants, and we heard more complaints about them from people who are criticizing this conference report. I want to make it perfectly clear that all the PATRIOT Act did was to give law enforcement the authority to use a delayed notification warrant for terrorist purposes that law enforcement had had for drug trafficking and organized crime and racketeering. And in the case of the last two matters, the organized crime and racketeering and drug trafficking, the United States Supreme Court has upheld delayed notification warrants as constitutional and not in violation of the fourth amendment.

This conference report provides additional civil liberties protection in the area of the business records section, in the area of the delayed notification warrants section, in the area of the roving wiretap section, and in the area of National Security Letters. If it is voted down, all of these protections for civil liberties will go down with this conference report, and we will be back to the existing PATRIOT Act under the proposal that has been advocated by my distinguished ranking member from Michigan (Mr. CONYERS) and members on the other side of the Capitol building.

The PATRIOT Act has been a vital tool in the interception and prevention of terrorist activities, and if it is allowed to expire, the first consequence will be that the wall that prevented the CIA and the FBI from exchanging intelligence information prior to 9/11 will go back up. And if there is one thing the 9/11 Commission said repeatedly, it is that the stovepiping of intelligence information between various agencies of the Federal Government prevented our government from being able to try to connect the dots to see what the terrorists were doing before 3,000 people were killed on September 11, 2001.

The consequence of letting the PATRIOT Act expire will be a boon to terrorists because they will be able to exploit all of the vulnerabilities in our legal system that allowed them to pull 9/11 off. And as a result, I do not think that that is the responsible thing to do.

The Congress, and this House in particular, have three choices: One is to let the act expire, and back goes the wall, and we cannot use delayed notification warrants to figure out what the terrorists are doing, but we can for drug pushers and Mafia dons. We cannot try to get business records of terrorists doing business, whether it is at libraries or elsewhere. And those warrants, by the way, have to be issued by the courts, so there is judicial review before they are issued.

The second thing is to extend the existing law, whether it is for 3 months, as Mr. CONYERS has proposed, or for a longer period of time, which means that all of the civil liberties protections that I have just described will not be in the law, and they will all be lost. And I think that would be a shame.

Or we can pass the conference report. That is what we should do.

Now, since the beginning of this country's history, we have given law enforcement and prosecutors a lot of discretion. And anybody who has a lot of discretion, whether it is the Attorney General of the United States or the cop on the beat, has the potential of abusing the discretion. There has not

been an abuse of discretion in the PATRIOT Act. The Inspector General's reports to Congress on abuses of the PATRIOT Act that are required by the original law have said that there are none.

Yes, there is the potential for abuse, and that is what oversight and the civil liberties protections that are contained in the original law and improved in this conference report is all about.

The PATRIOT Act keeps us safer. It does not make us perfectly safe; it keeps us safer. The record here shows that civil liberties have not been trampled upon. The responsible alternative for the Congress to do is to pass this conference report. We should do so promptly.

Madam Speaker, I rise in strong support of the conference report accompanying H.R. 3199, the "USA PATRIOT Improvement and Reauthorization Act of 2005."

In the wake of the attacks of September 11, 2001, congressional and independent investigations showed that terrorists exploited historic divisions between the law enforcement and intelligence communities that prevented authorities from "connecting the dots" in time to avert the attacks. To address this vulnerability, broad bipartisan majorities in both Houses passed the PATRIOT Act to enhance investigatory tools necessary to detect and prevent terrorist attacks. Since its enactment, U.S. law enforcement and intelligence authorities have utilized these tools to gain critical knowledge of the intentions of foreign-based terrorists while preempting terrorist threats on our own soil. The PATRIOT Act has made America safer, but the threat has not receded. Without congressional passage of this conference report, key provisions of the PATRIOT Act will no longer be available to our law enforcement on January 1, 2006—two weeks away.

It is crucial to note at the outset that H.R. 3199, which passed the House by a vote of 257–171, and the amendment to this legislation unanimously approved by the other body, underscore bipartisan and bicameral support for core provisions of the PATRIOT Act. There was broad agreement to make fourteen of the sixteen expiring provisions permanent, and the conference report does so. After exhaustive and comprehensive negotiations in which all conferees were provided an opportunity to extensively participate, the conference report sunsets these two provisions in four years.

The conference report also contains vital provisions to reduce America's vulnerability to terrorist attack. The PATRIOT Act breached the "wall of separation" between law enforcement and the intelligence community; the conference report we consider today ensures that it will not be rebuilt.

The PATRIOT Act strengthened the penalties for attacks against mass transportation systems and our Nation's airports; the conference report enhances these penalties to reflect the urgent threat that the London and Madrid attacks have underlined. The PATRIOT Act helped reduce terrorist funding sources, requiring terrorists to establish and rely upon criminal schemes to finance their murderous ambitions; the conference report adapts to this threat by enhancing penalties against narco-terrorism and other terrorist criminal enterprises.

The conference report also addresses the clear danger to America's communities posed by methamphetamine. It restricts Internet and mobile vendor sales of the precursors necessary to produce methamphetamine, enhances criminal penalties for its sale and manufacture, targets large meth kingpins, and enhances tools necessary to stop meth trafficking across the southwest border. Passing these anti-methamphetamine provisions is vital, and I congratulate the gentleman from Indiana, Mr. SOUDER, for his leadership on this issue.

Now let me talk about the process that has led to this point. When the House Judiciary Committee unanimously reported the PATRIOT Act in October of 2001, I pledged to rigorously examine its implementation to ensure that new law enforcement authorities did not transgress civil liberties. H.R. 3199, which passed the House by a wide margin on July 21, 2005, reflected bipartisan congressional consideration consisting of legislative and oversight hearings, Inspector General reports, briefings, and Committee correspondence.

This extensive record, a chronology of which I ask unanimous consent to submit for the record, has demonstrated that the PATRIOT Act is an effective tool against terrorists and other criminals. Of no less importance, the record shows that there is absolutely no evidence that the Act has been used to violate civil liberties. However, to curtail the potential of government overreach, the conference report contains important amendments and revisions. Specifically, the conference report contains additional judicial and congressional oversight of the use of multipoint wiretapping authority contained in section 206 of the PATRIOT Act.

The conference report also clarifies and refines the use of delayed notice search warrants in section 213 of the legislation. It ensures that information likely to be obtained through section 215 of the PATRIOT Act are subject to a judicial review process that authorizes the judge to set aside or affirm a 215 order that has been challenged.

The conference report establishes additional requirements on the utilization of National Security Letters, including congressional disclosure of the frequency of their use, and enhances congressional oversight of electronic and other types of surveillance. Many of these changes were requested by minority conferees, and the absence of any of their signatures on this vital conference report is disappointing.

I also regret to note that in many ways, the bipartisanship that characterized passage of the PATRIOT Act in 2001 has yielded to the desire of some to engage in political hyperbole and partisan brinksmanship. Some have attempted to create the impression that the PATRIOT Act poses a greater threat to the American people than that presented by terrorism. These claims are not only false, the record clearly demonstrates that they are groundless and irresponsible.

Madam Speaker, the security of the American people is a fundamental responsibility of Congress and an obligation that each of us swears an obligation to uphold. I urge my House colleagues to support passage of this critical antiterrorism initiative and encourage the other body to send the conference report to the President for his signature before vital antiterrorism provisions contained in the PATRIOT Act expire at year's end.

I wish to recognize the important contributions of the following staff who spent much of the last several months working on this historic legislation. From the House Committee on the Judiciary: Philip Kiko; Sean McLaughlin; Beth Sokul; Mindy Barry; Mike Volkov; and Robert Tracci. From the Senate Judiciary Committee: Mike O'Neill, Brett Tolman; Nick Rossi, Joe Matal, and Cindy Hayden. From the House Intelligence Committee, Chris Donessa—from the Senate Intelligence Committee, Brandon Milhorn. From the Department of Justice, William Moschella, Elisabeth Cook, Jim Baker, Matthew Berry, and David Blake.

Madam Speaker, I provide for the RECORD the following document, which is a detailed listing of oversight hearings held on the USA PATRIOT Act:

OVERSIGHT OF THE USA PATRIOT ACT FROM OCTOBER, 2001, TO NOVEMBER, 2005

(1) November 9, 2005, Department of Justice classified briefing for Committee on the Judiciary staff on press accounts of FBI use of NSLs;

(2) October 25, 2005, Department of Justice classified briefing for House & Senate Committees on the Judiciary and Committees on Intelligence staff on press accounts of FBI use of NSLs;

(3) October 6, 2005, Department of Justice classified briefing for Committee on the Judiciary Members and staff on press accounts of mistakes in FBI applications to the Foreign Intelligence Surveillance Court under the USA PATRIOT Act;

(4) July 12, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary responding to July 1, 2005, letter regarding use of the USA PATRIOT Act;

(5) July 12, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary responding to May 19, 2005, letter regarding use of the USA PATRIOT Act;

(6) July 11, 2005, letter from Assistant Attorney General William Moschella to Rep. Bobby Scott responding to questions regarding use of the USA PATRIOT Act;

(7) July 11, 2005, letter from Assistant Attorney General William Moschella to the House Committee on the Judiciary regarding use of the USA PATRIOT Act;

(8) July 5, 2005, letter from FBI Director Meuller to Senate Committee on the Judiciary responding to questions regarding use of the USA PATRIOT Act;

(9) July 1, 2005, letter from Assistant Attorney General William Moschella to Rep. Bobby Scott responding to questions regarding use of the USA PATRIOT Act;

(10) July 1, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(11) June 29, 2005, letter from Assistant Attorney General William Moschella to the Senate Committee on the Judiciary responding to April 5, 2005, letter regarding use of the USA PATRIOT Act;

(12) June 10, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act;

(13) June 8, 2005, House Committee on the Judiciary hearing on reauthorization of the USA PATRIOT Act;

(14) May 26, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Material Witness Provisions of the Criminal Code & the Implementation of the USA PATRIOT Act; Section 505 that Addresses National Security Letters; & Section 804 that Addresses Jurisdiction over Crimes Committed at U.S. Facilities Abroad;

(15) May 19, 2005, letter from House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(16) May 10, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on the prohibition of Material Support to Terrorists & Foreign Terrorist Organizations & on the DOJ Inspector General's Reports on Civil Liberty Violations under the USA PATRIOT Act;

(17) May 10, 2005, Senate Committee on the Judiciary hearing on continued oversight of the USA PATRIOT Act;

(18) May 5, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Section 212 of the USA PATRIOT Act that Allows Emergency Disclosure of Electronic Communications to Protect Life and Limb;

(19) May 3, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Sections 201, 202, 213, & 223 of the USA PATRIOT Act & Their Effect on Law Enforcement Surveillance;

(20) April 28, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Section 218 of the USA PATRIOT Act—If It Expires Will the ''Wall'' Return?;

(21) April 28, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Have Sections 206 and 215 Improved Foreign Intelligence Surveillance Act (FISA) Investigations?;

(22) April 26, 2005, letter from Assistant Attorney General William Moschella to Senator Dianne Feinstein responding to April 14, 2005, letter regarding use of the USA PATRIOT Act;

(23) April 26, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing: Have Sections 204, 207, 214, & 225 of the USA PATRIOT Act, & Sections 6001 & 6002 of the Intelligence Reform & Terrorism Prevention Act of 2004, improved FISA Investigations?;

(24) April 21, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Crime, Terrorism, & the Age of Technology—(Section 209: Seizure of Voice-Mail Messages Pursuant to Warrants; Section 217: Interception of Computer Trespasser Communications; & Section 220: Nationwide Service of Search Warrants for Electronic Evidence);

(25) April 20, 2005, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing: A Review of the Material Support to Terrorism Prohibition;

(26) April 19, 2005, House Subcommittee on Crime, Terrorism, & Homeland Security hearing on Sections 203(b) and (d) of the USA PATRIOT Act and their Effect on Information Sharing;

(27) April 6, 2005, House Committee on the Judiciary hearing with Attorney General Gonzales;

(28) April 5, 2005, Senate Committee on the Judiciary hearing on Oversight of the USA PATRIOT Act;

(29) March 22, 2005, Department of Justice law enforcement sensitive briefing for Committee on the Judiciary Members and staff on the use of FISA under the USA PATRIOT Act;

(30) September 22, 2004, Senate Committee on the Judiciary hearing: A Review of Counter-Terrorism Legislation & Proposals, Including the USA PATRIOT Act & the SAFE Act May 5, 2004, Senate Committee on the Judiciary hearing: Aiding Terrorists—a Review of the Material Support Statute;

(31) May 20, 2004, Senate Committee on the Judiciary hearing on FBI Oversight: Terrorism;

(32) April 14, 2004, Senate Committee on the Judiciary hearing on Preventing & Responding to Acts of Terrorism: A Review of Current Law;

(33) February 3, 2004, Department of Justice briefing for House Committee on the Judiciary staff on its views of S. 1709, the ''Security and Freedom Ensured (SAFE) Act of 2003,'' and H.R. 3352, the House companion bill, as both bills proposed changes to the USA PATRIOT Act;

(34) November 20, 2003, request by Chairmen Sensenbrenner & Hostettler to GAO requesting a study of the implementation of the USA PATRIOT Act anti-money laundering provisions. Report was released on June 6, 2005;

(35) October 29, 2003, Department of Justice classified briefing for Committee on the Judiciary Members & staff on the use of FISA under the USA PATRIOT Act;

(36) September 10, 2003, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing on Terrorism: Two Years After 9/11, Connecting the Dots;

(37) August 7, 2003, Department of Justice briefing for House Committee on the Judiciary Members and staff regarding the long-standing authority for law enforcement to conduct delayed searches & collect business records & the effect of the USA PATRIOT Act on those authorities;

(38) July 23, 2003, Senate Committee on the Judiciary hearing on Law Enforcement & Terrorism;

(39) June 13, 2003, letter from Assistant Secretary for Legislative Affairs at the Department of Homeland Security, Pamela J. Turner, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(40) June 10, 2003, Department of Justice classified briefing for Committee on the Judiciary Members & staff on the use of FISA under the USA PATRIOT Act;

(41) June 5, 2003, House Committee on the Judiciary hearing on the U.S. Department of Justice, including its use of the provisions authorized by the USA PATRIOT Act;

(42) May 20, 2003, House Subcommittee on the Constitution hearing: Anti-Terrorism Investigations and the Fourth Amendment After September 11th: Where and When Can Government Go to Prevent Terrorist Attacks;

(43) May 13, 2003, letter from Acting Assistant Attorney General, Jamie Brown to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(44) April 1, 2003, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(45) October 9, 2002, Senate Subcommittee on Terrorism, Technology, & Homeland Security hearing: Tools Against Terror: How the Administration is Implementing New Laws in the Fight to Protect our Homeland;

(46) September 20, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(47) September 10, 2002, Senate Committee on the Judiciary hearing on the USA PATRIOT Act in Practice: Shedding Light on the FISA Process;

(48) August 26, 2002, letter from Assistant Attorney General, Daniel Bryant, to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(49) July 26, 2002, letter from Assistant Attorney General, Daniel Bryant to the House Committee on the Judiciary responding to questions regarding the USA PATRIOT Act;

(50) July 25, 2002, Senate Committee on the Judiciary hearing on the Department of Justice, including its implementation of the authorities granted by the USA PATRIOT Act;

(51) June 13, 2002, letter from the House Committee on the Judiciary to the Attorney General regarding use of the USA PATRIOT Act;

(52) April 17, 2002, Senate Subcommittee on Administrative Oversight and the Courts hearing: ''Should the Office of Homeland Security Have More Power? A Case Study in Information Sharing;''

(53) December 6, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

(54) December 4, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism;

(55) November 28, 2001, Senate Committee on the Judiciary hearing on DOJ Oversight: Preserving our Freedoms While Defending Against Terrorism; and

(56) October 3, 2001, Senate Subcommittee on the Constitution, Civil Rights, & Property Rights hearing: Protecting Constitutional Freedoms in the Face of Terrorism.

