

bill. Recently, President Bush told our Nation that our citizens should take their families on a vacation to Disney World in Orlando, Florida. I have the happy privilege of representing Orlando.

Since we have a tourism-based economy, my district has been uniquely hurt by the tragic acts of September 11. Specifically, because so many people have been afraid to fly, theme park workers, convention workers, hotel workers, and cab drivers have lost their jobs.

It is critical to the people of Orlando that we pass this anti-terrorism bill to give our citizens a sense of confidence and security that our skies and country are going to be safer. This anti-terrorism bill which passed the Committee on the Judiciary unanimously deserves our support. It is a powerful piece of crime-fighting legislation. It gives FBI additional tools to go after terrorists. It creates criminal penalties for people who harbor terrorists, and at the same time it respects the civil liberties of our citizens.

I urge my colleagues to vote "yes" on the PATRIOT anti-terrorism bill.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 11 a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2975, PROVIDE APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (PATRIOT) ACT OF 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-238) on the resolution (H. Res. 264) providing for consideration of the bill (H.R. 2975) to combat terrorism, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 263

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to con-

sider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of Friday, October 12, 2001, providing for consideration or disposition of the bill (H.R. 2975) to combat terrorism, and for other purposes.

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

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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, H. Res. 263 waives clause 6(a) of rule XIII, which requires a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

This waiver will be applied to a special rule reported on the legislative day of Friday October 12, 2001, providing for the consideration or disposition of the bill, H.R. 2975, to combat terrorism and for other purposes.

I urge my colleagues to support the passage of this rule which will enable the House of Representatives to debate and consider the President's antiterrorism package later today.

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

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

Mr. Speaker, the Committee on Rules met at 8 o'clock this morning to begin taking testimony on the antiterrorism legislation. While the Committee on the Judiciary had reported a truly bipartisan bill by a vote of 36-0, which is somewhat miraculous, 2 weeks ago, we were not informed until 7 o'clock this morning that we would be taking testimony on a new bill, the content of which the Committee on Rules had not seen nor apparently had the members of the Committee on the Judiciary.

We now have under consideration a rule which waives the two-thirds same day consideration requirement because, during the night, a bipartisan bill was turned into a bill which most Democratic members of the Committee on the Judiciary cannot support. We are considering this waiver of the two-thirds consideration rule because so many Members understand the grave and long-lasting ramifications of this legislation. This legislation is so far reaching that they felt it necessary to come to the Committee on Rules earlier this morning to offer amendments to the new bill or to simply sit and try to get an explanation of what is actually contained in it.

Democratic Members of the Committee on Rules will not oppose this rule, but we will oppose the rule reported a few minutes ago to provide for the consideration of the new bill. We will oppose that rule because of the process and because we strongly believe it is important to maintain bipartisan cooperation in matters such as

this. While we believe the President should have the tools he needs to fight this war against terrorism, we cannot give up the role of Congress in doing so.

The majority has usurped a committee's jurisdiction and has therefore set back the hard-won bipartisan efforts of a committee not known for working in such a collegial and bipartisan manner. Both Chairman SENSENBRENNER and Ranking Member CONYERS presented to the House a fair and balanced package designed to give the administration what it needs to ferret out the terrorists among us, and they are to be commended. But to undo their work is unfair and unbalanced.

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

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

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, I wonder if I could ask the gentleman from Georgia a few questions here. I have not seen a copy of the bill, and nobody on this side has been able to explain to me what is in the bill. I know in an hour that it would be very difficult to explain the intricacies of a terrorism bill which would last for some period of time.

Could you tell me the difference between the bill that the Committee on the Judiciary reported out and this particular bill that we are talking about here?

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, both the Senate and the House took up, at the beginning, a base bill proposed by the administration. Both the Senate and the House added provisions to the bill. In the compromise last night with the Senate, both took the most egregious provisions out. The ones that concerned me the most were the Senate bill at one point had reversed the McDade law. That has been taken back out. The Senate provisions had reversed our efforts of several years by the gentleman from Illinois (Mr. HYDE) to change the forfeiture laws. That has been removed. So we have pretty much the beginnings of the House bill here stripped down from the additions. I have not read them. I have asked for explanations. That is the best I can do.

Mr. MURTHA. I thank the gentleman.

Mr. LINDER. Also, the Senate had no provision for sunset or review. The House provisions had a 2-year plus 3-year, so about a 5-year provision for sunset.

Mr. MURTHA. Could I ask the gentleman, and he may not be able to answer this question, but could we not have gone to conference since the other bill was reported out unanimously? I just wonder, is there some reason that

we felt like we had to take up the Senate version of the bill? Were there enough changes in your estimation that it warranted taking up the Senate version amended?

Mr. LINDER. I think the decision was made to prevent a conference so the President could get access to this bill as quickly as possible. The Senate is out for the weekend. I would be happy to sit down and chat with the gentleman in just a moment.

Mr. MURTHA. I thank the gentleman.