Madam Speaker, I reserve the balance of my time.

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

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Madam Speaker, if only what my good friend, the chairman, said was accurate, we would not be here to ask that this measure be turned down and that we pass a 3-month extension, as I have proposed and is in legislative form, so that the PATRIOT Act and intelligence reform would not be stymied.

It is like coming to a meeting and we have forgotten all the things that most of the Members on my side of the aisle on the Judiciary Committee agreed with is wrong with the PATRIOT Act, but that we have ignored the fact that many other organizations are not for the PATRIOT Act.

Now, what safeguards are being preserved is very interesting for me because the opponents of the PATRIOT Act, including seven States that have passed resolutions opposing parts of the PATRIOT Act and a number of communities that have done so, represent over 62 million Americans.

□ 1230

Additionally, numerous groups ranging across all parts of the political spectrum have come forward to oppose sections of the PATRIOT Act and demand that the Congress conduct more oversight, including the American Civil Liberties Union, the American Conservative Union, the American Immigration Lawyers Association, the American Library Association, the Center For Constitutional Rights, the Center For Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, the Lawyers Committee For Civil Rights, the National Association for the Advancement of Colored People, the Criminal Defense Lawyers, People for the American Way, and numerous other groups concerned about immigrants' rights.

And what about the more than six death penalty additions that have been

put into this build with very, very few hearings. Is that something that somebody can hold forward as protecting the rights and improving the PATRIOT Act? I do not think so.

And even worse has been the abuse of unilateral powers by the administration where since September 11 our government has detained and abused physically thousands of immigrants without time limits for unknown and unspecified reasons and targeted tens of thousands of Arab Americans for intensive interrogations. All this serves to accomplish, of course, is to alienate many of those Muslim and Arab Americans that would be working with us.

So, Madam Speaker, there are two pictures of what happened in the Committee on the Judiciary. One is that the bill was made clearly worse, and we have some 92 pages of dissent about the bill itself, and much of it is still of course valid in terms of the conference report that we are examining today.

I urge Members, we have been tricked once, the first time when the bill was substituted, and now we are about to be fooled again if Members do not read our dissents and the reservations that we have about the PATRIOT Act. It can be made better, and we would propose that that is exactly what happen today.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the distinguish chairman of the Intelligence Committee.

Mr. HOEKSTRA. Madam Speaker, I rise in strong support of the conference report. Today, our country is at war. We are at war against a global enemy, the global enemy of terrorism. Beginning long before the 9/11 attacks, our citizens have faced potential threats to our safety and security at home within the United States for the first time since Pearl Harbor. We are reminded on a daily basis around the world that those threats are real, serious, and continuing.

As chairman of the Intelligence Committee, I want to take this opportunity to remind my colleagues that the central purpose of this bill is to provide enhanced intelligence authorities to combat spies and terrorists within the United States. We have many national intelligence capabilities, but the authorities that are enhanced by the PATRIOT Act are among the most crucial because they protect the American people from terrorist threats here at home. They are a crucial part of our efforts to build a strong domestic national security capability within the FBI. I want to thank Chairman SENSENBRENNER for his leadership in this conference and on this important legislation.

The conference report under consideration today will make 14 of 16 provisions of the PATRIOT Act permanent while also including sensible clarifications and improvements in many areas where there should be broad, bipartisan agreement.

By the Justice Department's count, the bill adds 30 new safeguards to protect privacy and civil liberties. These include a clearer standard for obtaining certain business records, clarification that that authority may be subject to judicial review, and much more specific standards with respect to the use of national security letters and roving wire taps.

In addition, the Congress will continue its close and continued oversight with the Intelligence Committee paying particular attention to the specific manner in which these authorities are used.

Madam Speaker, this bill needs to be approved. I encourage my colleagues to support this conference report and work to keep America safe.

Mr. CONYERS. Madam Speaker, I am delighted to yield 5 minutes to the gentleman from New York (Mr. NADLER), a subcommittee ranking member.

Mr. NADLER. Madam Speaker, we are engaged in a serious war with terrorism. Unfortunately, we are going after the wrong targets. We are not protecting ourselves, but we are endangering our liberties.

We are not doing anything or anything adequate about collecting the loose nuclear materials all over the former Soviet Union before they are smuggled to al Qaeda to make atomic bombs to attack us with. That costs money.

We are searching 2 percent of the 6 million shipping containers that come into our country's ports every year, any one of which may contain a weapon of mass destruction; but to search them would cost money.

We are not doing much about what the 9/11 Commission said was one of the most important things we should do, providing for intercommunicability between the first responders so police can talk to the fire and military. We are not doing that.

What are we doing? We are violating the civil liberties of our people and making them think that we are protecting ourselves.

Madam Speaker, this country has a great heritage of liberty. It also has an unfortunate history of violating that liberty whenever we get into a war, from the Alien and Sedition Act of 1798 to the Espionage Act of 1971, the Palmer Raids of 1919, the Japanese American Internment Act of World War II, the FBI's egregious COINTELPRO program against opponents of the Vietnam War. And now in this war, this administration has resorted to torture, to indefinite detention without trial, to evasions of the great writ of habeas corpus, to going back in some respects to before Magna Carta.

What does this bill do? This bill continues in that tradition. It does some okay things. It continues breaking down the so-called wall between intelligence and police work. That makes sense. But it also invades our liberties in ways that are very unnecessary. Let me focus on two of them.

Section 215, the so-called libraries provision, allows the government to get orders from a FISA court to search any records of any business of a library regarding a third party who never knows about the search. It does not require a showing of a particularized suspicion of the target as the fourth amendment would seem to require. It simply says that the government has to come up with a statement of fact showing there are reasonable grounds to believe the tangible things sought are relevant to an authorized investigation. Well, that is hardly restrictive at all. Relevant, almost anything can be relevant.

Moreover, it says that the government's statements that the information sought is necessary to protect against international terrorism or clandestine intelligence activities are presumptively relevant if the person they pertain to may be an individual in contact with a subject or agent of a foreign power. Presumptively relevant, that means they do not have to prove it. They do not have to show probable cause. This destroys the fourth amendment requirement for search and seizures.

Then you have the gag order. They cannot tell anybody about it. The Internet service provider or the library that is giving up all the information about what you read or who you talk to cannot tell you. You cannot move in court to quash it.

Section 505, national security letters which have been held unconstitutional by two courts so far do not even require a FISA court. It is an administrative proceeding. It is not even a proceeding; the FBI simply says they want it, and they can get it. This is like the writ of assistance the British granted in 1761 which this is very similar to. That started the American Revolution. But after the FBI gets the information, you can protest the gag order. You can say I want to be able to tell somebody about it, but you can only say that if you can show that revealing that information is not harmful to the national security or diplomatic relations, but the government's statement that it is conclusive, so the court is a cipher. The court cannot make any judgments. There is no evidence. The government's statement is conclusive.

This does not protect liberty; this destroys liberty. We ought to have real protections for our liberty. We ought to have put some procedural safeguards on these powers such as our entire tradition demands. To pass this bill with no sunset of section 505, with no procedural safeguards on these very intrusive provisions is to disregard our entire history of ordered liberty. I very much urge defeat of this bill so we can do it properly after further consideration.

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

Madam Speaker, the issue of national security letters was not in the PATRIOT Act that was enacted in 2001. They were enacted in 1986 in a bill that was written over in the other body.

This conference report puts procedural safeguards into national security letters even though they are not a part of the PATRIOT Act that was passed in 2001. It makes changes to all NSL provisions, not just electronic communications as the Senate wanted. It permits disclosure of NSLs to legal counsel and those necessary to comply with the letter. That is not in the law now.

It creates explicit access to judicial review of the government's request for records. It permits the reviewing court to modify or set aside the NSL if compliance would be unreasonable, oppressive or otherwise unlawful, the same standard for quashing a subpoena.

It permits judicial review of the nondisclosure requirement. It creates a 5-year felony criminal penalty for unauthorized disclosures of NSLs with intent to obstruct an investigation or judicial proceeding, just like the obstruction of justice statute. The 1-year misdemeanor for disclosure without intent to obstruct, that is not in the conference reports. That is out.

It requires the DOJ Inspector General to conduct two audits of the FBI's use of national security letters. One audit covers 2003 and 2004, the other 2005 and 2006. It requires the Attorney General and the director of national intelligence to submit to Congress a report on the feasibility of applying minimization procedures to NSL to ensure the protection of constitutional rights of United States persons, and it requires an annual public reporting on national security letters, including the aggregate number of requests made by the Justice Department for information concerning different U.S. persons.

Now, national security letters are not subject to the sunset. They are in the earlier law. If the argument that has been advanced by the gentleman from New York succeeds, all of the protections I have just described go down the drain with the rest of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself 10 seconds.

May I bring to the attention of the chairman of the Judiciary Committee that section 505 of the PATRIOT Act expanded the use of national security letters, so to say they are not in the bill would not be accurate.

Madam Speaker, I yield 1¾ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I rise in opposition to this conference report.

The PATRIOT Act provided new authorities, but it also modified longstanding laws. One such change was the lowering of the standard for issuing government requests for financial, telecommunications credit, and other business records.

□ 1245

These requests commonly referred to as National Security Letters or NSLs are issued directly by the government agencies in national security investigations without the approval of a judge. Before the PATRIOT Act, the FBI and other issuing agencies had to show there was some nexus to an agent of a foreign power or terrorist. Post-PATRIOT Act, the government only has to show the request is relevant to an investigation. The lowering of this standard has resulted in an all time high in the number of NSLs issued.

A recent Washington Post article alleged that over 30,000 National Security Letters have been issued by the FBI to businesses and private institutions across the Nation. Even more disturbing, the article alleged that records collected pursuant to NSLs are retained for an indefinite period of time, even when they are not of interest to investigators, and shared with other Federal agencies and the private sector.

As a citizen, I am deeply disturbed by these allegations. As a Member of Congress, I am disappointed that we have missed a critical opportunity to get the NSL standard right. We have also missed the opportunity to ensure that NSL recipients have an opportunity to seek meaningful judicial review of the nondisclosure or gag requirements that accompany NSLs and further tailor the statutory framework to ensure that privacy and civil liberties are better protected.

I will vote against the conference report. I think the precious balance of civil liberties and security are damaged here.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), the distinguished chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Madam Speaker, today I rise in support of this conference report. And as a conferee, I want to specially thank Chairman SENSENBRENNER for his leadership in negotiating the final details of this very important legislation.

Our Nation continues to be threatened by radical terrorists, and it is critical that we take every step possible to prevent future attacks. Over the past 4 years, the PATRIOT Act has proven to be an effective tool in helping to accomplish this goal. But significant threats continue to exist, endangering the lives of U.S. citizens. With this in mind, it is imperative that detecting and disrupting terrorist activity before it occurs remain a top priority.

It is also critical, however, that we maintain our commitment to protecting American civil liberties. When the House first considered the original PATRIOT Act, I was one of several on the Judiciary Committee who sought to include sunset provisions that would require Congress to reauthorize the legislation after conducting vigorous oversight.

Well, the House Judiciary Committee has extensively reviewed the PATRIOT Act and its implementation. And over a 4-month period, it received testimony from 35 witnesses during 12 hearings on the PATRIOT Act. Furthermore, the committee conducted a nearly 12-hour markup of this legislation, including consideration of 43 amendments.

As chairman of the Subcommittee on the Constitution, we have held PATRIOT Act oversight hearings in my subcommittee, and we remain committed to monitoring the implementation of this legislation through aggressive oversight. I am pleased that another 4-year sunset of the more controversial provisions and several additional safeguards to further protect civil liberties were included in the conference report, and I thank Chairman SENSENBRENNER for that.

The sunset provisions proved to be successful the first time around, and their renewal, coupled with new protections, helped strengthen our defenses against terrorism while demonstrating a strong commitment to civil liberties.

The goal of our enemies is to destroy America and its allies. We must remain steadfast in our resolve to eradicate the plague of terrorism. This act does that.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the gentleman from Michigan for all of his good work and for yielding me the time now.

I rise in opposition to the PATRIOT Act conference report. These provisions and many others have a deep impact on the freedoms and civil liberties of all Americans. Now, some will say we need these provisions to track down terrorists and build cases against them. But what is often unsaid is that these provisions will also be used against people who have committed no crime and who are completely innocent. It is because of that that the PATRIOT Act must be seen as something that affects all of us. Searching business records can sweep up people, most of whom are innocent. A small number of unnecessary intrusions can have a broadly chilling effect.

Proponents of the PATRIOT bill before us will say that it is directed against terrorists, not law-abiding citizens. But they should try to tell that to Brandon Mayfield of Portland, Oregon.

Mr. Mayfield, an attorney, was detained by investigators last year as a material witness under authority granted through the PATRIOT Act. They alleged that his fingerprints were found on a bag linked to the terrorist bombings in Madrid, Spain. More so-called evidence was collected when his residence was searched without his knowledge under Section 213. However, the investigators were wrong. The FBI has issued an apology for his wrongful detention. But this is small conciliation for a lawyer and Muslim American

whose reputation was tarnished by the investigation.

Of course, some mistakes will occur. But this bill strikes the wrong balance and makes those errors more likely. It also allows the fact, the very fact of such a search to remain undisclosed to the subject indefinitely.

I urge my colleagues to oppose this flawed conference report and protect the liberties and freedoms of our citizens that are central to what it means to be an American.

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

Once again, there has been erroneous information presented to the House. The conference report on the delayed notification search warrant limits initial delayed notification to only 30 days unless the facts justify a later date. It permits extensions of up to 90 days unless the facts justify a later date and only upon the showing of need. And it has new reporting requirements on the use of delayed notification warrants.

Now, the original PATRIOT Act did not have these time limits. The delayed notification was determined it could be for a long period of time by a magistrate judge, a judicial officer, not by law enforcement, but by a judicial officer in determining when the notification would take place.

What I just described in the conference report is new language. It is limitations on how long a magistrate judge, a judicial officer, can delay notification of the warrants. You vote against this bill and you kill this bill, those limitations go down with the bill.

Madam Speaker, I yield 2½ minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

(Mr. DANIEL E. LUNGREN of California asked and was given permission to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I was absent from this chamber for 16 years after serving for 10. The compelling reason for me to return was the events of 9/11. And one of the things that I thought I would never see in the House of Representatives is an Alice in Wonderland type atmosphere where just because you say something, you think it is true.

The fact of the matter is, many of the complaints registered by my friends on the other side of the aisle are taken care of in this conference report. If you vote down the conference report, those sections that are not subject to sunset will continue on without any of the changes that the chairman has articulated. So the very arguments they are making against what they do not like about the law now should compel them to vote for this conference report because we make changes.

Madam Speaker, it is the primary responsibility of government to protect the safety of its citizens. The PATRIOT Act tears down that wall, that artificial wall that existed between the intelligence community and the criminal justice enterprises. And what we did was we said it made no sense, it made us more vulnerable to attack.

Some have said, look, these changes in the PATRIOT Act change what was current law. That is true because there was a need to do so. And some have argued all we need to do is to follow what has been the law in the past. The distinction that must be drawn is that, in the war on terrorism, it is not good enough to collect the evidence after a terrorist attack to try and bring people to justice. The imperative is to stop the terrorist attacks from occurring in the first place. That is why we have the differences in this law.

Yes, there is a different standard. The standard is to allow us to stop the terrorist attacks in the first instance. We have, as a result of oversight, and I have attended every single hearing in the subcommittee and full committee, done unbelievable oversight, reviewing every bit of evidence that has been out there. There has not been one single example of abuse proven, not one. The IG report could not find it. We could not find it. I have been to every single hearing that we have had, been with every witness. They could not prove a one. But because we are concerned about the possibility of abuse, we have put at least 30 additional limitations into this conference report. And so really the question is, do you believe in the essential foundation of the PATRIOT Act which makes changes, recognizing that we are trying to stop terrorist attacks before they occur, rather than doing the regular criminal justice activity of collecting evidence after the fact. I am not willing to place my children and grandchildren in jeopardy by defeating this conference report.