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

I would like to read into the RECORD in just a moment a statement by the gentleman from Michigan (Mr. CONYERS) who is the ranking minority member in answer to the gentleman from Pennsylvania's question:

"What we have before us is a tale of two bills. One bill was crafted by the standing committee of the House. The other was crafted by the Attorney General and the President. One bill is limited in scope and sunsets after this crisis will have passed. The other bill is a power grab by prosecutors that can be used not just in terrorism cases but in drug cases and gun cases. This administration bill would last for the remainder of the President's term of office, long after the bombing stops and the terrorists are brought to justice.

"We must all rally around the flag at a time like this, but we also shouldn't take leave of our senses. Benjamin Franklin said it best: 'They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.'"

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. I thank the gentlewoman for yielding time.

Mr. Speaker, I would like to follow along in terms of the comments that the gentleman from Pennsylvania had put forward.

In the aftermath of the September 11 terrorist attacks, Congress acted quickly to pass measures requested by the administration to address the immediate and long-term security, recovery, and financial needs of the country. On September 14, the House and Senate passed, by near-unanimous votes, a \$40 billion emergency supplemental appropriations package for antiterrorism initiatives and disaster recovery and a joint resolution authorizing the use of force against those responsible for planning and carrying out the September 11 attacks. The House passed a \$15 billion airline bailout package by a vote of 356-54. The Senate then quickly passed the measure by voice vote to clear it for the President.

This antiterrorism package has met with greater congressional resistance and concern. The measures being enacted here have decidedly much more of an impact on individual rights and civil liberties and with no particular document in front of us with which to

review and to question. When I posed questions to members of the Committee on the Judiciary just a few moments ago to ask them what was in the package and what was not in the package that we would be taking up shortly, they were unaware of it, had not been briefed on it, had not seen any actual language.

The concern that I have is that they were able to fashion a 36-0 report in a committee that tended to be fairly divided over a good number of votes a good number of years that I have been here and for them to all come together like that and recognize that they must do something, they must make sure that security measures are passed and surveillances are increased and the degrees in terms of security and preventing accidents, or terrorism attacks from occurring in the future we must prevent. But at the same time to make sure that there was a sunset provision, so that we knew that it was not going to last forever.

Those are things that are of a great deal of concern to many people, not just the people who I represent in the State of Maine but, I am sure, throughout the country. I think we should carefully deliberate before we start to allow ourselves to go down a track which will give evidence to the terrorists that they have won because they have changed the way that we do operate. I thought the message was that we had to get back to work, we had to get back to school, we had to get back in our communities and show them that we were much stronger than they had expected, we were much more united than they thought they would be able to fractionalize and to divide us up and that we are stronger as a country.

I have met so many young people that have told me that Tom Brokaw is going to have to write a new book about this generation because he felt that his generation was going to be the greatest generation. There is a lot of pride and support and patriotism in our country. I am very impressed by the unity of this Congress and in the way the committees have been able to operate on the House side and would like to see that continued. I think that this is going to present a major impediment in terms of our future being able to work together in the interest of these issues.

I would encourage the majority, if they have a way of being able to give us the deliberation on this matter, be able to have the discussions on this matter, and then be able to expedite on this matter, I think will bode well for the way that we deal with this and the way history judges the way we dealt with this because of the importance of our individual rights and civil liberties which is the foundation of this country, the land of opportunity.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I am speaking on the rule, which I support

and hopefully will be passed, but also really in terms of the underlying base bill and supporting the underlying base bill that will be introduced.

This bill is very much different than the bill that passed out of the Committee on the Judiciary. The Committee on the Judiciary bill, I think, was really a major problem. The Judiciary bill had some very, very specific problems and was really a nonacknowledgment of the situation that we find ourselves in in the United States of America today.

I have the same perspective that the President of the United States does and I believe the vast majority of Americans do, that we, in fact, are at war. We are at war with an enemy that has attacked this country with horrific results, 6,000 people dying in an instance at the World Trade Center, the Pentagon being attacked as well. But as we also know, these are an enemy that almost for sure has biological and chemical weapons available. It is unclear whether or not they have nuclear weapons, but it is only a matter of time before they do. And the only thing that is preventing their delivery of those biological and chemical weapons are a lack of a delivery system.

So what we are faced with at this point in time is literally the potentiality of not thousands, as horrific as that is, but literally millions if not tens of millions of Americans whose lives could end in an instance.

□ 1115

Now, in the specifics of the Committee on the Judiciary bill in the area of terrorism, the committee, I think, made several major mistakes, including not allowing the use of classified material for cases where property could be seized.

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

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the majority for providing me a copy of the bill. This is still warm. It just came off the Xerox machine.

This is not the bill that was adopted by a unanimous 36 vote of Democrats and Republicans on the Committee on the Judiciary. These are critical issues. This is what we are fighting for. These are our civil liberties.

We need to give law enforcement the proper tools, yes, we do; and we need to strengthen laws where they need to be strengthened and give them more effective tools. But we also have to be careful that we do not dredge up some of the worst ideas of the past, of the fifties, of the McCarthy era, of the Hoover era.

There could be problems. I do not know. I just asked a Member of the Committee on the Judiciary who voted for the bill in committee, a unanimous vote, a bipartisan vote, agreed upon the tools we needed with the limits we needed to protect our precious civil liberties, what is in the bill. He said, who

could know what is in this? It was just handed to him.