INTRODUCTORY COMMENTS

It is the primary responsibility of government to protect the safety of its citizens. The PATRIOT Act is a critical element in a strategy to provide law enforcement with the necessary tools to conduct antiterrorism investigations. This task is made all the more difficult in that unlike the traditional criminal case, our success will be measured by the ability to prevent a future terrorist attack.

The 9/11 Commission report observed that "The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home." Freedom presumes security. The converse is equally true. In the delicate balance of these important interests. our concern for liberty must not discount the consequences of a failure to keep Americans secure from a cataclysmic event. While it is important to avoid hyperbole on such a serious matter, the very nature of American life—and the traditional regard for liberty—could itself be threatened.

At the same time, it is the solemn responsibility of committees with oversight responsibilitites to be ever diligent to assure that government does not overstep the proper limits of its authority in implementing the PATRIOT Act.

In this regard, in our oversight of the PATRIOT Act, the Judiciary Committee conducted 13 hearings and there was no finding of abuse. This was evidenced by the fact that opponents of the act resorted to attacks on the circumstances at Guantanamo, and the Creppy memo—issues related to the wider war on terrorism but unrelated to the PATRIOT Act itself.

COMMENTS ON PROVISIONS FURTHER STRENGTHENING THE PATRIOT ACT

The conference report contains a number of provisions which maintain the integrity of those key provisions necessary to combat terrorism, while at the same time strengthening the protection of civil liberties:

Section 102 (sunset provisions)

As the author of the 10-year sunset provisions in the House bill relating to section 206, roving wiretaps, and section 215, access to business records the final language in the conference report responds to the critics of the legislation. The conference report contains the Senate language of 4-year sunsets of these same provisions and extends the sunset language to the "lone wolf' provisions of the bill as well.

Section 106 (215 business records)

The conference report language relating to business record access includes additional protections not contained in current law.

The conference report explicitly provides for judicial review of any section 215 order.

If the documents sought pertain to sensitive categories of records—such as library, bookstore, tax returns, firearms sales, educational and medical records—the FBI Director, Deputy Director, or the official in charge of intelligence must personally sign off on the application before it can be submitted to the court.

The conference report requires that the application to the FISA court must include "a clear statement of the facts" that demonstrate reasonable grounds to believe the tangible things sought are relevant to the investigation.

The conference report requires the use of so-called minimization procedures to regulate the retention and dissemination of information concerning United States persons and the protection of privileged documents.

The conference report makes it explicit that a recipient of an order has the right to disclose receipt to an attorney or other parties necessary to comply with the order.

Section 108 (206 roving wiretaps)

Section 108 of the conference report imposes several additional safeguards on the use of roving surveillance:

The conference report requires that the order describe the specific target in detail when authorizing a roving wiretap for a target whose identity is not known.

The conference report specifies that the FISA court must find that the possibility of the target thwarting surveillance is based on specific facts in the application.

The conference report requires investigators to inform the court when "roving" surveillance is used to target a new facility—such as when a terrorist or spy changes to a different cell phone.

Section 114 (sec. 213 delayed notice search warrants)

As the former chief law enforcement officer of my State of California, I want to first of all emphasize that delayed notice search warrants are not an invention of the PATRIOT Act. The delayed notice search warrant has been available to California law enforcement for years.

The conference report adds new safeguards relating to the use of delayed notice search warrants.

The conference report places a limit of 30 days on an initial request or on a later date certain if the facts justify such a delay.

Extensions of up to 90 days are possible unless the facts of a particular case justify a longer period.

Sections 115–119 (national security letters)

The language in the conference report provides for explicit judicial review of an NSL.

The conference report provides that a recipient of an NSL may challenge any non-disclosure requirement in court.

The report clarifies that a recipient may disclose receipt of an NSL to an attorney or other necessary party.

CONCLUSION

There is a total absence of any evidence of abuse of the PATRIOT Act. Furthermore, the conference report adds further protections against any potential abuse of the law. The conference report represents a careful balance between our responsibility to protect Americans from terrorist violence, and our responsibility to avoid any potential violations of their civil liberties.

The enactment of this legislation is critical to this endeavor. There are those who will attempt to come here for the sole purpose of murdering innocent Americans. It is our responsibility to keep this from happening. We must provide law enforcement with the necessary tools to carry out this task.

Mr. CONYERS. Madam Speaker, I yield myself 15 seconds.

Let me remind my friend who returned from his California duties to the Congress, did you hear the Brandon Mayfield case just recited by the gentleman from New Jersey? That was an abuse that we heard in the committee.

Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on Homeland Security.

Mr. THOMPSON of Mississippi. Madam Speaker, I thank the gentleman from Michigan for the time.

Madam Speaker, I am opposed to the reauthorization of the PATRIOT Act. First, I do not believe many of the so-called law enforcement tools will make us any safer.

I am probably one of a few Members of Congress who has been spied on by his own government. During the civil rights movement, an agency in the Mississippi State Government called the State Sovereignty Commission kept files on me and countless other people working for change.

I might add that none of us did anything illegal other than just convene and talk about how we would change our State.

From this experience, I have known that, when government has the authority to spy on its own people, it is almost always and will misuse that power.

Nothing good will come from many of the tools in the PATRIOT Act, and I fear that it will lead to more misuse of power.

It is too broad an authorization to continue to give the government these powers, such as to search the library records or to place roving wiretaps without a warrant that at least should say what phone is being tapped.

I am also opposed to the conference report because it fails to include the provision in the House bill that would allocate more Homeland Security funds based on risk.

The 9/11 Commission explicitly recommended that Homeland Security funds be allocated based on risk. The 9/11 Commission members recently said that if the House funding measures were passed, Congress would have received an A grade instead of an F on fulfilling its recommendation.

We must focus our scarce Homeland Security resources on areas that are most at risk of terrorist attack. We cannot yield to politics. We must fulfill the Commission's recommendation by passing the House proposal. Without that measure in this PATRIOT Act reauthorization, I cannot support it.

Mr. SENSENBRENNER. Madam Speaker, I yield 1 minute to the acting majority leader, the very distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the chairman for yielding and for the incredible hard work he has done to bring this bill to the floor, both to help create this legislation 4 years ago, to review it time after time after time for the last 4 years and to extend it into the future with the safeguards that have been discussed here on the floor today.

In terms of the review process, I think the Attorney General today in some information he put out suggested that there were at least 23 separate hearings last year of oversight, this is last year alone, of oversight on this act; witness after witness after witness called to testify about what was happening with the act. This oversight work that the chairman has been largely responsible for has made a difference in the way the law was implemented, has made a difference in the way we offer it to be extended today and has made a difference, frankly, in the safety and security of America.

□ 1300

There is nothing in this law, nothing in the law the last 4 years, nothing in the law as we look to the future that was not available to law enforcement for organized crime. What crime could be more organized than terrorism?

No one has come up with a single instance where someone's rights were impacted by the PATRIOT Act, because of the PATRIOT Act. There is no evidence that there are problems, and we all could easily be aware of a number of instances, where there is no concern about the fact that the PATRIOT Act made a difference in the safety and security of America.

Another thing that the chairman worked hard to put in this act is some legislation that I originally introduced that deals with the problem of methamphetamine, and methamphetamine does become a security issue. It particularly becomes a bigger issue as our borders become more secure. People turn to this drug as the drug for funding of illicit activities, as the drug of choice when imported drugs are not available. That is an important addition to the bill today.

But the PATRIOT Act with two provisions that need to be reviewed in 4 years, the PATRIOT Act with a Judiciary Committee and an oversight responsibility that will continue to be, as it has been, extensive in ensuring that the executive branch does what the PATRIOT Act intends it to do with the maximum protection for individual freedom and the maximum protection for the security of our Nation.

We don't want to face 9/11 again, and we certainly don't want to face a 9/11 that could have been prevented. If the law enforcement techniques and tools that are available for organized crime continue to be available for terrorism, this allows that to happen.

I come to praise the chairman and his committee and to seek a ''yes'' vote on this bill today.

Mr. CONYERS. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), distinguished member of the Intelligence Committee.

Mr. RUPPERSBERGER. Madam Speaker, the PATRIOT Act provided tools essential to identifying and tracking terrorists that were not available before the 9/11 terrorist attacks. At the time it passed, just 7 weeks after 9/11, there were concerns that some of the authorities were too broad and susceptible to abuse. The sensible proposal emerged to sunset 16 of the most controversial provisions.

Sunsets matter. They forced the Justice Department and the American public to evaluate the appropriateness of, and need for, the PATRIOT Act. Without sunsets, Congress probably would not have undertaken the same review of key provisions this year and considered significant changes to the law.

For those reasons I offered an amendment to extend the PATRIOT Act sunset during the Intelligence Committee markup of H.R. 3199. I am pleased this conference report includes 4-year sunsets on the most controversial provisions: 215 orders, 206 roving wiretaps, and the Lone Wolf provision.

But additional steps, however, must be taken to ensure the right balance is struck between security and constitutionality. Congress must engage in vigilant oversight of the PATRIOT Act, national security letters, and other authorities granted to law enforcement and intelligence agencies. I am committed to doing my part as a member of the House Select Intelligence Committee to ensure proper oversight occurs.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the chairman for yielding me this time.

I want to commend him for a great process here. Often we do not have a deliberative process when we pass major pieces of legislation. That is not the case here. We had 12 hearings over a year on these provisions, and I want to point out what the chairman has already said, that we are not just dealing with those sections that are sunsetted but we are dealing with those that are not as well. We had some substantive reforms to the NSL process.

After the passage of the first PATRIOT Act, I and others formed the PATRIOT Act Reform Caucus because we felt we needed additional protections. That process yielded about a half dozen amendments which we offered during the House version of the bill, and each of those amendments was accepted and remains part of the legislation. One amendment that we dealt with during consideration of the House bill clarified that a recipient of an NSL, or national security letter, may discuss the NSL with his or her attorney and may disclose that request to an individual whose help is necessary for compliance with the NSL. That is an important safeguard.

And for those who say there is a gag rule that prohibits people from even mentioning the NSL, that is no longer true. If an NSL is challenged, it requires a recertification by either the FBI Director or another official confirmed by the Senate. This reform increases accountability in using NSLs, and it clarifies that judicial review exists and challenges to both the NSL and the prohibition on disclosure are now allowed. It also, as the chairman mentioned, establishes additional reporting requirements to the House and Senate Judiciary and Intelligence Committees on the frequency and use of NSLs. These are commonsense reforms and clarifications.

In addition to these safeguards on NSL authorities, the reauthorization also will add significant safeguards in a number of other areas, as the chairman mentioned. There are now strict time limits for those who are put on delayed notification as well as new reporting requirements to the House and Senate Judiciary Committees.

Madam Speaker, these are reforms that are important, and I am happy to support it, and I hope that we will codify these in the bill.

Mr. CONYERS. Madam Speaker, I yield myself 3 minutes.

I want to quote from a letter that was sent to Chairman SENSENBRENNER from the American Library Association, its president, indeed, Michael Gorman, and a copy to myself.

It says: ''Dear Mr. Chairman, I am writing on behalf of the American Library Association to express our opposition to the conference report. We are deeply disappointed that the conferees did not take this opportunity to heed the concerns of library users across this country and to restore protections for records of library use that were stripped away by the PATRIOT Act'' itself.

It ''does not seriously address any of the library community's concerns with section 215. It does not require a factual connection between the records sought and a terrorist or terrorist organization.

''The report also leaves in place the USA PATRIOT Act standards for national security letters'' and would ''allow the FBI to continue its unfettered reach into the personal electronic records of the public, including records of their use of the Internet through computers in libraries. Worse, it adds a criminal penalty for noncompliance with the order and for a knowing violation of the gag order. And while adding an ability to challenge the secrecy of a national security letter on the one hand, it takes it away with the other by requiring the court to accept, as conclusive, the government's assertion of harm to national security . . . ''

Madam Speaker, this is the clearest description from the president of the American Library Association, supported by thousands of professional librarians from one end of the country to the other.

Please, let us not buy into the fact that this is a new and improved version of the PATRIOT Act. With the death penalties arbitrarily added, it is a definite reversal, a downward, backward movement in which the PATRIOT Act becomes meaner and less democratic and is far more dangerous for people who get caught up in these things who are innocent Americans. Please join us in sending this bill back to committee and supporting my measure that would allow for a 3-month period of time for us to improve the bill.

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

Madam Speaker, the gentleman from Michigan talked about the conclusive presumption provisions on national security letters that are contained in the conference report as well as the requirements that have been changed relative to section 215, which is the business records or library provisions.

I would just point out that both the NSL provision and the section 215 provision in this respect were the language in the Senate bill that passed unanimously. And everybody here has been saying that the Senate bill is great and the conference report is not. But if the Senate bill was great, now they are attacking two provisions in the Senate bill. They cannot have it both ways. What we did in the conference report is responsible.

With respect to section 215, I wish that the Library Association had read it, because it requires the statement of facts in an application to the court that issues the 215 order to show reasonable grounds to believe that the records are relevant to an authorized investigation. The Senate's language. Then it creates a presumption in favor of records that pertain to a foreign power or an agent of a foreign power, activities of a suspected foreign power who is the subject of an authorized investigation, or an individual in contact with or known to a suspected agent of a foreign power who is the subject of an authorized investigation.

Now, all of these people are presumably bad folks that want to commit a terrorist attack, and I do not think we should make the libraries or any other place off limits to an investigation to try to see who is trying to blow innocent people up.

Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), who is the author of the methamphetamine section of this bill.

Mr. SOUDER. Madam Speaker, I thank the chairman for his cosponsorship and his leadership in making sure that this meth bill can pass this bill in the form of passing a conference report, which is the only real way to get this done. I also want to say briefly that I support section 215, which amends the Import and Export Act to make sure that we can have better prosecution methods.

Eighteen of the 40 major organizations that are involved in terrorism also deal in narcotics. The Methamphetamine Act is the single, first comprehensive anti-meth bill that we have ever introduced in Congress, let alone passed in Congress. It is a sweeping anti-meth bill. It will require all pseudoephedrine and ephedrine products to be stored behind the counter or in a locked cabinet; impose a daily and monthly purchase limit; require purchasers to show ID and sign a logbook; and require training of all employees handling the product.

It closes a number of loopholes in existing import, export, and wholesale regulations of meth precursor chemicals, including import and manufacturing quotas to ensure no oversupply leads to diversion; and regulation of the wholesale ''spot market.'' It requires reporting of major meth precursor exporters and importers. It would hold them accountable for their efforts to prevent diversion to meth production. It toughens Federal penalties against meth traffickers and smugglers. It authorizes the Meth Hot Spots program as well as increases funding for drug courts, drug endangered children programs, and programs to assist pregnant women addicted to meth. In addition, it has EPA environmental regulations.

I want to thank Democrats and Republicans for all their bipartisan effort. This is something we did in a bipartisan way. This is our best chance to really get ahead of this epidemic that swept from Asia to Hawaii to California, the Northwest to the Plains, to the Great Lake States, is headed into the East and is into North Carolina, South Carolina, Pennsylvania, and New York and headed to the Atlantic Ocean. This is our attempt, a massive

coordinated multicommittee that took many chairmen to do this, Senators TALENT and FEINSTEIN of the Senate to do this. I thank Chairman SENSENBRENNER, I thank the leadership, because this is a big day for those of us who have been fighting the anti-meth cause.

Mr. CONYERS. Madam Speaker, I yield myself 35 seconds.

I want to give Chairman SENSENBRENNER the benefit of the presumption of a doubt about this section 215 business. What happens in the report is it makes it easier to get library and other records under section 215 by creating a presumption that records of anyone to come into contact with a suspected terrorist even accidentally, innocently, is relevant to an investigation.

□ 1315

Madam Speaker, what he has done is he has moved a part of section 215 to another part of the bill, and that is why it does not operate that way.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a ranking subcommittee member of the Judiciary Committee.