We are going to be required to vote on it in the next few hours. Why? Will these laws go into effect this weekend and make a difference in protecting people and making them more safe? No. We could be taking up an aviation security bill. We have not done a damn thing on aviation security in the House of Representatives since this incident. The Senate acted unanimously yesterday. We are being prevented from bringing forward a bill by a minority of the majority who is so set against more Federal employees that they do not want to do the right thing on screening, and they do not care about all the other issues in aviation security that are even bigger than screening.

We are being prevented from doing that, while this bill, still warm in my hand, is being rushed forward. I do not know what is in it. I am not a lawyer. I go to my friends on the Committee on the Judiciary who are lawyers who helped craft a unanimous vote in the committee on this bill and ask them what is in it, and they said we cannot tell you; we do not know. Our copies are still warm in our hands too.

This is not the way to defend liberty and fight terrorism. I fear that this bill, since I do not know what is in it, could be the Gulf of Tonkin Resolution for civil liberties, rather than the tools our law enforcement agencies really need.

I would urge the majority to withdraw this marshal law resolution, withdraw this bill, give us a weekend to read it, and let us take it up Monday morning. Hey, I will come in and vote at 7 o'clock on Monday morning, if it is that urgent, or we can vote on Sunday. Give us at least a day to read it and understand what we are voting on.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH), so he can complete his comments.

Mr. DEUTSCH. Mr. Speaker, I really appreciate that courtesy.

Let me mention to my good friend from Oregon, the bill has been available in its present form since 8 o'clock this morning. I have had a chance to review it, staff has had a chance to review it. But in substance, this is the same bill that the Senate passed last night. It is the same bill that has been available for several weeks now. These issues are not new issues. Again, I support the efforts to take this bill up under this rule at this time.

I was going through a list of provisions in this bill that the Committee on the Judiciary passed out. Again, it was a unanimous vote, but sometimes unanimity can be the lowest common denominator, not the highest common denominator.

I specifically talked about one provision, again, dealing just with terrorism. Again, if you do not accept my premise that we are at war, or the President's premise, if you do not accept the fact that these people have

weapons of mass destruction available today, that we literally are talking about national security issues and we are weighing it, I ask my colleagues to look at specifics, look at the specifics in the bill.

Another provision that the Committee on the Judiciary eliminated was the ability for non-American citizens or resident aliens, for law enforcement to get education records for those people. As we know, many of those people came to the United States specifically theoretically under their visa applications for that. But the Committee on the Judiciary bill provides none of that.

Let me read you something specific again in the Committee on the Judiciary bill. This only applies to terrorists. In order to prosecute someone, the standard that the Committee on the Judiciary put in: "has committed or is about to commit a terrorist act." Has committed.

Now, the bill that is in front of us I think has a much more reasonable provision, which I believe if my colleagues read this, a vast majority of my colleagues on the floor will support and the vast majority of the American people will support: "reasonable grounds to believe that the person being harbored will commit a terrorist act."

These are dramatically different standards, standards which, again, I believe the vast majority of Americans would support.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, this is a very dangerous time we are in today. It is dangerous for two reasons: our country is at war, and we face danger from enemy action. We also face danger from our own action. The history of this country is that in most of our wars in this century, we have taken actions against our liberties that we have regretted and apologized for later. I refer to the Espionage Act of 1917, which no one will today defend, the Japanese internment of World War II, the COINTELPRO operations of Vietnam, and today we are asked to buy a pig in a poke. Why a pig in a poke? A 187-page bill, hot off the press, that we have not had a chance to read or analyze.

I am a member of the Committee on the Judiciary. I voted for a terrorism bill with strong provisions that I thought was balanced and reasonable and protective of civil liberties, as well as giving the Government the tools it needs to deal with terrorism. But, no, that bill does not come up.

Why did it not come up? We are told we have to vote on this bill right away. We cannot wait until next Tuesday. We ought to wait until Tuesday. We ought to have a chance to analyze this bill over the weekend, to send it out to the

law schools and the civil liberties people and others and let them read it and let them give us their comments so we vote in an informed manner, and so that we can offer amendments on the floor and have a well-crafted bill that protects us against terrorism, but also does not do violence to our civil liberties.

But, no, we are told, we must rush right now, we must have this marshal law resolution to enable us to vote before anybody can read the bill. Why? Some people would say because if we read the bill, there are those who are afraid we would not pass it. I am not that cynical. But because the President is pushing us, we have got to pass it right away. The times demand it.

Well, why did we not take up the committee bill on the House floor earlier this week? We could have passed that bill and gone to conference with the Senate and had a full bill, a conference report, ready to adopt today or Monday, properly considered.

To vote on a bill that may do violence to our liberties, and it has to be very carefully balanced, to ask the Members of this House to vote on a bill that may do violence to our liberties, that may go way beyond what we need to legitimately combat terrorism, is an insult to every Member of this House, it is an insult to the American people, it should not be permitted; and I am asking to have a "no" vote on this marshal law rule and the regular rule because we are being stampeded into doing something we may very well live to regret and that history tells us we will regret.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time. I rise in support of the rule, and I rise in support of the underlying bill.

For those who claim that they need more time to read this, this is basically the same product that the President sent over requesting several weeks ago. It has been analyzed and reanalyzed. And to contend that we need to reanalyze this further I think is disingenuous. We have a very serious problem in this country. There are terrorists in our country, right now. They have come over here in many instances fraudulently, on student visas or other types of visas; and their intent is to do us harm right here in the country.

There are people sympathetic to the terrorists who raise money in this country to support terrorist activities. Essentially all of these people are people from these countries in the Middle East who are either terrorists themselves or sympathetic, and they take advantage of the liberties that we have in this country in order to do us harm.

I believe that this bill is a very carefully crafted bill. For example, there is a lot of concern about grand jury secrecy. In order for a prosecutor to share with CIA or FBI the grand jury

secrecy content, it has to pertain to a terrorist action. They cannot just blithely share information with CIA, unless it has some bearing on the activities of these terrorists. Furthermore, there is a provision in the bill that if there is any inappropriate information that is shared, that the citizen could pursue recourse in the courts.

The long and short of it is I think this bill is badly needed. I think it is something the American people will support. Most of the people in my congressional district are prepared to see some of our civil liberties modified in order to enable us to better or effectively fight these terrorists.

I urge a "yes" vote on the rule and a "yes" vote on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding me time.

We have three matters up this morning. One is the so-called marshal law rule that would bring the bill to the floor right away; the second is the rule itself; and then there is the bill.

Now, the previous speaker, the gentleman from Florida, tells us we have got to move really fast because there is a national emergency that requires us to get this bill into law before we have even seen it or read it. But the fact of the matter is that there are going to be two different bills that will come before the House, and we are going to conference. So there is not any emergency whatsoever. We will not have a conference until next week, and we do not know how long that is going to go. I am not even sure which provisions are going to be conferenced, because the Senate just passed their bill late last night; and the bill that the House should have been considering, passed unanimously by the Committee on the Judiciary, something that has not happened before in my career on the committee, has been sidelined, and we are piecing together another bill.

So I am making an appeal to my Republican friends in the House to join me on at least a couple of occasions here today.

First of all, let us reject the martial law that will allow this bill to throw procedure into the waste basket and bring the rule and the bill up right away. It has been said by the leadership that we will be out of here by 2 o'clock this afternoon. It is now 11:27 a.m. Will somebody explain to me what is going to be the difference if we take this bill up after the 435 Members have had a chance to read some nearly 200 pages of it? I will yield to anybody on that if they would like to explain that.

There is no reason. It feeds this emergency nonsense that keeps coming from the White House and the Department of Justice, that we have got to do this right away or the poor Attorney General's hands are tied, he really cannot do anything. Well, we passed an

anti-terrorist law in 1996 that gives him some of that, which has more power in it than the one we are going to consider here today or next week.

Mr. Speaker, I urge my colleagues to reject the rule that would expedite bringing this bill to the floor.

□ 1130

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

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

Mr. Speaker, I would like to address a subject that is a concern of mine. I will support the various rules. I think we need to bring this legislation before us and support the legislation. But I went before the Committee on Rules and have otherwise talked about it, along with the gentleman from Arizona (Mr. FLAKE) and the gentleman from Georgia (Mr. DEAL), of the Visa Integrity and Security Act. I also just asked the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, a conference about it, because I assumed from the beginning it probably would not be included in this legislation today, and he indicated that when this is done, it is the issue of next importance that his Committee on the Judiciary wants to address.

But if we look at the record, even of the individuals who were the terrorists who came into this country, if we looked at the testimony of the head of INS yesterday, we will find that they do not even know where some of these people came from. They have no record of them at all. In other cases they were dealing with expired visas, students or workers who were here on expired visas.

Our whole visa system of tracking these millions, and it is millions, of people who are in the United States of America on visas is frankly in a state of total disrepair and needs immediate addressing. Our legislation that was not included today but, hopefully, will be included in the legislation that will come forward before this House in the next few weeks, addresses this issue. It has an entry-exit tracking system which, by the way, is in the law but we are not enforcing now so that we will know in real-time where people are; it provides to our consulates overseas information to the various agencies, CIA, FBI, whatever it may be, INS, various lists of people who may not be desirable in the United States of America. It has a tracking system for students. Right now, they do not even have to report to the school, so we do not know they are in this country, which is exactly what happened in a case here. But if they fail to arrive, it would be reported and that information would go forward, their visa would be terminated automatically.

There is a visa waiver pilot program included in that, because in some countries, some of our closer allies, Canada, et cetera, there are certain waivers to

participate in that, we would raise the standards somewhat, and with the H1-B visas, which we are very fond of here, which are basically for the higher tech community, when people come into this country and they do not come to work at that particular company, they would have an obligation to report that as well.