Mr. NADLER. Madam Speaker, I want to make two points: One, the bad parts about section 215 and section 505 are not that, under certain circumstances, the FBI or other investigative agencies can get information from libraries. No one is proposing, as Mr. SENSENBRENNER said, to say that libraries are totally sacrosanct.

The bad part is that the FBI can get all this private personal information without any proper or adequate judicial review and then can tell them, shut up, do not tell the victim about it, and that gag order also operates without any real judicial review. That is the real issue.

Secondly, the gentleman from Wisconsin is attempting to do something, I think, improper, and that is, he tells us you cannot change the PATRIOT Act. There are good things in this bill, things we need, which is true, but you have got to take it or leave it, because your 3-month extension I will not allow to go through. We will blackmail this House. If you do not pass the bill as is today, if it expires, there will be blood on your hands, because he and his side of the aisle will not allow a 3-month extension. Well, if there is fault, if there is real danger by not extending the PATRIOT Act, it is on that side of the aisle by refusing a 3-month extension so that we can get it right.

This country should not be subjected to that kind of blackmail. The Senate has real questions. Many liberals, many conservatives, have real questions about this bill. It should be worked out, and if it takes an additional 3 months, let it be. But we, this House, should not be told, take it or leave it, because if you do not take it the way it is, we will not permit a 3-month extension; there will be dangers to the Republic. Without a 3-month extension, there will be blood on your hands.

That is not the way to legislate. That is not proper procedure. That is not respectful of the Constitution. It is not respectful of the people of this country. It is not respectful of the Members of this House.

Mr. CONYERS. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in opposition to this conference report which would reauthorize the PATRIOT Act by making permanent the expansions of Federal police powers that were temporarily put into the original bill and sunsetted in that bill.

I am unmoved by the argument that we can have faith that, in the future, that there will be proper oversight because there has been proper oversight so far in determining whether or not the new police powers that were put in the original PATRIOT Act were abused. Long after Mr. SENSENBRENNER and myself and others are gone from here, these powers will remain, and Congress may not have that proper oversight.

Let me note that the people in the pro-life movement should take note of what is happening here because the expanded police powers of the Federal Government will be used against them. Our second amendment friends already understand that. Proposition 187, the anti-illegal immigration group in California, the FBI went after them in the last administration.

When you expand the police powers of the Federal Government, no matter how much oversight we might have today and say that power is not being abused, we have opened the door to abuse. That is not what our Founding Fathers had in mind. Our Founding Fathers said, only temporarily increase those powers in an emergency. Otherwise, deny those powers to the Federal Government.

Mr. CONYERS. Madam Speaker, I am delighted to yield 1 minute to our leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding, and thank you, Mr. CONYERS, our ranking member on the Judiciary Committee, for being such an outstanding leader in protecting our civil liberties and also the national security of our country. I also extend that to the Democrats on the committee.

First, let us be clear about what we are voting on today, Madam Speaker. We are not voting for the reauthorization of the PATRIOT Act in general. More than 90 percent of the PATRIOT Act is permanent law and includes many noncontroversial provisions that give law enforcement the tools they need. What is before us on the floor today is the extension of certain provisions which are controversial and have the potential for abuse.

Madam Speaker, all of us support providing law enforcement officers with the tools they need to combat terrorism. In doing so, we must also preserve the balance between security and civil liberties and to recognize that not all of the tools law enforcement officers want are tools that they legitimately need.

I cannot support the PATRIOT Act extension conference report because it does not secure the right balance between security and liberty. Our Founding Fathers knew well the importance of the balance between security and liberty. They led a revolution to secure liberty against an arbitrary power. They knew that you cannot have security without liberty and liberty without security in a democracy.

As we consider this conference report, I ask every Member of Congress, indeed, every American, do you know if a National Security Letter has been issued about you, a letter to your phone company, your Internet provider, your bank, for wholesale collection of records that may include your personal information? This letter does not even have to specify that the specific records sought are connected to terrorism, and the recipients, you do not know if such a letter has been issued. You cannot know. You will never know.

This is the same for every American, and any information, including your most sensitive personal data, along with that of thousands of American citizens gathered by these National Security Letter requests, will be held in perpetuity by law enforcement.

The recipients, the bank, the phone company, the Internet provider, are not allowed to tell anyone they have received this letter about you. These are searches without any warrant and without any judicial supervision.

Just think of it: You do not know, the recipient of the letter who is in possession of your information cannot tell you. You do not know, so you cannot challenge it, and the letter can be sent without demonstrating any relationship between the specific records sought and a connection to terrorism. This is a massive invasion of the privacy of the American people.

This is not just some idle threat. The Washington Post reported last month that the FBI hands out more than 30,000 National Security Letters per year, a reported hundredfold increase over historic norms.

How did this happen? When originally enacted, the PATRIOT Act was intended to be accompanied by Congressional oversight so that the implementation did not violate our civil liberties. Unfortunately, the Bush administration and the Republican Congress have been delinquent in the oversight of the PATRIOT Act. As we have seen with this massive and unprecedented scope of National Security Letters, the implications of the Republican failure of oversight are glaring and have a direct impact on every American. It is long past time for Congress to have real oversight.

This conference has missed an opportunity to address the revelation of the widespread use of National Security Letters. We must have standards that clarify that there must be a connection to terrorism or to a suspected spy.

Section 505 that covers the National Security Letters must now include a sunset. That is why I strongly support the request of Mr. CONYERS for a 3-month extension so that conferees can reconvene, adopt the Senate bill, fix the National Security Letters and get it right. Our democracy requires no less.

Another part of this legislation that requires the government to show some connection between the records sought is under the library provision and an individual suspected of being a terrorist or spy. Such a standard is needed to assure that fishing expeditions do not take place. Yet this standard is missing from the Republican conference report.

The list of failures goes on. That is why I think it is important that we support the motion to recommit to adopt the Senate bill. If not that, then to follow Mr. CONYERS' lead and take 3 months to do this right. Nothing less is at stake than the privacy, the civil liberties, really the essence of our democracy.

We must always remember as we protect and defend the American people, we must honor the oath of office we take here when we are sworn in to protect and defend the Constitution and the civil liberties that it contains. We have an obligation to do that for the American people.

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

Madam Speaker, I thank Leader PELOSI for her very succinct and moving comments.

At the close of this debate, I will offer a motion to recommit the conference report with instructions to recede to the Senate bill in its entirety. Not that the Senate bill is perfect, but it does a far better job at protecting civil liberties than the conference report by requiring that the documents and things collected through section 215 have some connection to a suspected terrorist and providing meaningful judicial review of uses of that authority.

What is wrong with that? The conference report makes sensitive and personal records even easier to get by making every innocent connection with a suspected terrorist presumptively relevant to a terrorist investigation.

Now, the Senate bill also lacks a number of controversial and wholly unrelated provisions tacked on to the end of this bill. It does not have a lot of Christmas tree in it. Some 143 of the 216 pages of this bill have absolutely nothing to do with the PATRIOT Act.

The chairman repeatedly admonished committee Democrats that we were not permitted to consider matters falling outside of the 16 expiring provisions of the PATRIOT Act, but on the floor and in conference, this bill became a Christmas tree for random drug laws, Presidential succession amendments and Federal employee benefit changes.

Some have argued that we must pass this bill now because it is the end of the session and it is so urgent. The House Republican leadership waited 3 months to appoint conferees. Where was the urgency then?

The PATRIOT Act does not need to expire if this bill fails in the House or the Senate, which it should. My bill, H.R. 4506, extends the PATRIOT Act for 3 months so that conferees may go back and make a truly bipartisan and bicameral bill.

Sunsets were a small step in the right direction but do not address the underlying problems. They are not a solution for bad law. We should instead be fixing the problems of the PATRIOT Act. Sunsets will be of no relief to those who will have their constitutional rights violated in the next 4 years and should prevent no one from voting against this bill and in favor of the motion.

This measure before us, this conference report, is neither bipartisan nor bicameral. In fact, not a single Democrat in the House or in the other body would sign it. No one on this side has signed the conference report. It is the conservative House bill with window dressing.

We should not let in the government sneak-and-peek provision for at least 30 days. The Senate bill and Federal courts allow a 7-day delay unless good cause is shown. And listen to these non-PATRIOT add-ons; it is a virtual Christmas tree: It alters the Presidential line of succession, criminalizes peaceful protest behavior, changes employment qualifications and benefits for Federal employees and expands the death penalty for non-terror related offenses.

The Senate sticks to the real issues, so join me in a motion to recommit the conference report with instructions to recede to the Senate bill in its entirety.

□ 1330

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

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

Madam Speaker, the gentleman from Michigan has said that he wants us to recede to the Senate, and that means that the Senate bill goes to the President as passed by that body. That means that there will be no provisions relative to control of methamphetamine. There will be no provisions relating to airline security or port security or mass transit security. The Inspector General's audits that are contained in the conference report will not go to the President, and the minimization procedures to get rid of extraneous material that might come into the presence of the government will also not be in the bill that goes to the President.

Listening to the litany that has come from the gentleman from Michigan and folks on the other side of the aisle, you would think that Halloween is tomorrow, because there is an attempt to scare the American public. The PATRIOT Act had nothing to do with the detention of immigrants, indefinite intentions, invasion of habeas corpus, writs of assistance and warrantless wiretaps. The Brandon Mayfield case which has been cited by others on the other side of the aisle was relating not to the PATRIOT Act but a mistake in fingerprint identification.

If we accept their argument, we ought to abolish the FBI fingerprint lab. That is irresponsible, as are most of their arguments. Vote down the motion to recommit. Keep the good parts in the bill. Pass a good bill, and let's make the American people safer.

Mr. FARR. Madam Speaker, I rise in strong opposition to the PATRIOT Act Conference Report.

Due to concerns about civil liberties infringement, I voted against the original PATRIOT Act in 2001 and the House PATRIOT Act Reauthorization Bill earlier this summer.

The democratic fabric of this country was founded on checks and balances but the PATRIOT Act contains neither. In 1775, one of our Nation's true patriots, Benjamin Franklin, said "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

This legislation tramples on the essential liberties that our Founding Fathers wanted to ensure. They understood that lowering our civil liberties standards would not ensure safety; but it would undermine the relationship of this proud democracy with its citizens.

I believe that the Founders of this country would be rolling in their graves to hear the claims this Administration and Republican Leadership make in the name of safety from terrorists.

Do you really feel safer knowing that the government is allowed to investigate personal records without you knowing? Do you feel safer knowing that the government can issue blank wire tap orders without identifying the line, place or person it wishes to investigate? Do you really feel safer knowing that if you or your neighbor were accused that documents used against you would not be subject to judicial review? Do you really feel safer that your library records can be considered intelligence in an investigative report?

I can not with a clean conscience support this bill which gives government unnecessary access to the lives of innocent Americans and tramples on their civil rights.

Madam Speaker, I urge a "no" vote on this piece of legislation that flies in the face of our forefathers.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to address the many troubling issues associated with the reauthorization of the Patriot Act. Following the 9/11 terrorist attacks, this Congress was faced with the difficult task of revamping our intelligence system. However, the PATRIOT Act is flawed with over-reaching provisions that lack the safeguards to prevent abuse.

Americans deserve a bill that successfully prevents attacks against our country, while

protecting our Constitutional rights. We must address the authority this bill gives, and how it may negatively impact Americans.

Most of the provisions within the PATRIOT Act are positive measures that successfully protect American citizens. However, we cannot ignore the provisions that create serious privacy and civil liberty abuses. These include:

Permitting large-scale investigation of Americans for ''intelligence purposes.''

Having minimal judicial supervision on wiretaps.

Allowing the indefinite detention of non-deportable aliens, even if they are not terrorist suspects.

The power to conduct secret searches without having to notify the target of the search.

And the ability to designate domestic groups as terrorist organizations.

America was built on the notion of strong protection for our privacy and civil liberties. Now is the time to protect our citizens from terrorism while putting forth meaningful reforms.

Mr. MARKEY. Madam Speaker, I rise in strong opposition to the conference report on the USA PATRIOT reauthorization Act.

As a member of the Homeland Security Committee since its creation almost 3 years ago, I understand the importance of providing our Nation's counter-terror and law enforcement officers with the capabilities to act aggressively to detect and deter terrorist attacks. As Co-Chairman of the Congressional Privacy Caucus, I remain concerned about government encroachments into the private lives of innocent Americans, which can undermine the principles of liberty, freedom of association and protection from unjust searches and seizures that have been embedded in our Constitution and culture.

Clearly, the interests of security and privacy must be balanced. Unfortunately, this conference report does not strike the appropriate balance, and I cannot support it.

The conference report fails to include essential privacy protections that had been included in the Senate version of this legislation. Specifically, the Senate-passed bill contained key safeguards not included in the conference report regarding the PATRIOT Act's use of so-called ''National Security Letters'' and ''business and library records''.

Madam Speaker, as you know, National Security Letters are, in effect, a form of secret administrative subpoena. They are issued by Federal authorities, most often the FBI, without any court supervision, and recipients are prohibited from telling anyone that they have been served. These letters represent a counter-terror tool that must be carefully and judiciously used, provided their secretive nature outside the traditional judicial process. Unlike the Senate-passed bill, however, the conference report does not provide meaningful judicial review of a National Security Letter's gag order. The conference report requires a court to accept as conclusive the government's assertion that a gag order should not be lifted, unless the court determines the government is acting in bad faith. Despite strong opposition to this provision, House Republicans refused to strip it out of the conference report. House Republicans also refused, as an alternative, to impose a sunset on National Security Letter authorities. Such a sunset provision would have ensured closer oversight of, and public accountability for, the use of National Security Letters.

The conference report eliminated key protections in the Senate-passed bill regarding the ''business and library records'' provisions. Under the conference report, the government can compel the production of business and library records merely upon the showing that the records are ''relevant'' to a terrorism investigation. By contrast, the Senate-passed bill required the government to show that the records have some connection to a suspected terrorist or spy. This is a commonsense protection that would not restrict government capabilities, but would prevent government overreaching and fishing expeditions.

The House-Senate conference committee had an opportunity to adjust the PATRIOT Act's expiring provisions to protect the rights and liberties of all Americans more effectively. Regrettably, this opportunity was lost and the conference report we are considering today does not contain key privacy protections that had been included in the Senate-passed bill.

I urge my colleagues to vote ''no'' on this conference report and support the Democratic substitute offered by Ranking Member CONYERS, which strikes the proper balance between security and privacy.

Mr. LEVIN. Madam Speaker, there is no question that Congress must give law enforcement the tools it needs to prevent terrorist attacks against the American people. When the Congress approved the PATRIOT Act 4 years ago, we recognized that the serious nature of the threat required giving law enforcement broad new powers to help prevent it. There is also no question that the House and Senate should not allow the PATRIOT Act to expire on December 31. Indeed, nearly all of the 166 provisions of the PATRIOT Act are already the permanent law of the land.

Four years ago, the Bush administration and the Leadership of the House rushed the original PATRIOT Act through the House without full debate or the chance to make improvements to the bill. There is no need to rush an imperfect bill through the House today simply to accommodate a 6-week holiday recess.

While the conference report makes a number of improvements to the measure the House approved last summer, further improvement is needed. In particular, I am disappointed that the bill before us does not include language to change how first-responder grants are allocated. We need to make the formula risk-based. Just last week, the bipartisan members of the former 9/11 Commission awarded Congress and the Bush administration a grade of F for our failure to distribute homeland security funds on the basis of risk. The 9/11 Commission made this recommendation 17 months ago. How can we continue to justify a first responder grant formula that awards Wyoming $37.94 per capita while Michigan—a key border State—receives just $7.87 per capita? If we're not going to fix this problem now, then when will we make this change?

In a number of other areas, the Senate-passed version of the bill included key safeguards that were removed from the conference report. In particular, the Senate bill contained important protections relating to the business and library records provisions of the Act that have been so controversial with our constituents. The Senate-passed bill required the government to show that the records sought by the government have some connection to a suspected terrorist or spy. The standard contained in the conference report is much weaker. It would allow the government to compel the production of business or library records merely by showing that the records are ''relevant'' to a terrorism investigation.