We need to get a much better handle on what is going on in the United States of America with people visiting our borders. We are a free country; we are an open country. I do not think what happened on September 11 is going to change that, nor should it change it necessarily. But we have the right and the responsibility to know exactly who is in the United States of America. Are they here legally in the United States of America? What they are doing here? And if, indeed, their time is up, we have the responsibility to make sure that they have left the United States of America and perhaps in that way, we can prevent some of the terrorism, the problems which we have had.

So obviously, I would have liked to have had it in this legislation; but I understand the reasons why, so I will continue to support it. But I hope that this is something we could address soon.

Ms. SLAUGHTER. Mr. Speaker, before I yield to the next speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS) for the purpose of a colloquy.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Georgia (Mr. LINDER) for yielding me time.

I see the gentleman raises a question. I would like to assure the gentleman that we have a Department of Justice that makes sure it knows who is in this country and who is not. It is called the Immigration and Naturalization Service, and it has thousands and thousands of people at both borders working the airports. We do not need this bill to find that out. So if that is why the gentleman thinks we have to rush this through, I would like him to rest more comfortably over the weekend.

Mr. CASTLE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Speaker, I agree completely. Obviously we have that service, we all know about INS; but I will tell the gentleman it is dysfunctional in terms of the way it is working. I think that is a concern that all of us have. It is not that we do not have it or do not even have somewhat of a system in place, it just does not function particularly well. I am not talking about just the terrorists in this circumstance, I am talking about the broad pattern of the problems that we have with Immigration and Naturalization Service visas and all of the transgressions that take place.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, the Committee on the Judiciary worked long and hard on this particular bill. We spent several weeks of research and deliberation, but apparently an intelligent, deliberative process is not welcomed, and now here we are under martial law considering a completely different bill than that that was reported from the Committee on the Judiciary.

There was one amendment that was not accepted in the Committee on Rules that I think we need to take some time to deliberate. That is an amendment that I offered that would have required government officials who get one of these roving wiretaps to listen only to the target of the investigation, not to innocent people who also might be using the same phone that the target might be using. Now, that is a complicated issue, and that is why we need time to deliberate. Remember, this is not just for terrorism; this is all wiretaps. So we need to be careful and notice how this thing works.

First of all, under present law, there is no incentive to abuse this process of a roving wiretap under the Foreign Intelligence Surveillance Act, because if you got anything from that, you could not use it in a criminal investigation. But now, we are changing things. We want to share the information. So now there is an incentive to get that information. Under FISA, there is a very low standard. You do not need to show probable cause that a crime is being committed, all you have to show is that you are investigating something involving foreign intelligence. You do not even have to show that that is the primary cause of getting the wiretap, just a significant cause. Which begs the question: What is the primary cause? Is it a criminal investigation without probable cause, or is it just political surveillance? What is the primary cause of getting this wiretap? We do not know. And if we are listening to different people's conversations, I would like to know how this thing got started.

But who you listen to, if you have gotten a right to follow a person along and find out that he is using a pay phone, you can put a bug on that pay phone. My amendment would have required you to listen only to the target on that pay phone, not everybody else, but that amendment was not accepted. So you could have people listening in on people using the pay phone. You have wide latitude, because once the search wiretap warrant is issued, you can follow the person around. Nobody is questioning whether you put it on the pay phone or the phone in the country club or the neighbor's phone, so long as the prosecutor thinks well, we might be able to get some information.

We need to deliberate on this. One of the factors that created the unanimous

vote in the Committee on the Judiciary was the 2-year statute of limitations which required us to quickly, with dispatch, deliberate on this issue and come to a final judgment.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think this is really a sad day for the House of Representatives and the legislative branch of government. Others will go through the details, but I would like to explain to the Members of the House, who were not a part of the Committee on the Judiciary process, what we went through. I personally participated in lengthy meetings where Republican and Democratic staff of the committee sat down with the Justice Department, the FBI, the intelligence community; and we went through the proposal line by line.

We did not do anything that the Justice Department objected to. In fact, there were huge sections of the bill that would have been thrown out because they were unconstitutional; and we fixed them in the process that we had. Ultimately, we had a unanimous vote on a very tough measure, and I think some people are confused that we did something at odds with the professional staff. We did not. This is a tough measure.

Now, is it the perfect answer? Perhaps not. We could work further with the administration. We have worked on a bipartisan basis to make this a good, tough law.

The problem is, we are going to have a conference anyhow. The Senate is going to insist that we have a conference, and rather than going through the regular order and taking up the bill that was unanimously passed that would probably get 400 votes here in this Chamber, and then having our conference in the regular order, making additional changes in collaboration with the White House, we are taking a bill that most of the Members will not even know what is in the bill when they vote for it. This is not respectful of the United States Government. This is not respectful of the United States House of Representatives. I think it is a mistake.

I voted for the Committee on the Judiciary bill. I am a cosponsor of the bill. It creates wide-ranging authority that I think is appropriate, given the threat that faces this Nation. It allows FISA wiretaps without a warrant. U.S. citizens will be subject to wiretap without judicial review. That is a big deal. That is a very big deal, and I am prepared to do that with some constraints that the Justice Department and the FISA experts agreed with.

I believe that on both sides of the aisle, if Members rush to judgment on this, and it is not necessary; we can have this done next week and it would follow the regular order; if Members rush to vote and to do it in this flawed

process, we will end up regretting this on both sides of the aisle. The constituency for freedom in America is not limited to Democrats or Republicans. We know that patriotic Americans are aware we are at risk in two ways. One, from the terrorists, and also from destroying the foundations of liberty in this United States.

Mr. LINDER. Mr. Speaker, I continue to reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for yielding me time, and I thank the gentleman from Georgia (Mr. LINDER). I appreciate the fact that the Committee on Rules had to meet this morning at 8 a.m. and many of us were there promptly to engage in what we would hope would have been an affirmation of H.R. 2975.

Let me add my voice to the complete dissatisfaction with the process that we are now engaged in, with the recognition that we are in a crisis, Mr. Speaker. It is important that we say to the American people the truth, that we are in a crisis. But we can be in a crisis and be of sane mind of cautiousness and of balance. That is what H.R. 2975 represented.

This was a piece of legislation that members of the committee, and I serve as a member of the Subcommittee on Immigration and Claims of the Committee on the Judiciary, this is a process where each of us were engaged in our respective areas of responsibility in a bipartisan way. It means that those who are on the Subcommittee on Immigration and Claims, Democrats and Republicans, were speaking to each other about the specifics of addressing the question of how we balance immigration and the laws of this land; the fact that immigration does not equate to terrorism. We provided that balance. And in that balance, we were able to assure that there would not be endless detention, if you will, for those individuals who were not, in fact, guilty of any acts.

Just a few days ago, the FBI called in a practicing physician from San Antonio of Muslim faith to come all the way across country and determine that he was not engaged in any activities. If we have this bill where there would be no opportunity for judicial review in that process, innocent persons would be involved. In the instance of H.R. 2975 there were opportunities for the appeals of those individuals who were held without an opportunity to present their case to appeal their situation all the way up to the Supreme Court.

This bill was called the PATRIOT Bill, and I want to remind my colleagues of what a patriot was in the early stages of this Nation. It was an individual who was willing to lay down his or her life so that the civil liberties

and the Bill of Rights and the Constitution could be protected. It was people who ran away from a despotic government in order to seek freedom in the United States. Yes, there is terrorism; and might I say that there is sufficient terrorism that the Department of Justice saw fit to put a random Web site indicating that this Nation would face terrorist acts. I wonder whether that was put on to simply threaten the United States Congress into not doing its job, but rather to be frightened into passing an antiterrorist bill that really does not balance the rights of the American citizens along with the rest of the needs that we have.

Let me simply conclude by saying, Mr. Speaker, that we should vote down this particular marshal rule, vote down the rule, we should be on the floor supporting the federalizing of security in airports and airlines, and give us time to work to put a bill together that all of America can be proud of and that the FBI can go out and find the terrorists and bring them to justice. This is not this bill.

□ 1145

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from Georgia for yielding time to me.

Mr. Speaker, I rise today in support of this important legislation, with some apprehension, solely because there are a number of provisions I would have liked to have seen added into this process. But I recognize that time is of the essence. It is important that this body move forward to show the American people the seriousness of the nature of our need to improve our intelligence and security systems.

Specifically, I was hoping to have offered, along with the gentleman from Louisiana (Mr. TAUZIN), an amendment relating to student visas and the need for us to take action in this House immediately to tighten up the system of student visas; in fact, to create a system regarding the tracking of student visas by the intelligence community.

Mr. Speaker, currently there are 600,000 international students studying in colleges and universities all over this Nation, many of whom are contributing greatly to those universities and colleges, and therefore our society.

Nevertheless, the INS, in the failure to develop a system of tracking those students, has led to incredible breaches of security that should concern us all. Indeed, in fact, one of the hijackers on September 11 was in this country on a student visa, never having reported even to the college or university that that person was supposed to.

I am going to rise in support of today's move forward, but I would call upon my colleagues in this body to move forward expeditiously, as well,

with all of the other important pieces, because America demands it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I have never seen the legislative process more degraded than it is by this process. The Committee on the Judiciary worked very hard and very thoughtfully and very seriously to make significant changes in the bill so we gave the House a bill that enhances law enforcement authority, as is appropriate, but to the maximum extent possible, gave protections against the abuse of that.

It was not perfect, but it was a very thoughtful effort. But it turned out we were engaged in a game of bait and switch, because once the committee bill came forward, it was dumped; and we have today an outrageous procedure: a bill drafted by a handful of people in secret, subjected to no committee process, comes before us immune from amendment.

I have a question: What is it about democracy that the Republican leadership thinks weakens us? Why, after an open process of a bipartisan sort, coming out with a reasonable product, are we not even allowed to offer it on the floor and debate it? What is it about the process of open discussion that people see somehow as a distraction?

In fact, it is bait and switch for this reason. There are a number of important issues that now may never get debated because, having worked on that compromise bill, many of us assume that we had achieved some agreement on the balance to be struck, and at the last minute that is thrown aside so the important issues that were debated will never be debated here.