In addition, unlike the Senate-passed bill, the conference report fails to protect the records of innocent Americans collected by means of National Security Letters. The FBI now issues more than 30,000 national security letters a year to obtain consumer records from communications companies, financial institutions, and other companies. These National Security Letters are issued without the approval of a judge and permanently bar recipients from telling anyone besides their lawyer that they have been served. Unlike the Senate-passed bill, the conference report does not provide for meaningful judicial review of the National Security Letter nondisclosure requirement. Under the bill before the House, the records collected under National Security Letters can be kept forever and even used for data-mining. We need better privacy safeguards in this area.

I will vote against passage of this legislation today because I am convinced that we can write a better bill that safeguards both our vital security interests and basic American liberties. To that end, I have cosponsored legislation that calls for a three-month extension of the current PATRIOT Act to give Congress additional time to perfect this legislation. We should take the time we need to do the job right.

Mr. STARK. Madam Speaker, I rise in strong opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act conference report. I would be violating my Oath to uphold the Constitution if I voted to unravel the very freedoms for which we're supposedly fighting.

The PATRIOT Act criminalizes speech, protest and assembly while it removes the right to due process and a search warrant. For example, the formerly bedrock principle that government cannot spy on you unless it provides strong evidence of wrongdoing to a judge no longer exists in America. As a ''compromise'' in this bill, Americans can now talk to a lawyer when the FBI sends them a National Security Letter. These letters demand their medical, business or Internet records, and it is nearly impossible to get the request blocked.

Madam Speaker, there is no room for compromise in the Bill of Rights. If the FBI wants to know what Web sites I visit, they should justify it to a judge beforehand just like anyone else. With 30,000 of these National Security Letters going out every year, up from 300 before the PATRIOT Act was enacted, this is much more than just an academic argument.

While no amount of success in the war on terror could justify the PATRIOT Act, it is especially tragic that we have little to show for 5 years of police-state tactics. The American people might be surprised to know that the median sentence for people convicted in terrorist investigations over the last 5 years was just 11 months. Most were convicted on technicalities having nothing to do with the PATRIOT Act. In other words, the war on terrorism is just an irrelevant excuse for the expanded power of government to find out what books you buy, send undercover agents to your community group meetings, or search your home without a warrant.

The PATRIOT Act is a war on liberty to create a false sense of security. I urge my colleagues to join me in rejecting this underhanded ploy.

Mr. CASE. Madam Speaker, as an original cosponsor of H.R. 3899, the Combat Methamphetamine Epidemic Act, and as a committed member of the Congressional Caucus to Fight and Control Methamphetamine, I rise in support of its passage, as Title VII in H.R. 3199, the USA PATRIOT Improvement and Reauthorization Act of 2005.

I would like to thank Congressman MARK SOUDER, the chief sponsor of H.R. 3889, for his leadership in addressing our methamphetamine epidemic. Last year, Congressman SOUDER visited my district in order to fully understand first-hand the unique challenges we in Hawaii face, to hear of our efforts to keep drugs out of our homes and communities, and to see our successes in our fight against the scourge of crystal methamphetamine, ice. And he just returned to address the 2nd Annual National Methamphetamine Legislative and Policy Conference of the National Alliance for Model State Drug Laws, Congressman SOUDER has not just talked, but acted.

We in Hawaii share many of the same concerns as others in our Nation in regard to the need to support drug control, education, prevention, and treatment efforts. However, our geographic isolation, not only from the contiguous United States but also from our neighbor islands to the island of Oahu, must be taken into account as we work to end the scourge of crystal methamphetamine.

General drug abuse, of course, has plagued many of our communities for decades. To target what is needed to prevent this abuse now and in the future, we must first understand what causes it and then focus our efforts on overcoming those causes. And uniquely, it is up to our Federal Government to take the lead on the issue as it is the only entity with the resources and ability to coordinate the indispensable multi-pronged approach to stamping out drug abuse.

Title VII of H.R. 3199 is essential in our efforts to address methamphetamine trafficking, both in the United States and abroad. It would classify pseudoephedrine, ephedrine, and phenylpropanolamine, the major methamphetamine precursor chemicals, as ''Scheduled Listed Chemicals.'' It would repeal the federal ''blister pack exemption'' that currently allows unlimited sales of pseudoephedrine pills. The bill would also require information sharing from importers on the ''chain of custody'' from foreign manufacturer to U.S. shores of methamphetamine precursor chemicals. Title VII would also strengthen Federal penalties against traffickers and smugglers.

I look forward to continuing to work with my colleagues on both sides of the aisle on initiatives to provide the federal resources and support we need in our fight against methamphetamine.

Mahalo, thank you, for this opportunity to express support for Title VII of H.R. 3199.

Mr. BLUMENAUER. Madam Speaker, with the PATRIOT Act set to expire at the end of the year, Congress has once again missed an opportunity to narrow and tighten the legislation.I opposed the original PATRIOT Act, as it was rushed into law in the wake of 9/11, and I strongly oppose the current conference report. The conference report tries to appease both sides of the debate by extending sunsets on the two most controversial provisions, library records and ''roving'' wiretaps, while making 14 of the existing 16 provisions permanent thus limiting Congress' ability to exercise checks and balances. This is a step backwards.

But for the existing sunset provisions, we would not have been exercising our oversight function for this sensitive area.

It puts the administration on too long of a leash and does not force Congress to review and modify the act as needed. We can keep America safe without compromising our civil liberties.

Ms. HARMAN. Madam Speaker, this vote on the PATRIOT Act reauthorization is tough; it is far from being the best bill it could be. But I will vote for it and want to explain why.

Imagine a world in which terrorists make deals and connect with recruits on-line, in cabs, hotel lobbies or cafes all over the world. Communication is highly compartmentalized so few, if any, know what the big plans are. Sometimes, physical runners deliver messages to evade listening devices.

Such a world is not the stuff of Hollywood movies. It is our 21st century world.

The horrific events of September 11, and the more recent bombings in Bali, Britain, Jordan, Madrid, Morocco, Saudi Arabia and Turkey remind us that the terrorists are prepared to strike anywhere, at any time—and with maximum destructive force.

With this as a backdrop, it has been and remains my view that the PATRIOT Act tools are needed: to track communications by email and internet, including the use of internet sites in libraries; and to prevent and disrupt plots against us.

Such powerful tools must be narrowly tailored to ensure that they do not violate the rights of innocent Americans. In reauthorizing the PATRIOT Act, Congress had an opportunity to refine the law, but this conference report reflects only modest improvements.

Many of us in both bodies worked hard to make this conference report better. In the end, we asked for three things of critical importance.

First, four-year sunsets on the most controversial provisions—Section 215 orders; Section 206 roving wiretaps, and the Lone Wolf provision. This request was accepted.

Second, dropping the 1-year criminal penalty on divulging that a National Security Letter has been received, even in a case where there is no intent to obstruct justice. This request was also accepted.

Third, modifying the ''conclusive'' presumption that disclosure of an NSL would harm national security. The legislation properly establishes that recipients of NSLs have the ability to consult an attorney and challenge an NSL in a Federal court. But the ''conclusive'' presumption language makes it virtually impossible to challenge the ''gag'' order on recipients of NSLs. This is an important flaw in the bill and, sadly, our requested change was not accepted.

To remedy this, several of us will introduce legislation to replace the ''conclusive'' presumption language with a ''rebuttable'' presumption, and to incorporate critical checks and balances on the ''front end'' of the NSL process. Such changes will help ensure NSLs cannot be used as a ''back door'' for getting library circulation, medical, tax, educational or other sensitive records, and will help protect against other abuses. This legislation will also ensure Congress is finally provided with meaningful, detailed reports on NSLs, which are critical to effective oversight.

Another flaw in the report is Section 215, commonly called the Library provision, which allows the government to gather a wide range of business materials, including library, medical and tax records. This section is tightened by requiring that the records must be ''relevant'' to a terrorism investigation. But the conference report should have explicitly required that the records be connected to a foreign power, or an agent of a foreign power—the traditional FISA standard.

My refusal to sign the conference report was to protest the way the Conference was managed. Instead of taking a few additional days to craft a strong bipartisan report that strikes the best balance, the majority rushed to file this flawed report. That is why I have co-sponsored HR 4506, to provide a 3-month extension of the PATRIOT Act to give the conferees additional time to bring to the floor a more carefully tailored bill with strong bipartisan support. But the majority insists we proceed today.

My view of the PATRIOT Act is we need to mend it, not end it. Today we are mending it. Hopefully, soon, we will mend it further.

Mr. HOLT. Mr. Speaker, I rise today in strong opposition to this conference report on the PATRIOT Act. Simply stated, Mr. Speaker, passing this conference report today will institutionalize an abridgment of the Bill of Rights.

Like all of my colleagues, I support common sense measures that will help our law enforcement and intelligence organizations protect the American people. For example, I support the provisions of the PATRIOT Act that permit surveillance or physical searches in foreign intelligence investigations where the ''significant'' purpose of the action is to collect intelligence. I also favor the provisions that allow the sharing of foreign intelligence information with federal law enforcement agencies, or with intelligence, protective, immigration, or military personnel for their official use. These are useful and necessary provisions that have clearly benefited our intelligence and law enforcement counterterrorism efforts without endangering the civil liberties of Americans. However, the conference report before us today contains too many provisions and excludes too many others, making it impossible for me to support it in its current form.

When this bill was on the House floor in July, I expressed grave concern about several provisions, including Section 213, which allows the so called ''sneak and peek'' searches in anyone's home, as well as Section 215, which allows investigators broad access to any record without probable cause of a crime. This bill has not improved with age.

If passed, this bill would, among other things:

Allow the ''sneak and peak'' searches to go on with no meaningful judicial review for at least 4 more years.

Allow the government to spy on your library book checkout habits and possibly your conversations with your attorney for at least 4 more years.

Allow secret eavesdropping and secret search orders that do not name a target or a location for at least 4 more years.

This bill effectively guts the Fourth Amendment. Let me repeat that. This bill guts the Fourth Amendment.

How can any American feel ''secure in their persons, houses, papers, and effects, against unreasonable searches'' if the Department of Justice can send agents into one's home without notice, either before or after the fact? True, this new version of the Act provides for a 90-day maximum for notification of a subject that her or his dwelling or business has been searched, but it is weak protection that in effect allows the fact of a search to be concealed from the subject indefinitely.

How can any American feel ''secure in their persons, houses, papers, and effects, against unreasonable searches'' if the government can demand access to privileged information, potentially including conversations between a citizen and his or her lawyer?

How can any American feel ''secure in their persons, houses, papers, and effects, against unreasonable searches'' if the government is allowed to eavesdrop on a telephone conversation or secretly search a home or business and, in effect, fill in the names and locations on the search order later?

The search powers that would be reauthorized for federal law enforcement are too sweeping and will receive too little oversight if this bill passes in its current form, and that is unacceptable, Mr. Speaker.

Finally, this bill is significant for what it does not do: it fails to restructure the homeland security grant formula to a risk-based model.

There is simply no excuse for a State like New Jersey to get a smaller percentage of homeland security grants than States that clearly are not at the same level of risk of being attacked. Homeland Security grant money should be distributed based on risk, not on politics. The House strongly supported changing the distribution formula so that States, like New Jersey, that face greater risk of terrorist attacks or other catastrophic events would get a greater share of the grant money, a viewed shared by Secretary Chertoff. Further, the members of the 9/11 Commission recently reiterated their support for a change in the formula and said, ''it should be obvious that our defenses should be strongest were the enemy intends to strike—and where we are most vulnerable.''

Failing to distribute these vital homeland security grants according to risk is like sending hurricane preparedness funds to North Dakota. They may be well-received, but sending them to a low-risk area comes at a price to parts of the country that need it more.

The FBI and Department of Homeland Security have repeatedly warned of the threat to transportation and economic infrastructure targets in New Jersey, and we know from published press reports that Al Qaeda operatives have conducted surveillance activities against economic and other targets in New Jersey. Under this bill, New Jersey will not receive the Federal support it needs to harden these targets or full range of tools that our police and other first responders would require to respond should another 9/11-style attack occur. The conferees had a chance to correct this glaring weakness but they failed to do so, and if for no other reason, I urge my colleagues to vote no on this conference report.

As President Woodrow Wilson said almost 100 years ago, ''liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is the history of resistance. The history of liberty is a history of limitations of government power, not the increase of it.'' Today, we have made the mistake of ignoring history and increased the government's power at the expense of our citizen's liberty. This is a grave error, and it is why I will vote against reauthorization of the PATRIOT Act.

Mr. SMITH of Texas. Madam Speaker, I support this PATRIOT Act conference report, and appreciate the time and effort Chairman SENSENBRENNER has put into bringing it to the floor.

We know Americans will continue to be a terrorist target as long as we stand for freedom and democracy. That lesson was learned on September 11, 2001.

We must do everything legally possible to protect Americans from attack. This conference report helps law enforcement officials prevent, investigate, and prosecute acts of terror.

The original PATRIOT Act was a long overdue measure that enhanced our ability to gather crucial intelligence information on the global terrorist network. It passed by a margin of 98–1 in the Senate and 357–66 in the House.

But certain provisions of the PATRIOT Act expire at the end of this year. This conference report renews many of those provisions and improves on the original legislation.

It makes permanent the ability of law enforcement officials and intelligence officials to communicate about on-going investigations. It also makes permanent provisions that allow the government to do its job by obtaining warrants and gathering information during terrorism investigations.

America is a safer country today than before September 11, 2001, because of the PATRIOT Act.

Over 200 people in the United States have been charged with crimes tied to international terrorist investigations and have been convicted or have pled guilty because of the PATRIOT Act.

Law enforcement and intelligence agencies must continue to have the powers they need to protect all Americans.

I urge my colleagues to support this conference report.

Also, I am placing in the RECORD an op-ed that appeared in the Washington Times on December 13, titled ''Preserving the PATRIOT Act.''

PRESERVING THE PATRIOT ACT

(By Frank J. Gaffney, Jr.)

The proverbial rubber is about to meet the road. This week, the U.S. Congress will determine if the U.S.A. Patriot Act—the most important domestic security legislation since September 11, 2001—will be re-enacted in slightly weakened form or allowed to lapse in a number of its key provisions.

Since the consequences of the latter would be manifestly detrimental to the War for the Free World, legislators opposed to the Act have offered to extend it for a short period—a gambit they hope will allow them to dumb it down still further. But make no mistake: Additional delay and more negotiations will not improve either the bill or the national security. To the contrary, they likely would jeopardize both.

That would be particularly true if the Patriot Act's most vociferous critics on the Left and their less numerous (and most unlikely) bedfellows on the Right get their way. They tend to characterize the Act as an assault on the basic freedoms enshrined in the Bill of Rights and have sought far-reaching changes in the tools it provides law enforcement to detect and prevent terrorist plots inside the United States.

In reality, the Patriot Act is an eminently sensible overhaul of the government's antiquated counterterror arsenal, an overhaul that reflects the realization we cannot hope to fight a 21st-century war using 20th-century legal instruments.

Consider two elements critics have most insistently demanded be repealed: (1) the socalled ''library records'' provision (Section 215) and (2) the authorization of what have been derided as ''sneak-and-peek'' search warrants (Sec. 213).

The dust-up over government access to library information is truly a manufactured controversy. For one thing, libraries are not mentioned anywhere in the pertinent Patriot Act provision. Moreover, law enforcement has been authorized for decades in ordinary criminal cases to subpoena library records (along with any other business records). This has not had any noticeable effect on Americans' reading habits.

The Patriot Act only made business records (including those of libraries) available on roughly the same terms in national security cases as they have long been in criminal cases.

The reason should be obvious: It makes no sense to enshrine libraries as safe havens for terrorist planning.

In fact, as we now know, many of the September 11 hijackers used American and European libraries to prepare the run-up to the attacks. Relevant literature, including bomb manuals and jihadist materials, have been staples of terrorism prosecutions for more than a decade. Privacy extremists of organizations like the American Civil Liberties Union (ACLU) nevertheless have reacted to the Patriot Act's much-needed business records law as if the Gestapo had seized office in the United States.