I know, this allows the motion to recommit, the great catch-22 of parliamentary procedure. On the one hand, they say, you can offer it in the motion to recommit. On the other hand, Members on that side will be told, this is a party issue. This is a partisan issue. The motion to recommit has a whole 5 minutes of debate on each side. So all of that thoughtful process, all of the compromise, all of the anguishing decisions we had to make about how do we balance self-defense with protections against abuse, that is all to be compressed into a 5-minute partisan motion.

Shame on the people who have brought this forward.

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

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule, to the martial law, and to the underlying bill. We are just learning how far this recently-crafted legislation called the PATRIOT Act goes beyond the powers necessary to fight terrorism.

The people I represent in Marin and Sonoma Counties in California recog-

nize that law enforcement may need some extra tools to combat terrorism and to ensure our safety, but my constituents and the majority of Americans in general know the difference between inconvenience and loss of civil liberties. They have made it overwhelmingly clear that they do not embrace proposals that encroach on our civil liberties, proposals that ultimately make us less free.

For example, Mr. Speaker, this bill, as I understand it, lifts limits on CAR-NIVORE, the tool to read private e-mail correspondence, allowing the FBI to read and use information at their own discretion. My constituents are right to worry about how gathered information under this legislation could and would be used.

Mr. Speaker, we must not allow the Bill of Rights to become the next victim of the September 11 attack. I urge my colleagues, withdraw this rule, withdraw this bill. Instead, why are we not voting on airport safety, something that everyone in this country is waiting for and is worried about, and something that passed out of the other body last night 100 to zip?

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, we are debating a rule that is going to determine whether or not we vote on one of the most important items perhaps in some of our careers. We are talking about whether or not we are going to take a product that was produced by the Senate in the wee hours of the morning on one of the most important issues we will ever debate in this Congress, and rush it to the floor and vote on it, where significant changes have been made. There is a significant difference in what the Senate produced and what the House produced.

What normally happens in this process is we have the House bill that is heard; we have the Senate bill that is heard. When there are differences, they go to conference and we try and work it out. We worked very hard in the Committee on the Judiciary in order to have a product that everybody could embrace. The right wing came together, the gentleman from Wisconsin (Mr. SENSENBRENNER); and the left, the gentlewoman from California (Ms. WATERS), myself; and the gentleman from Michigan (Mr. CONYERS) and others.

We gave a lot. We worked on this to make sure that we could get a bill that would respect the civil liberties of the people of this country, and now it has all been undone because of one person on that side who will not allow them to bring it up.

I would ask the Members of this Congress to reject that kind of action.

Mr. BLUMBENAUER. Mr. Speaker, it is with great sadness that I vote against the rule and the Surveillance Act that it authorizes.

We united as a country after the tragic events of September 11. We were firm in our resolve that it would not be business as usual

and that we would do what is necessary to root out the hateful individuals who unflicted such loss on our citizens.

Part of our responsibility was to reach out on a bi-partisan basis and give the American people our best. The work product that was produced by our Judiciary Committee was an example of giving our best. Thirty-six widely disparate men and women under the leadership to Chairman SENSENBRENNER and Ranking Member CONYERS have perhaps the widest array of opinions found on any committee in the House. Yet they were able to come together unanimously with a balanced, well thought-out measure that could serve as a focal point for the House of Representatives. This work product of our committee system was swept aside by the House Republican leadership. At the last minute we received a 175-page substitute, without the opportunity for any amendments.

This is not a question that needs to be decided by a partisan power play. The American public cares about rooting out the terrorist elements in our country and everywhere else. They have every reason to expect that the rights of the American public will be respected. A few days or even a few hours of work could have achieved that objective. I will vote against the bill because I reject the notion that in these times of crisis, the legislative process can not work, that partisanship must prevail over the openness and strength of America's democratic system.

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 10, as follows:

[Roll No. 382]

YEAS—216

Abercrombie	Buyer	Deal
Akin	Callahan	DeLay
Armey	Calvert	DeMint
Bachus	Camp	Deusch
Baker	Cannon	Diaz-Balart
Ballenger	Cantor	Doolittle
Barr	Capito	Dreier
Bartlett	Castle	Duncan
Bass	Chabot	Dunn
Bereuter	Chambliss	Ehlers
Biggert	Coble	Ehrlich
Billirakis	Collins	Emerson
Boehlert	Combest	English
Boehner	Cooksey	Everett
Bonilla	Cox	Ferguson
Bono	Crane	Flake
Brady (TX)	Crenshaw	Fletcher
Brown (SC)	Cubin	Foley
Bryant	Culberson	Forbes
Burr	Davis, Jo Ann	Fossella
Burton	Davis, Tom	Frelinghuysen