Similarly, the PATRIOT Act did not—as its critics would have us believe—create new and unsavory ''sneak-and-peek'' warrants. It does, however, allow agents to search premises but delay notification of the search to subjects of a terrorism investigation.

The PATRIOT Act's notification provision is no different in principle from the legal notice previously required to persons intercepted in a court-ordered wiretap. In such situations, notification of the target has routinely been delayed for weeks or months after the eavesdropping ends.

Doing so can be absolutely critical to the arrest and prosecution of suspected perpetrators: Delayed notification allows the government to complete its investigation without giving the subjects a heads-up that would certainly cause them to flee or destroy evidence.

The PATRIOT Act, in the so-called ''sneak-and-peek'' arena, established consistent standards federal courts must follow in determining whether to permit delayed notification. Previously, a hodgepodge of different rules were applied in various jurisdictions. This is precisely the sort of fairness and equal protection Congress should provide—yet, it has been criticized sharply for doing so in the PATRIOT Act.

On both the business records and delayed notification sections of the PATRIOT Act (among others), the stance of the American Civil Liberties Union and like-minded critics seems to have an ulterior motive. They not only oppose such legislation in the PATRIOT Act. They appear intent on reopening settled case law on use of these authorities on crimes unrelated to terror.

Congress should not encourage, let alone facilitate, such efforts by holding open the PATRIOT Act for further revision and adulteration. The original PATRIOT Act as a

whole infringed only modestly on our civil liberties and did not meaningfully intrude on the privacy rights of law-abiding Americans. We need to keep in mind, moreover, that if its precautions fail to prevent some future terrorist attack, we are likely to see impassioned demands for greater security measures at the expense of our freedoms. Since few, if any of us relish that prospect, we need to ensure the PATRIOT Act retains its core provisions and authorities—and remains an effective tool for securing the home front in the War for the Free World.

Mrs. MALONEY. Madam Speaker, I rise in opposition to the conference report to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Unfortunately, this bill does not do enough to protect the civil liberties of innocent Americans. Clearly, preventing another terrorist attack should be our highest priority. However, it should not be done at the expense of the basic rights guaranteed by the Constitution, and that is what I fear we are doing today.

Like the version of this legislation I voted against in July, this conference report would make permanent 14 of 16 provisions included in the original PATRIOT Act passed in 2001. I continue to have serious concerns about how this administration and future administrations could apply the provisions included in this bill. I simply do not believe that this body should relinquish its oversight duties. Many of these provisions should still have sunset clauses, and Congress should not be abrogating its responsibilities to review how these laws are being implemented.

By agreeing to this conference report today, the House will effectively give up its oversight over sneak-and-peek searches, secret search orders, and surveillance authority provided by this bill given how little oversight we have had on these issues. Our constituents expect more from us. Why are oversight and an independent review so opposed?

While I applaud the efforts of the conferees to reduce the extension of two key provisions relating to roving wiretaps, which allows taps on multiple phones and computers of a suspect, and business and library records from 10 years to 4 years, this legislation is woefully inadequate. My constituents are concerned that the government is watching them just because they are visiting their local library or bookstore. Under the PATRIOT Act, these records could be obtained with insufficient oversight by the courts or any independent review. Law enforcement should spend its time going after the terrorists, not using valuable resources reviewing the library records of innocent people. Unless we have an independent review, I know that I will not be satisfied that our rights are being protected.

To make matters even worse, there are entirely new provisions in the conference report to expand the Secret Service's ability to restrict free speech by creating ''exclusion zones.'' These provisions were included in neither the House nor the Senate version of this bill. I would think that this expansion of the Secret Service's authority at the very least deserves serious consideration by this body, and should not be slipped in at the last minute without any hearings or markups.

My constituents have legitimate concerns about the lack of independent, judicial oversight over the provisions included in the PATRIOT Act. We all want terrorists to be apprehended before they commit horrific acts of violence against innocent people. All we are asking is that we prevent unnecessary civil rights violations by ensuring that the administration is not abusing its powers. But this new provision is just the most glaring example of the lack of diligence that this Congress appears to have on protecting our rights.

I am incredibly disappointed that throughout the entire debate on this legislation, the leadership of this House has refused even to discuss the topic of civil liberties, the very issue that makes this legislation so divisive. When the House debated this bill in July, the Rules Committee denied a bipartisan effort to debate an amendment offered by Representatives CHRISTOPHER SHAYS, TOM UDALL and myself that would have made the Privacy and Civil Liberties Board, created by the Intelligence Reform and Terrorism Prevention Act, more robust. This board would have been in line with what the 9/11 Commission envisioned when they issued their report. Today, 3 days before the 1 year anniversary of the signing of the Intelligence Reform and Terrorism Prevention Act, the Privacy and Civil Liberties Board has yet to hold its first meeting and the 9/11 Commission has given Congress and the President a D for our work implementing this board. It appears to me that Congress and the President refuses to even have a discussion about our civil liberties and are opposed to implementing commonsense protections. This bill is just another example of that.

I urge my colleagues to vote against this conference report.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join my many colleagues, many victims of terrorism, and many victims of racial and religious profiling in opposing this legislation, H.R. 3199, for several reasons. First, we never have been given the facts necessary to fully evaluate the operation of the underlying bill, the USA PATRIOT Act. Second, there are numerous provisions in both the expiring and other sections of the PATRIOT Act that have little to do with combating terrorism, intrude on our privacy and civil liberties, and have been subject to repeated abuse and misuse by the Justice Department. Third, the legislation does nothing to address the many unilateral civil rights and civil liberties abuses by the administration since the September 11 attacks. Finally, the bill does not provide law enforcement with any additional real and meaningful tools necessary to help our Nation prevail in the war against terrorism. Since 2002, 389 communities and 7 States have passed resolutions opposing parts of the PATRIOT Act, representing over 62 million people. Additionally, numerous groups ranging the political spectrum have come forward to oppose certain sections of the PATRIOT Act and to demand that Congress conduct more oversight on its use, including the American Civil Liberties Union, American Conservative Union, American Immigration Lawyers Association, American Library Association, Center for Constitutional Rights, Center for Democracy and Technology, Common Cause, Free Congress Foundation, Gun Owners of America, Lawyers' Committee for Civil Rights, National Association for the Advancement of Colored People—NAACP, National Association of Criminal Defense Lawyers, People for the American Way, and numerous groups concerned about immigrants' rights.

I sit as ranking Democrat on the Subcommittee on Immigration, Border Security, and Claims. Of particular concern to me are a number of immigration-related provisions that cast such a broad net to allow for the detention and deportation of people engaging in innocent associational activity and constitutionally protected speech and that permit the indefinite detention of immigrants and noncitizens who are not terrorists.

Among these troubling provisions are those that:

Authorize the Attorney General, AG, to arrest and detain noncitizens based on mere suspicion, and require that they remain in detention ''irrespective of any relief they may be eligible for or granted.'' (In order to grant someone relief from deportation, an immigration judge must find that the person is not a terrorist, a criminal, or someone who has engaged in fraud or misrepresentation. When relief from deportation is granted, no person should be subject to continued detention based merely on the Attorney General's unproven suspicions.

Require the AG to bring charges against a person who has been arrested and detained as a ''certified'' terrorist suspect within 7 days, but the law does not require that those charges be based on terrorism-related offenses. As a result, an alien can be treated as a terrorist suspect despite being charged with only a minor immigration violation, and may never have his or her day in court to prove otherwise.

Make material support for groups that have not been officially designated as ''terrorist organizations'' a deportable offense. Under this law, people who make innocent donations to charitable organizations that are secretly tied to terrorist activities would be presumed guilty unless they can prove they are innocent. Restrictions on material support should be limited to those organizations that have officially been designated terrorist organizations.

Deny legal permanent residents readmission to the U.S. based solely on speech protected by the first amendment. The laws punish those who ''endorse,'' ''espouse,'' or ''persuade others to support terrorist activity or terrorist organizations.'' Rather than prohibiting speech that incites violence or criminal activity, these new grounds of inadmissibility punish speech that ''undermines the United States'' efforts to reduce or eliminate terrorist activity.'' This language is unconstitutionally vague and overbroad, and will undeniably have a chilling effect on constitutionally protected speech.

Authorize the AG and the Secretary of State to designate domestic groups as terrorist organizations and block any noncitizen who belongs to them from entering the country. Under this provision, the mere payment of membership dues is a deportable offense. This vague and overly broad language constitutes guilt by association. Our laws should punish people who commit crimes, not punish people based on their beliefs or associations.

In addition, the current administration has taken some deeply troubling steps since September 11. Along with supporting the USA PATRIOT Act, it has initiated new policies and practices that negate fundamental due process protections and jeopardize basic civil liberties for noncitizens in the United States. These constitutionally dubious initiatives undermine our historical commitment to the fair treatment of every individual before the law and do not enhance our security. Issued without congressional consultation or approval,

these new measures include regulations that increase secrecy, limit accountability, and erode important due process principles that set our Nation apart from other countries.

I cosponsored the Civil Liberties Restoration Act, CLRA, reintroduced from the 108th Congress by Representatives HOWARD BERMAN and WILLIAM DELAHUNT, that seeks to roll back some of these egregious post-9/11 policies and to strike an appropriate balance between security needs and liberty interests. The CLRA would secure due process protections and civil liberties for noncitizens in the U.S., enhance the effectiveness of our Nation's enforcement activities, restore the confidence of immigrant communities in the fairness of our government, and facilitate our efforts at promoting human rights and democracy around the world.

While every step must be taken to protect the American public from further terrorist acts, our government must not trample on the Constitution in the process and on those basic rights and protections that make American democracy so unique.

My "safe havens" amendment that relates to the civil forfeiture provision of 18 U.S.C. 981 and would add a section that would allow civil plaintiffs to attach judgments to collect compensory damages for which a terrorist organization has been adjudged liable, fortunately, was included in the text of the conference report as section 127:

It is the sense of Congress that under section 981 of title 18, United States Code, victims of terrorists attacks should have access to the assets forfeited.

This language seeks to allow victims of terrorism who obtain civil judgment for damages caused in connection with the acts to attach foreign or domestic assets held by the United States Government under 18 U.S.C. 981(G). Section 981(G) calls for the forfeiture of all assets, foreign or domestic, of any individual, entity, or organization that has engaged in planning or perpetrating any act of domestic or international terrorism against the United States, citizens or residents of the United States.

The legislation, H.R. 3199, as drafted, fails to deal with the current limitation on the ability to enforce civil judgments by victims and family members of victims of terrorist offenses. There are several examples of how the current administration has sought to bar victims from satisfying judgments obtained against the government of Iran, for example.

In the Sobero case, a U.S. national was beheaded by Abu Sayyaf, an Al-Qaeda affiliate, leaving his children fatherless. The administration responded to this incident by sending 1,000 Special Forces officers to track down the perpetrators, and the eldest child of the victim was invited to the State of the Union Address. Abu Sayyaf's funds have been seized and are held by the U.S. Treasury at this time. The family of the victim should have access to those funds, at the very least, at the President's discretion.

Similarly, the administration barred the Iran hostages that were held from 1979 to 1981 from satisfying their judgment against Iran. In 2000, the party filed a suit against Iran under the terrorist state exception to the Foreign Sovereign Immunity Act. While a Federal district court held Iran to be liable, the U.S. Government intervened and argued that the case should be dismissed because Iran had not been designated a terrorist state at the time of the hostage incident and because of the Algiers Accords—that led to the release of the hostages, which required the U.S. to bar the adjudication of suits arising from that incident. As a result, those hostages received no compensation for their suffering.

Similarly, American servicemen who were harmed in a Libyan sponsored bombing of the La Belle disco in Germany were obstructed from obtaining justice for the terrorist acts they suffered. While victims of the attack pursued settlement of their claims against the Libyan government, the administration lifted sanctions against Libya without requiring as a condition the determination of all claims of American victims of terrorism. As a result of this action, Libya abandoned all talks with the claimants. Furthermore, because Libya was no longer considered a state sponsor of terrorism, the American service men and women and their families were left without recourse to obtain justice. The La Belle victims received no compensation for their suffering.

In addition, a group of American prisoners who were tortured in Iraq during the Persian Gulf war were barred from collecting their judgment from the Iraqi government. Although the 17 veterans won their case in the District Court of the District of Columbia, the administration argued that the Iraqi assets should remain frozen in a U.S. bank account to aid in the reconstruction of Iraq. Claiming that the judgment should be overturned, the administration deems that rebuilding Iraq is more important than recompensing the suffering of fighter pilots who, during their 12-year imprisonment, suffered beatings, bums, and threats of dismemberment.

Finally, the World Trade Center victims were barred from obtaining judgment against the Iraqi government. In their claim against the Iraqi government, the victims were awarded $64 million against Iraq in connection with the September 2001 attacks. However, they were rebuffed in their efforts to attach the vested Iraqi assets. While the judgment was sound, the Second Circuit Court of Appeals affirmed the lower court's finding that the Iraqi assets, now transferred to the U.S. Treasury, were protected by U.S. sovereign immunity and were unavailable for judicial attachment.

While the PATRIOT Act may not deserve all of the ridicule that is heaped against it, there is little doubt that the legislation has been repeatedly and seriously misused by the Justice Department. Consider the following:

It's been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having had nothing to do with terrorism.

It was used against Brandon Mayfield, an innocent Muslim American, to tap his phones, seize his property, copy his computer, spy on his children, and take his DNA, all without his knowledge.

It's been used to deny, on account of his political beliefs, the admission to the United States of a Swiss citizen and prominent Muslim scholar to teach at Notre Dame University.

Its been used to unconstitutionally coerce an internet service provider to divulge information about e-mail activity and web surfing on its system, and then to gag that provider from even disclosing the abuse to the public.

Because of gag restrictions, we will never know how many times its been used to obtain reading records from library and book stores, but we do know that libraries have been solicited by the Department of Justice—voluntarily or under threat of the PATRIOT Act—for reader information on more than 200 occasions since September 11.

It's been used to charge, detain and prosecute a Muslim student in Idaho for posting internet website links to objectionable materials, even though the same links were available on the U.S. Government's website.

Even worse than the PATRIOT Act has been the unilateral abuse of power by the administration. Since September 11, our government has detained and verbally and physically abused thousands of immigrants without time limit, for unknown and unspecified reasons, and targeted tens of thousands of Arab-Americans for intensive interrogations and immigration screenings. All this serves to accomplish is to alienate Muslim and Arab-Americans—the key groups to fighting terrorism in our own county—who see a Justice Department that has institutionalized racial and ethnic profiling, without the benefit of a single terrorism conviction.

Nor is it helpful when our government condones the torture of prisoners at home and abroad, authorizes the monitoring of mosques and religious sites without any indication of criminal activity, and detains scores of individuals as material witnesses because it does not have evidence to indict them. This makes our citizens less safe not more safe, and undermines our role as a beacon of democracy and freedom.

Right now, H.R. 3199 is the most appropriate and timely vehicle in which to address this issue and allow U.S. victims of terrorism to obtain justice from terrorist-supporting or terrorist-housing nations. Madam Speaker, I oppose this legislation and ask that my colleagues work to negotiate real fixes to the sunsetted provisions.

Mr. HYDE. Madam Speaker, I am very pleased with the conference report, H.R. 3199, to renew the PATRIOT Act. I want to thank and compliment all the conferees and the administration for bringing this about.

By renewing this measure, we are continuing to provide our law enforcement agencies and the administration with many of the critical tools needed to combat global terrorism and protect America. Provisions of the PATRIOT Act have already been instrumental in warding off further terrorist attacks since 9/11, and they are responsible for helping to keep us safe here at home.

In addition, the bill includes an added provision, which I authored, offering a new tool to attack the growing phenomenon of narco-terrorism, with the proceeds of illicit drug funding and financing feeding the Foreign Terrorist Organizations, FTOs, and supporting acts of terrorism. Passage of the PATRIOT Act conference report will enhance Federal criminal law to effectively address the current reality, according to the Drug Enforcement Administration, of illicit drugs being linked to nearly half of the designated FTOs around the globe today.