Galleghy	LaHood
Ganske	Largent
Gekas	Latham
Gibbons	LaTourrette
Gilcrest	Leach
Gilman	Lewis (CA)
Goode	Lewis (KY)
Goodlatte	Linder
Goss	LoBiondo
Graham	Lucas (OK)
Granger	Maloney (CT)
Graves	Manullo
Green (WI)	McCrery
Greenwood	McInnis
Grucci	McKeon
Gutknecht	Mica
Hall (TX)	Miller, Gary
Hansen	Moran (KS)
Hart	Morella
Hastert	Myrick
Hastings (WA)	Nethercutt
Hayes	Ney
Hayworth	Northup
Hefley	Norwood
Herger	Nussle
Hilleary	Osborne
Hobson	Ose
Hoekstra	Otter
Horn	Oxley
Hostettler	Pence
Houghton	Peterson (PA)
Hulshof	Pickering
Hunter	Pitts
Hyde	Platts
Isakson	Pombo
Issa	Portman
Istook	Pryce (OH)
Jenkins	Putnam
Johnson (CT)	Quinn
Johnson (IL)	Radanovich
Johnson, Sam	Ramstad
Jones (NC)	Regula
Keller	Rehberg
Kelly	Reynolds
Kennedy (MN)	Riley
Kerns	Rogers (KY)
King (NY)	Rogers (MI)
Kingston	Rohrabacher
Kirk	Ros-Lehtinen
Knollenberg	Roukema
Kolbe	Royce

NAYS—205

Ackerman	DeGette
Allen	Delahunt
Andrews	DeLauro
Baca	Dingell
Baird	Doggett
Baldacci	Dooley
Baldwin	Doyle
Barcia	Edwards
Barrett	Engel
Becerra	Eshoo
Bentsen	Etheridge
Berkley	Evans
Berman	Farr
Berry	Fattah
Bishop	Filner
Blagojevich	Ford
Blumenauer	Frank
Bonior	Frank
Borski	Gephardt
Boswell	Gonzalez
Boucher	Gordon
Boyd	Green (TX)
Brady (PA)	Gutierrez
Brown (FL)	Hall (OH)
Brown (OH)	Harman
Capps	Hastings (FL)
Capuano	Hill
Cardin	Hilliard
Carson (IN)	Hinchee
Carson (OK)	Hinojosa
Clay	Hoeffel
Clayton	Holden
Clement	Holt
Clyburn	Honda
Condit	Hooley
Conyers	Hoyer
Costello	Inslee
Coyne	Israel
Cramer	Jackson (IL)
Crowley	Jackson-Lee
Cummings	(TX)
Cunningham	Jefferson
Davis (CA)	John
Davis (FL)	Johnson, E. B.
Davis (IL)	Jones (OH)
DeFazio	Kanjorski

Ryan (WI)	Nadler
Ryun (KS)	Napolitano
Saxton	Neal
Schaffer	Oberstar
Sensenbrenner	Obey
Sessions	Olver
Shadegg	Ortiz
Shaw	Owens
Shays	Pallone
Sherwood	Pascarell
Shimkus	Pastor
Shows	Paul
Shuster	Payne
Simmons	Pelosi
Simpson	Peterson (MN)
Skeen	Petri
Smith (MI)	Phelps
Smith (NJ)	Pomeroy
Smith (TX)	Price (NC)
Souder	Rahall
Stearns	Rangel
Stump	Reyes
Sununu	Rivers
Sweeney	
Tancredo	
Tauzin	Aderholt
Taylor (NC)	Barton
Terry	Blunt
Thomas	Dicks
Thornberry	
Thune	
Tiahrt	
Tiberi	
Toomey	
Trafficant	
Upton	
Vitter	
Walden	
Walsh	
Wamp	
Watkins (OK)	
Watts (OK)	
Weldon (FL)	
Weldon (PA)	
Weller	
Whitfield	
Wicker	
Wilson	
Wolf	
Young (AK)	
Young (FL)	

Rodriguez	Stenholm
Roemer	Strickland
Ross	Stupak
Rothman	Tanner
Roybal-Allard	Tauscher
Rush	Taylor (MS)
Sabo	Thompson (CA)
Sanchez	Thompson (MS)
Sanders	Thurman
Sandlin	Tierney
Sawyer	Turner
Schakowsky	Udall (CO)
Schiff	Udall (NM)
Scott	Velazquez
Serrano	Visclosky
Sherman	Waters
Skelton	Watson (CA)
Slaughter	Watt (NC)
Smith (WA)	Waxman
Snyder	Weiner
Solis	Woolsey
Spratt	Wu
Stark	Wynn

NOT VOTING—10

Gillmor	Towns
McHugh	Wexler
Miller (FL)	
Schrock	

□ 1216

Mr. HOLDEN, Mrs. JONES of Ohio, and Mr. MEEKS of New York, changed their vote from "yea" to "nay."

Mr. TAUZIN changed his vote from "nay" to "yea."

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

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHROCK. Mr. Speaker, today I was in my district attending the memorial service for the victims of the USS *Cole*, which was attacked by terrorists on October 12, 2000. As a result, I missed rollcall vote 382. Had I been present, I would have voted "yea" on this rollcall vote.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 68. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week.

The message also announced that the Senate has passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 25. Joint resolution designating September 11 as "National Day of Remembrance".

PROVIDING FOR CONSIDERATION OF H.R. 2975, PATRIOT ACT OF 2001

Mr. DIAZ-BALART. Mr. Speaker, by direction on the Committee on Rules, I call up House Resolution 264 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 264

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in