In this measure, my provision makes narco-terrorism, which involves both the illicit drug trade and support for terrorism, a Federal crime, and provides tough penalties that match the nature of such deadly and dual criminal activity.

Our hardworking Drug Enforcement Administration will no longer be challenged to

produce evidence of a nexus of these illicit drugs to the United States, if there is proof that the illicit drugs support FTOs or acts of terrorism.

In Afghanistan, most of the heroin from illicit drug production goes to Europe, rather than here, and much of the profit then finances and supports anticoalition terrorists and attacks on our forces there. My provision will give us the tools to attack that drug-related support for terrorism and further protect America, our troops, and coalition forces on the ground in places like Afghanistan.

Madam Speaker, I urge my colleagues to support the passage of the PATRIOT Act conference report.

Ms. HART. Madam Speaker, I rise in Support of H.R. 3199, the PATRIOT Act reauthorization conference report.

This is a balanced reauthorization—protecting civil liberties and extending the necessary provisions to help us fight the war on terror here at home.

I want to thank Chairman SENSENBRENNER for including a number of provisions from H.R. 3007 Combating Terrorism Financing Act.

Funding is the lifeblood of terrorist organizations—if we are to prevent future attacks and continue to dismantle terrorist organizations we must deny them funding.

Terrorist analysts often note that it is fairly inexpensive to carry out a single act of terror—for example, it is estimated that the attack on the World Trade Center cost only $500,000.

Terrorist organizations need money not just to carry out such attacks; they also need funding to continue their operations such as recruiting and training new members and support their current members.

One of the most important lessons we have learned is exactly how terrorists and other criminal organizations transmit money through unregulated financial markets.

Like the patchwork of terrorist organizations and cells, terrorism funding does not come from a single source. Terrorist networks are funded through state sponsorship, charities and businesses fronting as legitimate institutions, and exploitation of markets and financial networks.

The tough terrorism financing language in the conference report will increase penalties for terrorism financing.

In addition, the bill will add new predicate money laundering offenses to allow law enforcement to investigate and dismantle terrorist financing organizations.

Finally, the original PATRIOT Act added a new forfeiture provision for individuals planning or perpetrating an act of terrorism against the United States.

The language in the conference report adds a parallel provision for individuals planning or perpetrating an act of terrorism against a foreign state or international organizations acting within the jurisdiction of the United States.

The language in the conference report builds on our current laws, to address some of the shortfalls that we have learned about since September 11.

Terrorists work to find the holes in our laws and we must make sure that we continue to be diligent to update them so that we can cut off terrorist funds and stop future attacks against us and our allies in the war on terror.

Mr. SKELTON. Madam Speaker, the PATRIOT Act has been an important law enforcement tool in the years following the dastardly terrorist attacks on our country, and taken as a whole, the bill has enhanced our national security. The United States and our allies are fighting a war like no other. It is an unconventional war that must be met with unconventional tools used by law enforcement professionals to protect the American people from those who would do us harm.

The PATRIOT Act provides federal officers greater powers to trace and intercept terrorists' communications for law enforcement and foreign intelligence purposes. It reinforces federal anti-money laundering laws and regulations in an effort to deny terrorists the resources necessary for future attacks. It tightens laws pertaining to seaport security. And, it creates several new federal crimes, such as laws outlawing terrorists' attacks on mass transit and increases penalties for many other violations of the law.

As is true of any law that empowers the government to collect security-related information domestically, evaluating the PATRIOT Act requires us to weigh a wide range of competing interests, like the ability of our government to detect and thwart terrorist attacks and the constitutional rights of the American people. Of course, proper oversight of the PATRIOT Act by Congress is essential to guaranteeing our constitutional rights are not trampled.

Important for Missouri, the PATRIOT Act Conference Report also includes bipartisan language that helps fight the scourge of methamphetamine abuse in America. This drug epidemic has been especially hard on rural areas. The bill bans over-the-counter sales of cold medicines that contain ingredients commonly used to make methamphetamine, allowing the sale only from locked cabinets or behind the counter. It limits the monthly amount any individual could purchase, requires individuals to present photo identification in order to purchase such medicines, and requires stores to keep personal information about these customers for at least 2 years after the purchase of these medicines. The bill also allows judges to impose strict sentences for those who possess pseudoephedrine with the intent to distribute it for methamphetamine creation.

I urge my colleagues to support reauthorization of the PATRIOT Act.

Mr. KENNEDY of Minnesota. Madam Speaker, from keeping our children safe to winning the war on terrorism, we face many challenges, but few are like meth, which threatens lives, safety and health, at great cost to all of us.

I am pleased that this conference report contains many significant provisions that I have authored, including 4 enhanced criminal penalties originally introduced in the Kennedy-Hooley SLAM Act.

It also contains a drug certification provision of mine that will stop the flood of meth from international superlabs.

We must send a signal to the pushers of this poison that they are not welcome in our communities.

Madam Speaker, this bipartisan legislation deserves the support of both bodies because it is a comprehensive response to the methamphetamine problem in America.

It will send a strong signal that Congress is serious about fighting the scourge of meth.

While the criminal penalties in this bill would be more effective if they were as tough as what were originally introduced, Chairmen SENSENBRENNER and SOUDER showed tremendous leadership in moving this bill to the Floor, and I urge the swift passage of this important legislation.

Most importantly, our actions today will send a signal to the law enforcement officers who wake up every morning to protect our families that we stand with them in the fight against drugs and will work to give them every tool they need to be successful.

Additionally, this conference report reauthorizes the USA PATRIOT Act, which fulfills the high responsibility of protecting our citizens while ensuring their fundamental privacy rights are not abused.

For many years, law enforcement officers lacked the same tools for tracking down suspected terrorists as they had for drug dealers, mobsters and other criminals.

Extending the provisions of the PATRIOT Act that are scheduled to expire on December 31 will allow law enforcement officers to monitor suspected terrorists' communications and share critical intelligence information.

These are vital tools for law enforcement that we need to help keep America safe, tools that carry with them strict safeguards to prevent the abuse of our civil liberties.

These safeguards will ensure that the PATRIOT Act is used only for its intended purposes, catching terrorists before they can do us harm, and not to curtail the strong tradition of personal privacy that Americans have long enjoyed.

Madam Speaker, I urge all of my colleagues in both bodies to support this reauthorization of the PATRIOT Act, which contains important provisions in this Nation's fight against meth.

Mr. VAN HOLLEN. Madam Speaker, I rise to explain my decision to vote against the Conference Report on the PATRIOT Act. Some of the provisions that are being authorized in this bill provide law enforcement officials with important tools that may be helpful in detecting and disrupting terrorist activities. I support those provisions. Other provisions, however, fail to provide adequate safeguards to ensure that the privacy rights of innocent citizens are protected. It is very important that, in our effort to defend the liberties that Americans cherish, we not enact measures that erode the very freedoms we seek to protect. We can ensure that the government has the necessary surveillance powers without sacrificing the privacy rights of Americans.

In the aftermath of September 11, 2001, it is essential that we stregthen our ability to detect, deter, and disrupt terrorist activities. Many provisions in the PATRIOT Act accomplish this objective in a balanced way. Other provisions, however, leave citizens vulnerable to unchecked, unwarranted, and potentially abusive invasions of privacy. Many of these concerns were addressed in the Senate bill

that passed by bipartisan, unanimous support. unfortunately, the Conference abandoned many of the safeguards in the final Conference agreement.

The Conference Report falls short in a number of areas. Let me focus on 2 of these issues—the inadequate checks on the National Security Letters and the Foreign Intelligence Surveillance Act court orders.

The ''National Security Letters'' provision: (1.) This authorization has no sunset; (2.) It provides no judicial review of a National Security Letter gag order. This is a departure from current law which allows the recipient of such a Letter to challenge it in court. The conference agreement requires the court to accept the government's assertion as ''conclusive''. (3.) Moreover, the conference report allows the government to maintain information gathered from the National Security Letters to be kept forever in government databases.

''Foreign Intelligence Surveillance Act'' (FISA) Court Orders for Tangible Things (section 215): (1) Unlike the Senate bill, the Conference Report allows the government to obtain personal information on a mere showing of ''relevance'', thereby striking the safeguard contained in the Senate passed bill that required a 3-part test. This allows the government to obtain this information without demonstrating that the information that they are seeking has some connection to a terrorist or a spy. (2) The conference report does not permit the recipient of a section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment of the Constitution. (3) Finally, the conference report allows the government to use secret evidence to oppose a judicial challenge to a section 215 order. The court must review any government submission in secret, whether or not it contains classified material.

It is important that any policy that is advanced to enhance our nation's security always maintains appropriate ''sunshine'' and checks and balances on those law enforcement and intelligence agencies that are empowered to promote national security. History reminds us that these law enforcement tools can be overzealously used and may also be directed at innocent parties. The conference report on the PATRIOT Act that is before us today fails to strike the proper balance. The Senate version included many of the necessary safeguards. Unfortunately, many of those provisions were abandoned by the Conference Committee. As a result I voted in favor of Mr. CONYERS' Motion to Recommit the Conference Report to the Conference Committee so that the conferees could return to the consideration of the Senate passed bill. Unfortunately, this motion was defeated. Therefore, I must vote against the passage of the Conference Report that is before us today.

Mr. DINGELL. Madam Speaker, I rise in strong opposition to the conference report to H.R. 3199. We should go back into conference and work on a bipartisan, balanced conference report.

Instead of rushing to finalize a partisan conference report that dismisses concerns for Americans' civil liberties, we should pass a 3 month extension and try to find a bipartisan balance.

Unfortunately, the House leadership is unwilling to strike that balance and have put forth for consideration a conference report that no Democratic conferee signed. This is unconscionable.

Madam Speaker, many objectionable provisions remain in this conference report, but two issues in particular were ignored by the majority. First, the conference report fails to provide a standard to challenge national security letters. We recently learned that over 30,000 national security letters are issued every year to businesses of all types without court approval.

Yet, this conference report provides little to no mechanism to allow for a citizen to challenge these letters in court, and sets no deadline for destroying the private information that has been collected. Shame on us for not allowing a citizen to redress his grievances, and, shame on us for not ensuring that private information is destroyed once it is collected.

Second, this conference report fails to address the very real issue that has been of great concern to many Americans: Section 215 secret court orders for library, medical, and other personal records. It leaves the standard for obtaining ''any tangible thing'' at simply a ''relevance'' standard to an investigation, basically allowing the government to conduct a fishing expedition if it deems appropriate.

As I, along with several of my colleagues, said in a letter to Chairman SENSENBRENNER AND Chairman SPECTER, there is nothing in this standard to stop the FBI from asking a library to turn over its circulation list of everyone who had checked out a book on Islam since the September 11th attacks. Shame on us for allowing this to remain in the final conference report.

Madam Speaker, I have heard a lot of talk during the last four years that we will not yield to the terrorists. That we will fight tyranny with freedom and democracy, and the power of our ideas will prevail. I agree with that sentiment.

Yet, today, we are considering limiting freedoms by allowing provisions such as the Section 215 secret court orders and national security letters that I mentioned earlier. As a former prosecutor, I understand the need for tools to prosecute those who would do us harm. I also know that those same tools can be used to curtail freedoms of innocent Americans.

We must provide common sense tools to prosecutors, but we must protect the liberty of all Americans. As I asked in June of this year, and as I ask again now, ''What will generations to come think when they have seen we have permanently lowered the bar in protecting their civil liberties?''

Madam Speaker, whenever we discuss the PATRIOT Act, I am reminded of a very wise saying by one of our founding fathers, Benjamin Franklin. He said, ''They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.''

I will vote against this conference report and urge my colleagues to do the same. We should go back to conference and craft a conference report that protects all of our civil liberties.

Mr. LANGEVIN. Madam Speaker, today I rise in opposition to the conference report on H.R. 3199, the USA PATRIOT Act reauthorization. While I do not advocate permitting many of these important terrorism-fighting tools to expire at the end of the year, the American people would be better served by a bill that strikes a more reasonable balance between protecting civil liberties and fighting the war on terrorism. I am disappointed that the conference report does not closely mirror the bipartisan compromise that unanimously passed the Senate. I urge my colleagues to reject this conference report and take a bipartisan approach to protecting Americans' lives and liberties.

Since the USA PATRIOT Act was enacted shortly after 9/11, I have met with many constituents and countless groups to discuss the details of this controversial legislation. Last year, I hosted a town hall meeting to hear what my constituents thought about the USA PATRIOT Act. While some agreed that the act was necessary to prevent another terrorist attack, most of the crowd, as well as most Rhode Islanders, believed we have already ceded too much ground with respect to our civil liberties. In my State, seven cities and towns have passed resolutions opposing parts of the USA PATRIOT Act, and my constituents understand what this bill means to them and their freedom.

Last week, the 9/11 Commission released a report card on the implementation of the group's recommendations. For ''balance between security and civil liberties,'' the government received a ''B,'' which is a high grade considering they were given more ''Fs'' than ''As.'' However, the report card cautioned that ''robust and continuing oversight, both within the Executive and by the Congress, will be essential.'' We should strive to move closer to A than F, but this conference report does not accomplish that goal. By making 14 of the 16 expiring provisions of the USA PATRIOT Act permanent, I worry that Congress will be less likely to engage in vigorous oversight to protect the civil liberties of law abiding Americans.

The Senate proved that it is possible to protect both lives and liberties. Their legislation made permanent the less controversial portions of the act, but implemented commonsense changes to add a layer of protection for liberties while keeping America safe. Unfortunately, most of these improvements were not incorporated into the conference report. For instance, the Senate version required the government to show that a person is connected to terrorism or espionage before investigators could obtain medical, library or business records. The bill before us permits the government to go on fishing expeditions to look for information without probable cause. In addition, the Senate required new, strong protections for ''sneak and peak'' searches and roving wiretaps. These improvements are also absent, from the conference agreement. I urge my colleagues to join me in supporting the motion to recommit, which asks conferees to adopt the bipartisan Senate language.

I recognize the need for our laws to keep pace with new technology and a changing world, and I am committed to ensuring our law enforcement has the tools they need to keep our Nation safe. However, providing these tools need not come at the expense of the liberties and freedoms that we hold so dear. If we cede these, we have already given up the very values the terrorists are trying to destroy.

I am disappointed that conferees have decided to once again place partisanship over sound policy. Working together, we make America stronger, but Congress has again divided the American people. I urge my colleagues to join me in opposing H.R. 3199 and instead working to reauthorize the USA PATRIOT Act in a way that protects both our liberties and our country.

Ms. DEGETTE. Mr. Speaker, I was unavoidably absent from the vote today on H.R. 3199, the ''USA PATRIOT Improvement and Reauthorization Act of 2005'' due to a family medical emergency. Had I been present and voting, I would have voted ''no'' on this bill as I have steadfastly opposed similar versions of the PATRIOT Act when they have come up in the past.

Make no mistake, like all Americans I believe we should give law enforcement the tools it needs to investigate and fight terrorism. However, we can do this without sacrificing our American values. One of our most precious values is the right to be free from unwarranted government intrusion.

I voted against the original PATRIOT Act when it passed Congress in 2001 because it went too far in creating the potential for government abuses and violations of civil liberties. The bill today makes permanent almost all of the provisions enacted in 2001. While some have been altered to make them slightly less egregious, not enough has changed to allow me to lend my support to this reauthorization.

For example, section 109 of H.R. 3199 makes some changes to section 215 of the original PATRIOT Act, which expanded what the government could seize under the Foreign Intelligence Surveillance Act, FISA, of 1978 to ''any tangible things.'' These include library, medical, tax, and gun records. The bill today maintains the weak threshold adopted in the original PATRIOT Act by again failing to require the materials requested be tied or connected to a specific terrorist or terrorist organization. The broad standard in current law makes it dangerously easy for the records of innocent Americans to be viewed by government. Additionally, recipients of requests for information under section 215 are prevented from telling virtually anyone about the request and they cannot challenge this ''gag order'' in court.

While this bill at least includes a 4-year sunset for section 215, there is no sunset for section 505, which expanded the power of government to obtain information via national security letters, NSLs. NSLs allow the government, with no prior court approval, access to financial records, credit reports, telephone records, and information from internet service providers. As with section 215, this bill fails to require the materials requested be tied or connected to a specific terrorist or terrorist organization. Tragically, this weak standard is made permanent. There is no sunset. Also, as is true under section 215, there is a ''gag order'' under section 505. While H.R. 3199 adds a new ability to challenge this ''gag order,'' it is a sham. Violating this gag order even carries criminal penalties.

The bill also fails to adequately reform section 213 of the original PATRIOT Act, which expanded ''sneak and peek'' warrant authority. This allows the government to search American homes or businesses with delayed, not prior, notice. While the bill today does change the delay in notice allowed from a ''reasonable time'' to no more than 30 days, the bill allows for unlimited extensions. Limitations on instances in which delayed notice searches are allowed to remain broad. To protect our rights and privacy, the ability for the government to get into our personal lives and records without prior notice needs to be more narrowly crafted.

These are just some examples of the problems with H.R. 3199. I am confident that if we work together, we can develop laws which would allow us to combat terrorism without making it too easy for government to intrude into the private lives of Americans.

Mr. OXLEY. Madam Speaker, I support our action today to reauthorize the USA PATRIOT Act.

Within weeks after the horrendous terrorist attacks of 2001, Congress responded with the PATRIOT Act, providing our law enforcement and intelligence communities with much-needed tools to track down terrorists, sever their communications and funding networks, and prevent future attacks on our citizens.

As chairman of the House Financial Services Committee, I was proud to help write the antiterrorist financing provisions of this act. Millions of dollars in terrorist assets have been frozen or seized since 9/11. We have broken up suspected terrorist financing networks, including one in my home State of Ohio. The terrorist financing tools included in the act were further supplemented by the intelligence reform legislation approved in the wake of the 9/11 Commission's report.

As a former special agent of the FBI, I know that other sections of the PATRIOT Act have proven just as vital in assisting law enforcement combat the new threat of international terrorism. I am pleased that this reauthorization makes permanent all but a few of the act's expiring provisions, but regret that the 4-year sunset for the remaining authorities was made a part of this final product. Including any sunset sends the wrong signal to our law enforcement agencies, indicating that our trust in them is incomplete at a time when their services have helped prevent further terrorist attacks. They should have our full support and every reasonable tool we can give them to help fight the global war on terror.

One of the provisions still subject to a sunset deals with the use of roving wiretaps. As one of the few Members of Congress who has conducted undercover surveillance, I can tell you now that the need for roving wiretap authority will not expire in 7 years. Tying intercept authority to an individual suspect rather than a particular communication device is simply common sense in this era of throwaway cell phones and e-mail.

Further, there is absolutely no evidence that wiretap authority or any other USA PATRIOT Act provision has been used to violate the civil liberties of Americans. Congress recognizes the delicate balance between deterring terrorist activities and preserving the freedoms we hold so dear. I know beyond a doubt that terrorists make no such distinction.

The PATRIOT Act has been a success, and we as a nation are safer for it. Its provisions are helping to put the FBI and CIA on a more equal footing with terrorists, who use every available technology to plot with impunity. The act refines our surveillance laws for the high-technology era—something that has been long overdue.

I support the reauthorization of the USA PATRIOT Act, and hope that Congress will work toward making the roving wiretap and other temporary provisions permanent.

Mr. CARDIN. Madam Speaker, I rise in support of the conference report for H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Through the PATRIOT Act Congress has attempted the essential task of modernizing law enforcement tools to effectively combat the 21st century terrorist, who can now use cell phones, the internet, and e-mails to plan and coordinate attacks in the United States. As originally enacted in October 2001, many PATRIOT Act provisions are set to expire at the end of this month if Congress takes no action.

The conference report before us extends and improves many provisions of the PATRIOT Act. It is a substantial improvement to the bill that was passed by the House in July 2005. I do have significant concerns and misgivings about the administration's use of the new powers of the PATRIOT Act, and I am pleased that this legislation addresses many of these concerns. This legislation: includes three sunset provisions for PATRIOT Act authorities; requires greater oversight by Congress and the judiciary of the Justice Department; and gives new rights to subjects of a government investigation. Given the complexity and importance of this measure, let me review these provisions in some detail.

The 4-year sunsets adopted by the conference report apply to business records, roving wiretaps, and ''lone-wolf' terrorist suspects who operate alone rather than as an agent of a foreign power. Congress must revisit these provisions in 4 years, which will expire unless approved again. The conference report adopts the Senate position of 4-year sunsets, and rejected the House position of 10-year sunsets.

Under the business records provision, section 215 of the PATRIOT Act, the bill provides that the government may seek a court order for ''any tangible item'' if law enforcement officials assert that the records are sought in an effort to obtain foreign intelligence or in a terrorism investigation. The application to the FISA court, the Foreign Intelligence Surveillance Act court, must provide a ''statement of facts'' proving that the information sought is ''relevant'' to the investigation. This bill provides greater protection than current law, which simply requires the government to certify the records were sought for an authorized investigation without any factual showing.

The conference report also explicitly provides—unlike current law—that anyone who receives a request for records under this provision may consult with an attorney in order to challenge the request in court. The bill requires new high-level approval by one of the top three FBI officials for certain records, including library records, medical records, educational records, and tax return records. The bill has several new requirements for the Justice Department, including: issuing ''minimization procedures'' which limits the retention of, and prohibits dissemination of, information concerning U.S. persons; conducting two separate audits of the FBI's use of section 215 orders, which will examine any improper or illegal use of this authority, and the manner in which such information is collected, retained, analyzed, and disseminated by the FBI; and requiring the public reporting of the aggregate use of section 215 orders, and a breakdown of its use to Congress—comparisons of library, medical, educational records, for example.

The roving wiretaps provision, section 206 of the PATRIOT Act, provides that the FISA court may issue ''roving'' wiretaps to conduct surveillance on a foreign power or their agent when the target of surveillance has taken steps to thwart the investigation by changing accommodations, cell phones, internet accounts, or other forms of communications. Court orders would apply to a person or persons, not a particular device or location, so

that the government does not have to return to court each time that a target changes a communications device or moves to another location. The bill requires court orders for roving wiretaps to describe in detail the specific target in cases in which the target's identity is unknown, higher burden than current law, and requires more detailed and timely reporting by the FBI to the courts and Congress on the use of this authority.

The conference report also makes substantial improvements to the national security letter, NSL, process, which existed before Congress enacted the PATRIOT Act in 2001. NSLs allow the FBI to request customer records from communications companies and financial institutions related to an investigation. The bill explicitly provides a new right to NSL recipients to consult with an attorney to challenge the letter in court. The court is also given a new explicit right to review NSL requests. The bill provides that courts may block an NSL if it is ''unreasonable, oppressive, or otherwise unlawful'' (same standard as used to modify or quash a subpoena in a criminal case). Recipients are also given a new right to challenge the nondisclosure requirement in court. Congress also requires the Justice Department to report to Congress on the number of NSLs sent to U.S. persons or entities, and requires the department's inspector general to conduct an audit of the effectiveness of NSLs. The bill also provides that the Justice Department submit to Congress the annual aggregate number of requests made concerning different U.S. persons in an unclassified format.

Finally, the conference reports places some new restrictions on delayed notice search warrants, commonly called ''sneak and peek'', under section 213 of the PATRIOT Act. This type of search warrant, which existed before the PATRIOT Act was adopted, requires that a Federal judge must find that there is probable cause to believe that: (1) A crime has been or is about to be committed; (2) evidence of those crimes will be found at the location to be searched; and (3) immediate notice would cause harm under certain specified criteria. The conference report restricts the government's authority to delay notice to 30 days, and allows for an extension only if approved by a court. The bill also requires new reporting to Congress on the use of this provision.

Madam Speaker, we must not repeat the mistakes of the past, when the United States sacrificed the civil rights of particular individuals or groups in the name of security. Whether in times of war or peace, finding the proper balance between government power and the rights of the American people is a delicate and extremely important process. It is a task that rightly calls into play the checks and balances that the Founders created in our system of government. All three branches of government have their proper roles to play in making sure the line is drawn appropriately, as we uphold our oaths to support the Constitution. This legislation attempts to strike a balance as we seek to prevent another terrorist attack on U.S. soil, while protecting Americans' constitutional civil liberties. I will continue to work in Congress to exercise our critical oversight responsibilities to protect our civil liberties.

Mr. HONDA. Madam Speaker, I rise today in opposition to the conference report on H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Last week, Republican House and Senate negotiators reached an agreement to reauthorize the PATRIOT Act. As part of the deal agreed to by House and Senate Republican conferees, Federal law enforcement authorities will retain the right to: Investigate American citizens without judicial oversight, a power that is invoked more than 30,000 times each year; search individuals' private property without notifying them; access citizens' library records, medical records, school records, and financial records virtually unchecked by the judiciary.

The House-Senate conference committee had an opportunity to revise the PATRIOT Act's expiring provisions to protect the rights and liberties of all Americans more effectively. Regrettably, the opportunity was lost when Democratic conferees were excluded from key negotiations. The resulting conference report falls short of what the American people have every reason to expect Congress to achieve in defending their rights while advancing their security.

The conference report drops key protections in the Senate-passed bill regarding ''national security letters.'' National security letters, NSLs, are, in effect, a form of secret administrative subpoena. They are issued by Federal authorities—most often FBI agents—without any court supervision, and recipients are prohibited from telling anyone that they have been served. The conference report also fails to protect the records of innocent Americans collected by means of these NSLs. Under the conference report, such records may be kept forever in government databases, shared with the intelligence community, and used for datamining.

There is no more difficult task I have as a legislator than balancing the Nation's security with our civil liberties, but this task is not a zero sum game. By passing a conference report that allows the troubling aspects of the PATRIOT Act to continue, we pursue a false sense of national security at the expense of our civil liberties. I opposed the PATRIOT Act when it first came to us in 2001 and I vote against it today.

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

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. CONYERS. Yes, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conyers of Michigan moves to recommit the conference report on the bill H.R. 3199 to the committee of conference with instructions to the managers on the part of the House to recede from disagreement with the Senate amendment.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Madam Speaker, parliamentary inquiry, is it permissible to include instructions in the motion to recommit to conference?

The SPEAKER pro tempore. Yes, it is proper.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the conference report.

The vote was taken by electronic device, and there were—ayes 202, noes 224, not voting 7, as follows:

[Roll No. 626]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)

Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

DeGette
Diaz-Balart, M.
Hyde
McDermott
Payne
Poe
Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining.

□ 1356

Messrs. BRADLEY of New Hampshire, DELAY, ROHRABACHER, MCHENRY, Ms. HART and Mrs. JOHNSON of Connecticut changed their vote from ''aye'' to ''no.''

Mr. SALAZAR changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 251, nays 174, not voting 9, as follows:

[Roll No. 627]

YEAS—251

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Edwards
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—174

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Bishop (UT)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Markey
Matheson
Matsui
McCollum (MN)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (GA)
Price (NC)
Rahall
Rangel
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

DeGette
Diaz-Balart, M.
Hyde
McDermott
Ortiz
Peterson (PA)
Poe
Radanovich
Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1407

Mr. ISRAEL and Mr. BISHOP of Utah changed their vote from ''yea'' to ''nay.''

Mr. TAYLOR of Mississippi and Mr. BOYD changed their vote from ''nay'' to ''yea.''

So the conference report 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. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 627. I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, I was unable to vote during rollcall No. 627. Had I been able to vote, I would have voted "yea" in support of the conference report on H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Clearly, we are in a time of heightened awareness and in need of greater security in order to prevent another terrorist attack on our land. It is our duty as Representatives of our constituents and fellow Americans to see to it that we provide the resources that are necessary to help prevent such an attack.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the further conference report to accompany H.R. 3010.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

FURTHER CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 596, I call up the further conference report on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 596, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 13, 2005, at page H11348.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume, and I would just like to say to my colleagues and friends on the other side of the aisle to take a second look at this bill. I know that, in our first iteration, they did not give us any votes, but let me point out to you that if the bill were to fail, we would end up with a CR, a full year's CR, because you know we are not going home without something in this field.

These are important programs, over 500 of them. What would happen with a CR? Well, there would be $800 million less for student aid, $278 million less for innovation and improvement programs, $178 million less for higher education programs, $94 million less for title I programs and $84 million less for special education programs. That would be a disastrous result that I do not think any of us on either side of the aisle would want to happen.

In addition, if we were to go to a CR, if this bill were to fail, LIHEAP funding would be reduced by $298 million, with no contingency for extreme weather. Community Services Block Grant would be cut $317 million. National Institutes of Health would be cut $198 million, with 200 fewer research grants.

Mr. Speaker, I want to say to all my colleagues that this is not something we want to make as a Christmas gift to the American people, a CR on this bill. This bill is a good bill. It reflects good management of what we had to work with.

I might say at the outset that there are no earmarks in the bill, none, for anyone, either side or any person. Absolutely no earmarks, and no earmarks for the Senate either. But I want to tell you what happened to the earmarked money, because we had $1 billion in the bill that originally passed the House back early on. Of that money, $100 million is going to title I to help our schools; $100 million is going to special education State grants to help the programs that help the disadvantaged students.

□ 1415

Mr. Speaker, $250 million is going to NIH for research, and we recognize that the challenge is great in that field to research medical issues. There is $317 million for Community Services Block Grant, and these help people with limited means. There is $176 million in LIHEAP and $66 million for community health centers, and community health centers obviously provide a place for people who do not have a family doctor and have limited means. It gives them a place to go. So these are good programs. These are good uses of the money, and I think we all understand that in this time of tight budgets and tight resources, we have to set priorities. In so doing, we set the priorities I just outlined rather than to go into earmarks.

I want to say at the outset that this program is $1.4 billion under 2005, and there is no increase from the bill we had 2 weeks ago. How did we manage to meet these program needs? We did it by managing carefully. We looked at the programs and the funds that were available.

I want to point out to my colleagues on the other side of the aisle that I do not think you want to go home and tell people in the education field that you voted against an increase, let me emphasize, an increase of $100 million over last year in title I. I do not think you want to tell the parents and families of children with special needs that you voted against an increase in special education of $100 million over last year. Head Start is up $6.8 million. Math and science partnerships, and we hear a lot about that today, these are up over last year. We have $100 million to develop teacher and principal programs, incentive programs, particularly at the elementary level.

TRIO and GEAR–UP, the President's budget had zero, and we put those back in because we think those are good programs. Again, they are well funded. Community health centers I mentioned are up $66 million. This is an important program. It is important in many communities, as is LIHEAP. Medicare modernization, we are rolling out the new program, and we have $980 million in this bill to assist in getting people informed to meet their desires in terms of prescription drugs. That would not be in a continuing resolution.

NIH is $107 million over the President's request. It is up this year $200-some million. People think of NIH being research at Bethesda. NIH is basically managing 40,000 grants going out to colleges, hospitals, medical services all over the country. I would guess that almost every Member has one or more research grants in his or her district that is funded out of NIH. That is very important, and we have an increase in that program. That is again part of the earmarked money, $28.6 billion.

Community Services Block Grant, a program that helps people get GEDs, is just one example of what is done with the community services. There are a whole host of things to help people with limited income and who need additional help.

In the Labor Department, we have $1.57 billion for Job Corps and $1.48 billion for dislocated workers.

How did we manage to increase a number of programs while at the same time keeping the total number under last year, $1.4 billion? Well, one of the ways that we have gotten the necessary funding to do the items that I mentioned in the way of increases was to eliminate 20 programs. We went through the whole list of programs, the 500, and said, Does this work? Is this a productive program?

The bill that left the House had about 48 programs terminated. The other body decided to put back some of those, but we still have 20 programs that have been discontinued or will be